

**THE RELATIONSHIP BETWEEN THE
LAO PEOPLE'S DEMOCRATIC REPUBLIC (LAO PDR)
AND THE ASEAN COMMISSION FOR THE
PROMOTION AND PROTECTION OF THE RIGHTS OF
WOMEN AND CHILDREN (ACWC)
WITH A FOCUS ON WOMEN**

Soukphaphone Phanit

**A thesis submitted in partial fulfilment of the requirements
for the Degree of Master of Social Practice
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DECLARATION

Name of Candidate: Soukphaphone Phanit

This Thesis entitled: **The relationship between the Lao People's Democratic Republic (Lao PDR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) with a focus on women** is submitted in partial fulfilment for the requirements for the Unitec degree of Master of Social Practice.

Candidate's declaration

I confirm that:

- This Thesis Project represents my own work;
- The contribution of supervisors and others to this work was consistent with the Unitec Regulations and Policies.
- Research for this work has been conducted in accordance with the Unitec Research Ethics Committee Policy and Procedures, and has fulfilled any requirements set for this project by the Unitec Research Ethics Committee.

Research Ethics Committee Approval Number: No UREC 2011-1238.

Candidate Signature:

Date: 23 November 2012

A handwritten signature in black ink, appearing to read 'S. Phanit'.

Student number: 1390962

ABSTRACT

This study sought to explore the relationship between the Lao People's Democratic Republic (Lao PDR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) as well as investigate how women's organisations in the Lao PDR can most benefit from the country's membership of the ACWC and how the Lao PDR can most contribute to the development of the Commission.

The field study was mostly conducted in the Lao PDR during the period of December 2011 to March 2012. The qualitative data was generated through conducting semi-structured interviews, participant observations and document analysis.

The findings of this study showed that the relationship between the Lao PDR and the ACWC is not so strong: two years after its establishment, the ACWC is not well known by the core organisations involved in the promotion and protection of the rights of women and children, including some Civil Society Organisations (CSOs) and United Nations (UN) agencies. In addition, the level of knowledge held by experts in the field about the ACWC was varied - from in-depth to shallow; some had only heard about it in passing. It was found that the main sources of information about the ACWC are firstly, the ASEAN Department and secondly, consultation workshops which were organised by the Lao Women's Union (LWU) and certain CSOs, both of which were resourced by the ASEAN Department and ACWC's representatives.

The findings of this study also suggested that the majority of research participants believe that the ACWC will help to facilitate better access to financial support, technical assistance, experience obtained from study tours, and a strong network between the ASEAN member countries. The potential contributions of the Lao PDR to the ACWC include information sharing, good practice in terms of the implementation of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), gender integration and mainstreaming, and implementation of specific laws related to the rights of women and children in the Lao PDR.

Throughout the study, the researcher maintained both an "insider" and an "outsider" position, as well as a participant observation role.

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ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
ACMW	ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers
ACRWC	African Charter on the Rights and Welfare of the Child
ACW	ASEAN Committee on Women
ACWC	ASEAN Commission for the Promotion and Protection of the Rights of Women and Children
ACWF	All-China Women's Federation
ADB	Asian Development Bank
AICHR	ASEAN Intergovernmental Commission on Human Rights
AMM	ASEAN Ministerial Meeting
AMRC	Asia Monitor Resource Centre
ASEAN	Association of Southeast Asian Nations
ASW	ASEAN Sub-Committee on Women
AWP	ASEAN Women's Programme
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIM	Inter-American Commission of Women
CNTSS	Centre for Non-Traditional Security Studies
CPR	Committee Permanent Representatives

CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DEVAW	Declaration on the Elimination of Violence against Women
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECOSOC	UN Economic and Social Council
ELTO	English Language Training for Officials
FIDH	International Federation for Human Rights
GRID	Gender Resource Information and Development Centre
HDI	Human Development Index
IACHR	Inter-American Commission of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
IR	International Relations
Lao PDR	Lao People's Democratic Republic
LaoNCAW	Lao National Commission for the Advancement of Women
LDC	Least Developed Countries
LPRP	Lao People's Revolutionary Party
LWU	Lao Women's Union

MLSW	Ministry of Labour and Social Welfare
MOE	Ministry of Education
MOIC	Ministry of Industry and Commerce
NA	National Assembly
NCMC	National Commission for Mother and Child
NEM	New Economic Mechanism
NGPES	National Growth and Poverty Eradication Strategy
NZAID	New Zealand Agency for International Development
OAS	Organisation of American States
OAU	Organisation for African Unity
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
SRSR-VAC	Special Representative of the UN Secretary General on Violence against Children
TAC	Treaty of Amity and Cooperation
TOR	Term of Reference
UN	United Nations
UN CEDAW Committee	United Nations Committee on the Elimination of Discrimination Against Women
UN Women	UN Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund

UNIAP	UN Inter-Agency Project
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drug and Crime
UXO	Unexploded Ordinance
VMU	Village Mediation Unit
VWU	Vietnamese Women's Union
WHO	World Health Organisation

PROLOGUE

While the people of Indochina (Lao, Vietnamese and Cambodian) were suffering the effects of the conflict known by the world community as the Vietnam War, I was born in a cave hospital¹ in the north east of the Lao PDR, in Houaphan province², soon after the country's independence.



Figure 1. Antenatal care in hospital cave

Retrieved September 5, 2012, from <http://www.visit-viengxay.com/gallery-historic-photos.html>

Later on our family moved to the capital of Laos, Vientiane, which is where I grew up. I had no opportunities to visit my hometown or the surrounding provinces during my early years. After finishing high school, unlike other girls in my generation, who pursued their undergraduate education by remaining in their villages and home country, I applied for a scholarship to continue my studies in Thailand. While the majority of my studies focused on economics and finance, I also chose to study law because there was no law school for bachelor students in the Lao PDR at that time. I also thought that holding a bachelor of laws would make finding a job easier.

During my studies, rather than criminal or commercial law, feminist jurisprudence held all my attention. I had a chance to visit a cousin in the southern part of the Lao PDR during my second year university break. That was the first time I experienced the real life of rural Lao people. What I saw along the small mud road I passed along were people, particularly women and

¹ It was called Friendship Hospital due to being built with the help of Vietnamese and being staffed by Lao doctors and nurses, Vietnamese professors and Cuban doctors who were sent by their governments. It was part of a network of 480 caves which were offices and shelters for leaders, troops and villagers, bakeries, shops, a school, a printing press, a radio station and a hospital in which many children were born.

² Known as a birthplace of the Lao PDR, the command centre of the country's revolution.

children, wearing traditional Lao costumes, living in small old houses (huts, in reality). Some of them carried big piles of firewood on their backs while carrying a child on their front. There were hardly any schools or health centres around these villages. As someone who had grown up in the city and studied in a more developed country (Thailand), this situation really made me sick. I had never thought or imagined such situations before.

Once I graduated, the Lao Women's Union (LWU) was the only place I applied to work for. I hoped to utilize my legal knowledge and a little bit of the feminist perspective that I had gained from university life to help rural Lao women and their families. I was assigned to work for the Drop-in Centre for women which had been under the Department of Women's Rights Protection (the LWU) since 1999. Before beginning work, and in my early days of employment, as a young staff member and recent female law graduate, I was full of energy and very happy; I could work in a position I had dreamed of.

Once I began working properly, I was trained to be a lawyer and counselor. I realised that I needed to be more mentally strong and more mature than my actual age. This was largely because the people who came to my office were women and children who suffered from family violence. They came to ask for mental and legal support from the LWU as it was the organization representing the rights and interests of women in our country. Many of them came with tears and stories of their abusive relationships. Sometimes I struggled to differentiate between my work and my personal life. I brought home all my clients' problems and began to feel afraid of having my own family. I thought that it would be like the suffering of these women and children. As a service provider, the LWU found that the legal framework needed to be better developed in order to better support those women survivors as well as women in general.

In February 2003, the LWU was assigned by the National Assembly of the Lao PDR to draft the Law on the Development and Protection of Women. I, among others, was assigned to support the drafting team. Apart from being involved in the drafting of the legislation, I also had the opportunity to participate in different kinds of meetings and training, including a human rights workshop in which I met a man who also worked in the field of human rights. Thus I got more academic and moral support. I also gradually found the beautiful side of having a family as two years later, we got married. We have continued working hand in hand in the same field with

different focuses. I have emphasized women’s rights while he has concentrated on human rights at a policy level.

Once the law was enacted, together with its promulgation decree, we worked closely with the UN entity for Gender Equality and the Empowerment of Women (now known as UN Women, but then known as UNIFEM), the Asia Foundation and the Japanese Embassy in order to upgrade the Drop-in Centre to the Counseling and Protection Centre for Women and Children. The Centre was soon separated from the Department. I was assigned to continue working for the Department which focused on a policy level and women in general, rather than concentrating on the women victims and the survival of the Centre.

Once everything settled down, I started to think of pursuing my academic life as well as having a child. Not so long after that my son was born with a strange red birthmark on the right side of his head. My boss, who had just come back from the English Language Training for Officials Programme (ELTO) in New Zealand, said, “It is similar to the New Zealand map! He might want you to bring him there. Try to apply for NZAID scholarship. It also supports family members, so he can be there with you!” (P. Pinsavanh, personal communication, February 10, 2007). I had no idea whether I had a chance, but thought it was worth trying once.



Figure 2. A montage of images relating to New Zealand and Soukphaphone’s life.
Private Collection of Soukphaphone Phanit

I was awarded the scholarship on my first try and I chose to take it up because it would be a really good opportunity to improve both my academic and personal life. I arrived at Lincoln

University alone in July 2010 in order to start my Master of Social Science with a focus on International Rural Development. In the meantime, I also made arrangements to bring my son here (due to his work requirements, my husband could not accompany us to New Zealand). Early in 2011, my son and I traveled to Christchurch just in time to experience the first major earthquake.

I was transferred to Unitec, in Auckland, in March 2011. At Unitec, Raewyn Castle, an International Students Advisor, and her team worked around the clock in order to enroll me in the Master of Social Practice because the semester had already started. At the Department, Dr. Helene Connor welcomed me and helped with transferring my credits from Lincoln University. Surprisingly, I met Sue Elliott, a lecturer who could speak my home language, Lao, because she used to work with many older Lao people who immigrated to New Zealand. Later on, Dr. Helene Connor and Sue Elliott become my principal and associate supervisors respectively.

One of the papers in the Master of Social Practice was the Human Rights, Social Justice and Advocacy Practice course. It focused on the period following the inauguration of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). The further I got into this course, the more my concentration shifted from international rural development to international relations and human rights; particularly women's rights and how they play out in people's day to day lives. This eventually brought me to the present study on **the relationship between the Lao People's Democratic Republic (Lao PDR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) with a focus on women.** It is my hope that my study will contribute in some manner to the overall development of my home country, particularly the lives of women and their families.

CHAPTER ONE

INTRODUCTION

Chapter one commences by giving an overview of the Lao People's Democratic Republic (Lao PDR), an outline of the promotion and protection of the rights of women and children in the Lao PDR, and the national mechanism for the advancement of women and for children's rights protection in the Lao PDR. It also provides the background to the Association of Southeast Asian Nations (ASEAN) and some related ASEAN sectoral bodies; namely, the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), in order to provide some context to this study.

The final part of this chapter also presents the aims and objectives of the study as well as an outline of the research.

1.1 Overview of the Lao People's Democratic Republic (Lao PDR)

The Lao PDR, previously called the Lao kingdom of Lan Xang (the land of a Million Elephants), is a small landlocked country with an area of 236,800 square kilometres and in 2011 it had a population of approximately 6.5 million people (Indexmundi, 2012). It is located in Southeast Asia and is bordered by the People's Republic of China to the north, the Kingdom of Cambodia to the south, the Socialist Republic of Vietnam to the east, the Kingdom of Thailand in the west, and the Union of Myanmar to the northwest.



Figure 3. Map of the Lao PDR

Retrieved September 12, 2012, from <http://www.iom.int/jahia/Jahia/lao-pdr>

The Lao PDR is a rural country endowed with natural resources; 70% of the land is mountainous and hilly. The Lao PDR is among the Least Developed Countries (LDC) and one of the poorest countries in the world (United Nations Development Programme, 2009), with an estimated per capita annual income of US\$986 (Chanthalanonh & Boupha, 2011). About 80% of the population lives in rural and mountainous areas. Agriculture is the main source of income and livelihood; 70% of the population relies on natural resources and more than a quarter of the population lives below the poverty line. According to the global Human Development Index (HDI), in 2011, the Lao PDR was ranked the 138th out of 187 countries (United Nations Development Programme, 2011a).

In 2005, the life expectancy of Lao people was 61 years; 63 years for women and 59 years for men. It is a multi-ethnic country. There are 49 official ethnic groups, with four main language groups: the Lao-Tai, the Mon Khmer, the Hmong-Mien and the Chine-Tibet (Gender Resource Information and Development Centre, 2005; Lao National Commission for the Advancement of Women , 2009; United Nations Development Programme, 2009).

After the country's independence in 1975, the Lao PDR adopted the "New Economic Mechanism" (NEM) which was a transition from a "centrally planned economy" to a "market-based economy" in the late 1980s (Ministry of Industry and Commerce, 2011; World Health Organisation, 2010). In 1991, it adopted its first Constitution which was amended in 2003. The country's administrative, legislative and judicial system consists of the National Assembly, the Government, the People's Courts and the People's Prosecutor Offices, the Lao Front for National Construction, and mass organisations such as the Lao Federation of Trade Unions, the Lao People's Revolutionary Youth Union, the Lao Women's Union, the Federation of Military Veterans, and some social and professional organisations. The National Assembly has adopted about 90 laws, many of which concern the promotion and protection of human rights, including the law on the development and protection of women, and the law on the protection of children's rights and interests (United Nations, 2010).

At an international level, the Lao PDR is a party to six core human rights conventions; namely, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the

Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Rights of the Child (CRC) (Ministry of Education, 2008; United Nations, 2010; United Nations Development Programme, 2011b). In order to enable the Lao PDR to participate in and follow the activities of the human rights mechanisms of the United Nations, as well as coordinate with the Geneva-based United Nations offices responsible for human rights, a Permanent Mission of Lao PDR to the United Nations Office and other International Organizations in Geneva, Switzerland, was officially opened in 2008 (United Nations, 2010).

At the regional level, the Lao PDR was an ASEAN observer in 1992 and officially joined ASEAN in 1997 (Association of Southeast Asian Nations Secretariat, 2009a; Chalermpanuapap, 2009). It has participated in and contributed to the establishment of the AICHR (Association of Southeast Asian Nations Secretariat, 2009a)

At a national level, the Lao PDR has established inter-agency mechanisms to promote and protect human rights, such as the National Steering Committee on the Preparations for the Ratification and Implementation of the International Covenants on Human Rights, the National Steering Committee on the Preparations for the Universal Periodic Review, the National Steering Committee on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the National Commission for the Advancement of Women, the National Commission for Mothers and Children, the National Committee for Disabled People, the National Committee for Rural Development and Poverty Alleviation, and the National Committee Against Human Trafficking (United Nations, 2010). In addition to those mechanisms, the Lao PDR has also focused on human rights study and research. A Human Rights Research Centre has been set up and a human rights education curriculum has been developed by the Ministry of Education. A Human Rights Unit was established at the National University of Laos, and the Faculty of Law and Political Science has improved its curriculum by applying basic knowledge of human rights to the teaching at the Faculty (United Nations, 2010; United Nations Development Programme, 2011b).

1.2 The Promotion and Protection of the Rights of Women and Children in the Lao PDR

Women's rights

According to the UN (2010) and the Organisation for Economic Co-operation and Development Centre (2011), the Government of the Lao PDR has ensured gender equality and the promotion of women's advancement by issuing in article 24 of the Constitution. These issues were also emphasized by the adoption of the Law on the Development and Protection of Women in 2004 and the National Strategy for the Advancement of Women 2006 to 2010. As a result, of the 115 members of the present National Assembly legislature, 29 are women which accounts for 25% of the total assembly (Lao Women's Union, 2009). It is among the highest rates of women in government in the Asian region (United Nations Women, 2012a). Women also make up more than half the workers in the economy and more than one third of civil servants. According to labour law, women are entitled to take three months maternity leave with pay and other benefits. In terms of family life, women have the right to keep their surname after marriage, the right to inherit, as well as being entitled to have their name affixed with their husband's in land title and other certificates (United Nations, 2010).

The Lao PDR ratified the CEDAW in 1981 (Lao National Commission for the Advancement of Women, 2009; Ministry of Education, 2008; United Nations Women, 2012a) with no reservation on any substantive articles of CEDAW (Dairiam, 2003). It was the second country to ratify CEDAW in the Asian region after the Philippines (United Nations Women, 1012a). The latest (combined sixth and seventh) periodic report was submitted and examined by the forty-fourth session of the United Nations Committee on the Elimination of Discrimination against Women (UN CEDAW Committee) at the end of 2009 (The United Nations Committee on the Elimination of Discrimination against Women, 2009).

Children's rights

In parallel with the promotion and protection of the rights of women, the Government of the Lao PDR also pays special attention to children's right. It ratified the Convention on the Rights of the Child (CRC) in 1991. Then, in 1992, the country adopted measures to implement the CRC by setting up the National Commission for Mothers and Children (NCMC) (Ministry of Education, 2008). The Commission's main objectives are to be a national coordination mechanism, be the

secretariat to the Government and to monitor the implementation of the provisions of the CRC and the National Programmes of Action for Children (United Nations International Children's Emergency Fund, 2012).

Apart from this national Commission, there are ministries and institutions which have functions and responsibilities relating to the promotion of healthcare, education development for children and protection of the rights and benefits of children. These are comprised of the Ministry of Public Health, the Ministry of Education, the Ministry of Labour and Social Welfare, the Ministry of Justice, the Ministry of Public Security, the Lao Front for National Construction, the Lao Women's Union, the Lao People's Revolutionary Youth Union, and the Lao Disabled People's Association. These organizations operate at the central and grass roots levels in the country (United Nations, 2010).

In terms of legal affairs, the Lao PDR has improved the existing laws relating to the rights and interests of children including the Penal Law, the Law on Criminal Procedure, the Law on Education, the Labour Law, the Law on Hygiene, Sanitation and Health Promotion, the Law on Lao Nationality, the Law on Military Service, the Law on Inheritance, the Law on Civil Procedure, and the Law on Contracts. Moreover, it has also adopted new laws that particularly relate to the rights of children; namely, the Law on the Development and Protection of Women and most importantly the Law on the Protection of the Rights and Interests of Children (United Nations, 2010).

According to the (United Nations, 2010), in order to allow children across a country to exercise their rights, socioeconomic development plans and strategies must include efforts towards the promotion and protection of children's rights. The Lao PDR has adopted and implemented a range of policies, programmes and strategies relating to children; for instance, the National Plan of Action for Children, the National Programme on Anti-Trafficking and Sexual Exploitation of Children (2007-2011), and the National Nutrition Strategy and Plan of Action for 2010 to 2015 (United Nations Development Programme, 2010b).

In terms of health care, the Government has prioritized the health care of mothers and children by integrating mother's and children's vaccination and immunization into primary health care. Free treatment and medical check-ups to reduce child mortality and to increase nutrition have

been implemented. Moreover, special attention is paid to the care for and protection of children from “dangers, abuses, labour and sexual exploitation, human trafficking, drug trafficking, UXOs and other war remnants from the wars as part of the Indochina War, and also in court proceedings” (United Nations, 2010, p.14). Child’s education is another area of the Government’s focus. As a result, the school enrollment rate for children has been gradually increasing (United Nations, 2010). However, as mentioned in the previous section (women’s rights), there are some downsides to the promotion and protection of the rights of children which are also discussed in Chapter Two (Literature Review).

1.3 The National Mechanism for the Advancement of Women in the Lao PDR

The Lao Women’s Union (LWU)



Figure 4. Current logo of the Lao Women’s Union

Retrieved September 12, 2012 from
http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/LA/LWU_UPR_LAO_S08_2010_Lao_WomensUnion.pdf

The history of the Lao Women’s Union is closely attached to Lao’s history and the country’s process of national liberation and development (Lao Women’s Union, 2009). After ending French colonial rule in 1954, the Lao People’s Revolutionary Party (LPRP) organised the first women’s organisation, named the “Lao Patriotic Women’s Association”, in 1955. Between 1955 and 1984, the Women’s Association educated, mobilised and united local women throughout the country for the struggle of national liberation by focusing on national liberation, collective solidarity across ethnic groups and equality. Then, in 1984, in the first Women’s Congress, the Lao Patriotic Women’s Association was reorganised and renamed the Lao Women’s Union (LWU) (Ireson-Doolittle & Moreno-Black, 2004). It is one of four mass organisations of the Lao

People's Revolutionary Party (European External Action Service, 2007) because "the Party has always considered mass organizations as strategic tools [for] the revolutionary tasks of national defence and construction" (Asia Monitor Resource Centre, (2008), p. 153). Because of this, the LWU is known as a "mass organisation" or "mass women's organisation" (United Nations Women, 2012b), although it would be better understood as "a quasi-government mass organization" (United Nations Development Fund for Women East and Southeast Asia Regional Office, 2009, p.17) because its status is equivalent to a ministry (Association of Southeast Asian Nations Inter-Parliamentary Organisation, 2005). Despite this, some scholars also refer to the LWU as a civil society organization (Vixathep, 2011) using the term "civil society" to include "citizen initiatives that are based in shared values, including neighbourhood organisations, temple associations, unions, professional associations, religious groups, not-for-profit service organisations or advocacy campaigns" (Brown & Hu, 2012, p. 713).

Whatever the LWU is called, it was claimed as a representation of the legitimate rights and benefits of Lao women and children of all ethnic groups nationwide (Lao National Commission for the Advancement of Women, 2005). The LWU operates throughout the country at all levels. Its organizational structure consists of four levels: central, provincial/ministerial, district/municipal and village (Lao Women's Union, 2007). It has with 1,015,506 members (Lao Women's Union, 2009). In 2010, after the ACWC was established, one of the LWU's personnel was assigned to be the representative of the ACWC responsible for women's rights.

Among others, its expected roles and responsibilities are to build solidarity among women of all ethnic groups and educate them about their rights and obligations to national socioeconomic development. It also oversees the implementation of government policies and programmes related to gender issues, particularly women's development. As an agency responsible for improving women's status, it is also the key partner for NGOs' when implementing development projects aimed at gender empowerment (Gender Resource Information and Development Centre, 2005; Leudedmounsone, 2010).

The LWU has implemented many different kinds of projects nationwide. Its main activities focus on building the capacity of women with a specific view to reducing poverty. These activities include vocational training and skill development; provision of microfinance at village level;

family income generating activities; and the establishment of counselling offices for women and their families at provincial and district levels. Apart from the LUW's solely-owned projects, there are also some joint projects with other organisations; for example, with the Ministry of Public Health in a primary health care for women and children project and an HIV/AIDS project; with the Ministry of Finance in the Land Titling Project. Through this latter project women are informed about their rights to land ownership, which enables them to have access, own and manage (land) property, which in turn helps to ensure their economic status. In addition to these projects, the Gender Resource Information and Development Centre (GRID) was established in order to provide gender training course, collect gender information and conduct gender-related research, as well as disseminate gender information for the general public, scholars, researchers and policy makers (Asian Development Bank, 2006; Association of Southeast Asian Nations Inter-Parliamentary Organisation, 2005; Lao National Commission for the Advancement of Women, 2005; Lao Women's Union, 2009).

According to Ireson-Doolittle and Moreno-Black (2004) "the LWU, utilising resources provided by various international aid organisations, has been able to expand the resource base and capacities of women participating in gender-sensitive rural development projects, thereby increasing their possibilities for decision-making and action and perhaps even the reshaping of cultural ideas of gender" (p. 17). The European External Action Service (EEAS) (2007) reinforces this notion by arguing that "the mass organisations of the Party such as the Lao Women's Union have also started to play a more proactive role" (p. 7). However, the Union has also been critiqued by some scholars; this will be discussed further in Chapter Two (Literature Review).

The Lao National Commission for the Advancement of Women (Lao NCAW)

As discussed in the previous section, the LWU has been the only organisation to represent the advancement of women and children since it was established in 1955. That is, until 2003, when the LaoNCAW was established as a national mechanism for the promotion of gender equality as well as the elimination of all forms of discrimination against women. Its main mandate is to assist the government in terms of forming policy and strategy to promote the advancement of women. It also serves as a focal point for the government for gender mainstreaming, gender equality and the elimination of all forms of discrimination against women. Apart from the secretariat office at central level, there are 'sub-commission' units throughout the country,

including at all ministries, state organizations and at provincial, district and village levels. They are designed to enhance central policy-making and assist in monitoring CEDAW implementation (Association of Southeast Asian Nations Inter-Parliamentary Organisation, , 2005; Gender Resource Information and D, 2005). Currently the LaoNCAW, in coordination with the sub-commissions, is developing a national strategy for the advancement of women. Five priority areas are included in the national strategy:

- (i) Enhancing women's participation in implementation of the National Growth and Poverty Eradication Strategy (NGPES);
 - (ii) Promoting women's education;
 - (iii) Improving health care for women;
 - (iv) Promoting women in decision making;
 - (v) Supporting organizations that promote women's concerns.
- (Asian Development Bank, 2006, p. 90)

The Lao Women Parliamentarians' Caucus

The LWU provides an enabling environment for the promotion of gender equality in the Lao PDR. The Lao Constitution, the LWU and the LaoNCAW provide “the pillars of gender representation and institutional advocacy” (Asia Monitor Resource Centre, 2008, p. 156). The Lao Women Parliamentarians' Caucus was established with a mandate to empower female parliamentarians, so that they could actively contribute to the drafting of legislation and inspect the work of the government (Leudedmounsone, 2010). As the Association of Southeast Asian Nations Inter-Parliamentary Organisation (2005) argues, that:

Although gender equality is guaranteed by the Constitution, it has not been fully recognized and become the responsibility of the society. This is a common situation faced by most counties, including Laos. Therefore, it is very important for the legislative body, particularly women parliamentarians to play a more active role in monitoring and encouraging all stakeholders to translate policy guidelines on the promotion of gender equality into practice in a more comprehensive and effective manner. (p. 6)

To this end, the Women Parliamentarians' Caucus and the Lao Association of the Parliamentarians on Population and Development were established. Their main roles are to promote active contributions by women parliamentarians to studying and making decisions on

issues concerning the protection of benefits and rights of women and children (Association of Southeast Asian Nations Inter-Parliamentary Organisation, 2005). UNDP (2012) reinforces the significant role that parliamentarians can play in the achievement of gender equality through “encouraging full government support to CEDAW and by promoting the ratification of the CEDAW Optional Protocol” (para. 8).

In this regard, the LWU, the LaoNCAW and the Women Parliamentarians’ Caucus are working hand in hand on the rights of women,. As the president of the National Assembly commented:

Women’s organisation leaders at all levels, the Lao National Commission for the Advancement of Women and the Lao Women Parliamentarians Caucus should help [Lao Women’s Union] in turning the Party directives towards laws concerning the rights to protection of all women and children. (Sengdara, 2012, para. 3)

A recent concrete example of their collaborative work was drafting the law to prevent violence against women and children. Thus the president of National Assembly further emphasised that:

The Lao Women Parliamentarians Caucus, in cooperation with the Lao Women’s Union, the Lao National Commission for Advancement of Women, and the relevant ministries will draft a law on the prevention of violence towards women and children next year. (Sengdara, 2012, para. 8)

1.4 The National Mechanism for Children’s Rights Protection in the Lao PDR

The Lao People's Revolutionary Youth Union (LPRYU)

Similarly to the Lao Women’s Union, the Lao People’s Revolutionary Youth Union (LPRYU) is also a mass organization that was established in the same year, 1955. Its members are groups of people aged between 15 and 35 years. The organizational structure of LPRYU has four levels: central, provincial, district and grass roots levels. A congress is held every five years for central, provincial and district levels but a congress at the grass roots level is held twice a year (Vongchandy, Vongsiprasom & Bandith, 2007).

The LPRYU’s main role is to cultivate amongst youth knowledge of the background of the nation. It works to unite ethnic youth groups in solidarity throughout the country; and to directly

establish and lead youth organizations who share information about and to young people and young pioneers. It also represents the country's youth, promotes their rights and seeks benefits for young people in the Lao PDR (Lao People's Revolutionary Youth Union, 2011).

The National Commission for Mother and Child (NCCMC)

The NCCMC was established in 1992. It is a national coordination mechanism designed to monitor the implementation of the provisions of the CRC and the National Programmes of Action for Children. It is chaired by the Standing Deputy Prime Minister and composed of Vice-Ministers and Vice-Minister-equivalents from all relevant Ministries and organizations. The NCCMC has organizational networks throughout the country from the central to local levels, under the supervision of the provincial Governors or Vice-Governors, district chiefs or deputy district chiefs. The provincial, district and village commissions for mothers and children were established in 1993 (United Nations, 2010). The NCCMC's main tasks are supervising child-related affairs on education, well-being and protection, as well as overseeing the implementation of the Lao PDR Program of Action for Children (Academy for Educational Development, 2006a).

The Ministry of Labour and Social Welfare

The Ministry of Labour and Social Welfare (MLSW) has also worked to protect the rights of children, particularly those that sit within the department of Social Welfare in a unit allocated to children with special needs; this work has included protection of trafficking victims and prevention of trafficking (Academy for Educational Development, 2006b). After the ACWC was established in 2010, one of the MLSW's personnel was assigned to be a representative of ACWC; this role is responsible for the promotion of children's rights.

1.5 ASEAN and its related sectoral bodies

1.5.1 The Association of Southeast Asian Nations (ASEAN)



Figure 5. ASEAN's logo

Retrieved September 12, 2012 from: <http://globalnation.inquirer.net/5505/asean-japan-ministers-to-meet-with-business-leaders/asean-logo>

The Association of Southeast Asian Nations (ASEAN) is a regional inter-government organization which was founded by the foreign ministers of Indonesia, the Philippines, Malaysia, Singapore and Thailand in 1967 in Bangkok, Thailand through the signing of the ASEAN Declaration (Bangkok Declaration). The declaration established the purpose of, rationale for and operating protocol of the ASEAN. Brunei, Vietnam, the Lao PDR and Myanmar; and Cambodia became member countries between 1984 and 1999 (Asian Forum for Human Rights and Development, 2009; Wahyuningrum, 2009). The founding members established the Treaty of Amity and Cooperation (TAC) in 1967. According to Wahyuningrum (2009), there are six fundamental principles:

1. Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
2. The rights of every state to lead its national existence free from external interference, subversion, and coercion;
3. Non-interference in the internal affairs of one another;
4. Settlement of differences or disputes by peaceful manner;
5. Renunciation of the threat or use of force; and
6. Effective cooperation among themselves.

In the last four decades, the ASEAN has been criticised as being “a state-led project driven by the region’s elites (top-bottom) - exclusive club for Southeast Asian Foreign Ministers” (Wahyuningrum, 2009). Its original purpose was to advance the political-security interests of member countries; later on it expanded to include socio-economic and cultural cooperation. The ASEAN also develops its own norms and values. This is sometimes referred to as the “ASEAN Way” (Centre for Non-Traditional Security Studies, 2010; Wahyuningrum, 2009) which Wahyuningrum (2009) explains as “diplomatic norms that encourage the member countries of ASEAN to seek an informal and incremental approach to co-operation through lengthy consultation and dialogue (consensus, least common denominator, non-interference, etc.)”.

The ASEAN’s structure includes the ASEAN Summit; the ASEAN Coordinating Council; ASEAN Community Councils; the ASEAN Sectoral Ministerial Bodies; the Secretary General; the ASEAN Secretariat; the ASEAN National Secretariat; Committee Permanent Representatives (CPR); the ASEAN Intergovernmental Commission on Human Rights (AICHR); the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which was established in September 2008 (NTSS Centre, 2010; Wahyuningrum, 2009).

1.5.2 The ASEAN Intergovernmental Commission on Human Rights (AICHR)

Four decades after forming, the ASEAN has reached an “historic moment in its journey towards establishing a regional human rights mechanism” (Kelsall, 2009, p. 2). In 1993, during the 26th ASEAN Ministerial Meeting (AMM), the ASEAN articulated the need for an intergovernmental human rights body, as its foreign ministers agreed that the “ASEAN should also consider the establishment of an appropriate regional mechanism on human rights” (Human Rights Herald, 2010, para 3) in order to support the 1993 Vienna Declaration and Programme of Action of the United Nations World Conference on Human Rights (Human Rights Herald, 2010; Santiago, 2009). Since then, there has been on-going debate, discussion and dialogue regarding the utility and significance for the ASEAN of an intergovernmental human rights body (Kelsall, 2009). In July 2009, the ASEAN Intergovernmental Commission on Human Right’s (AICHR) terms of reference were adopted. Three months later, the Commission was inaugurated. Among others,

one of the AICHR’s mandates is to “develop strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN Community” (Santiago, 2009, p. 10).

1.5.3 The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)

One year after the AICHR was established, on 7 April 2010, the Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) was inaugurated (Buergenthal, 2011). Scholars commented that it would further strengthen the ASEAN’s human rights framework (Malaysian National News Agency, 2010) and serve as a bridge for the well-being, development, empowerment and participation of women and children in the community-building process (Kon, 2010; Ramesh, 2011). Part of the mandate of the ACWC is to “develop policies, programs and innovative strategies to promote and protect the rights of women and children to complement the building of the ASEAN Community” (Association of Southeast Asian Nations Secretariat, 2009c, p. 2).

In terms of its representatives, each ASEAN Member State appoints two representatives in which one is responsible for women’s rights and another is responsible for the rights of children (ASEAN Secretariat, 2009c). Thus 20 representatives have been appointed by the ASEAN Member States to the Commission as shown in the below table.

Country	Representative on Women’s Rights	Representative on Children’s Rights
Brunei	Head of the Anti- Corruption Bureau	Former Director General of Education and Permanent Secretary of Ministry of Education
Cambodia	Deputy Director of International Cooperation Department, Ministry of Women’s Affairs	Secretary General of Cambodia National Council for Children
Indonesia	Human Rights Lawyer by professional	Yayasan KKSP Foundation, Advancement of Children’s Rights

Lao PDR	Director of the International Relations Division, Lao Women's Union	Permanent Secretary, Ministry of Labour and Social Welfare
Malaysia	Secretary General, Ministry of Women, Family and Community Development	Former Professor of Social Psychology at the Department of Education Psychology, University of Malaya
Myanmar	The Secretary of Myanmar Women's Affairs Federation	Deputy Director of Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement of Myanmar
Philippines	Executive Director of the Women and Gender Institute, Miriam College	Undersecretary at the Department of Social Welfare and Development
Singapore	Former Senior Minister of State for Education	Managing Director of Roche Singapore Pte Ltd,
Thailand	Former Deputy Permanent Secretary of the Ministry of Social Development and Human Security	Former member of UN CEDAW and Vice-Chair of the UN CRC
Vietnam	Deputy Director General, Internal Cooperation Dept, Ministry of Labour, Invalids and Social Affairs	Deputy Director General of Child Protection and Care Department, Ministry of Labour, Invalids and Social Affairs

Table 1. Representatives to the ACWC

As is apparent in the table, the Lao PDR, has assigned one LWU member to the ACWC to represent women's rights and one member of the MLSW to represent children's rights. According to the ACWC's terms of reference, "each representative serves a term of three years and may be consecutively re-appointed for only one additional term" (Association of Southeast Asian Nations Secretariat, 2009c, p. 9). In order to enable the ACWC to work continuously, "the term of office of representatives shall be staggered. Each ASEAN Member State shall appoint one of its two representatives to serve an initial term of four and a half years" (Association of Southeast Asian Nations Secretariat, 2009c, p. 9). Therefore, the representative on women's

rights is assigned to serve an initial term of four and a half years while the representative on children's rights is assigned to serve a term of three years.

In terms of the Chair and Vice-Chair, the terms of reference of the ACWC states that:

The first Chair and Vice-Chair of the ACWC shall be elected by the appointed representatives. The subsequent Chair and Vice-Chair shall be rotated among ASEAN Member States on an alphabetical basis. The rotation of Chairmanship and Vice-Chairmanship shall follow an opposite cycle. Should a Member State next in line be not ready to assume the Chairmanship or Vice-Chairmanship, it may forgo its turn. The Chair and the Vice-Chair shall not be representatives from the same Member State and with the same area of competence (women's or children's rights) (ASEAN Secretariat, 2009c, p. 10)

At present, Thailand's representative on women's rights and Indonesia's representative on children's rights have been elected to serve as the Chair and Vice-Chair of the ACWC respectively. According to the above terms of reference, the representative on women's rights of Vietnam might be the next Chair and the representative on children's rights of the Lao PDR might be next Vice-Chair of the ACWC.

As a staff member of the LWU, the organisation from which the Lao PDR assigns an ACWC's representative on women's rights, and as a Master of Social Practice student who enrolled in the Human Rights, Social Justice and Advocacy Practice course, I am passionate and interested in international relations and human rights; particularly women's rights and how they play out in women's day to day lives. Thus I focused my thesis on **the relationship between Lao People's Democratic Republic (Lao PDR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) with a focus on women**. The details of my study are described below.

1.6 Aims and objectives of the study

1.6.1 The overall aim of the study

To explore the relationship between the Lao PDR and the ACWC, as well as investigate how women's organisations in the Lao PDR can most benefit from the country's membership of the ACWC and how the Lao PDR can most contribute to the development of the ACWC.

The specific aims of the study:

- To explore the significance of the newly established ACWC to women's organisations in the Lao PDR.
- To investigate how Lao women's organisations can most benefit from membership of the ACWC.
- To explore how the Lao PDR could contribute to the development of the ACWC.

1.6.2 Objectives of the study

- To understand mandates and potential functions of the ACWC in the Lao PDR.
- To provide a platform for relevant Lao organisations to suggest how they would like to shape the future of the ACWC and its works.
- To look at the ACWC's opportunities for further growth and improvement.
- To provide the other nine ASEAN member countries with a piece of qualitative research on what the Lao PDR could potentially contribute to the ACWC as well as to their own countries.
- To provide the donors, including UN agencies, with some suggestions on how to work with and support the ACWC at national level.

1.6.3 Significance of the study

This study contributes much needed research on the newly established ACWC. It is hoped it will be an important piece of research for the organisations within the Lao PDR who are concerned with the promotion and protection of women and children's rights; for people who are assigned to be representatives of the Lao PDR to the ACWC; for donors, such as UN agencies, who support the work of the ACWC and the promotion and protection of women and children's human rights, in the Lao PDR in particular, but also in the wider ASEAN region.

The nature and scope of the information sought

The nature of information sought in this research study was qualitative; it included related documentation, participant observation notes and interviews with Lao experts in the promotion and protection of the rights of women and children. It focused on understanding the mandates

and potential functions, difficulties, obstacles and challenges of the ACWC in the Lao PDR, as well as highlighting the potential strengths of the Lao PDR which could contribute to the development of the Commission and suggesting opportunities for its further growth and improvement.

The study provides the following outcomes:

1. The research provides information regarding the ACWC's mandates and functions in the Lao PDR as well as overseas opportunities for its further growth and improvement.
2. The research highlights the difficulties, obstacles and challenges of the ACWC in the Lao PDR.
3. The research identifies the potential strengths of the Lao PDR which could contribute to the development of the Commission and other ASEAN countries.
4. The research identifies how women's and children's rights organisations in the Lao PDR would like to shape the future of the ACWC in the Lao PDR.
5. The research provides suggestions on how to work with and support the ACWC in the Lao PDR, as well as introduces some possible further studies.

1.6.4 Setting and time frame of data collecting

The fieldwork was largely conducted in Vientiane, the Lao PDR, between December 2011 and February, 2012. The researcher spent these three months conducting 10 semi-structured interviews and observing various consultation meetings that occurred in preparation for the 4th ACWC meeting. The researcher also attended the 4th ACWC meeting which was held in Vientiane from the 16th to the 18th of February 2012 as an observer. In addition to the data obtained in the Lao PDR, the researcher also had the opportunity to observe the Learning and Planning Workshop on Women's Access to Justice and Legal Pluralism, which was held in Bangkok, Thailand from the 23rd to the 25th of February 2012.

1.7 Organization of the chapters

In addition to this chapter, this thesis comprises four chapters.

Chapter Two provides a critical review of the literature in relation to regional human rights mechanisms and institutions, their development and contribution to social change. This chapter

also provides a critical review of the women's and children's human rights theories and practices at the international and regional levels.

Chapter Three provides an overview of the research design and methodology which guided the research process and its rationale. It presents the methods of data collection and data analysis. The chapter also discusses the ethical issues associated with the research.

Chapter Four presents the analysis and interpretation of the data collected from participant observations, semi-structure interviews and documentation.

Chapter Five presents a discussion and integration of the findings across the areas of exploration presented in the previous chapter and in relation to literature review in Chapter Two. It also illustrates the recommendations arising from the results of the study, as well as the limitations of this study and recommendations for further research.

CHAPTER TWO

LITERATURE REVIEW

Introduction

As noted in Chapter One, the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) is essentially an organisation established to promote and protect the rights of women in the Association of Southeast Asian Nations (ASEAN). Due to its recent establishment, there is not much information available. However, in order to investigate how women's rights organisations within the Lao PDR can most benefit from the country's membership of the ACWC and how the Lao PDR can best contribute to the development of the Commission, the following literature will be reviewed: literature concerning the promotion and protection of women and children's rights in the ASEAN; regional human rights systems in Europe, Inter-America, Africa and Arab states; the ASEAN human rights systems; international relations and feminism; gender in institutions; relationships between state and civil society; relationships between international organisations and civil society organisations; and a critique of women's organisations are reviewed in this chapter.

2.1 Mechanisms for the promotion and protection of women and children's rights within the ASEAN and their core issues

As discussed in Chapter One (Introduction), the ASEAN was formed in 1967. Eight years later, in 1975, women's issues were first discussed at the ASEAN Women Leaders' Conference. As a result, the ASEAN Subcommittee on Women (ASW) was inaugurated in 1976. Since then, women's concerns have become part of the ASEAN summit agenda as well as ministerial meetings. In 1981, the ASW was renamed the ASEAN Women's Programme (AWP) (Association of Southeast Asian Nations Committee on Women, 2006; Association of Southeast Asian Nations Secretariat, 2009b). Two decades later, in 2002 "this sectoral body was restructured into the ASEAN Committee on Women (ACW)" (Association of Southeast Asian Nations Secretariat, 2009b, para. 2). In April 2010 the ASEAN Commission on the Promotion

and Protection of the Rights of Women and Children (ACWC) was inaugurated in the 16th ASEAN Summit (Working Group for an ASEAN Human Rights Mechanism, 2010).

In terms of ASEAN declarations related to women's rights, the first one was the Declaration on the Advancement of Women in the ASEAN which was adopted in 1988. The second one was the Declaration on HIV/AIDS in November 2001, which stressed that "gender equality and the empowerment of women are fundamental elements in the reduction of the vulnerability of women and girls to HIV/AIDS" (Association of Southeast Asian Nations Committee on Women, 2006, p. 9). The third one was the Declaration Against Trafficking in Persons Particularly Women and Children in November 2004, which emphasized the importance of continuing dialogue, information exchange and the establishment of a regional network to prevent and combat trafficking in persons, particularly women and children (Association of Southeast Asian Nations Committee on Women, 2006). The last one was the Declaration on the Elimination of Violence against Women (DEVAW) at the Foreign Ministers' 37th Meeting in 2004. It recognized that "violence against women both violates and impairs their human rights and fundamental freedoms, limits their access to and control of resources and activities, and impedes the full development of their potential" (Association of Southeast Asian Nations Committee on Women, 2006, p. 10).

In addition to these four main areas of concern (the Advancement of Women, HIV/AIDS, Trafficking in Persons Particularly Women and Children and the Elimination of Violence against Women), the Southeast Asia Women's Caucus on ASEAN (the Women's Caucus) has identified five core issues which are critical for the advancement of women's human rights throughout Southeast Asia: migration, violence against women, political participation and citizenship, economic rights, and discrimination laws, policies and practices (Chandrakirana, 2010).

In general, children are attached to their mothers. Thus children's rights are included in women's rights. Once the ACWC was established, both children's rights and women's rights were included in the same Commission.

Despite the fact that all 10 ASEAN countries have ratified the UN Convention on the Rights of the Child (CRC), many of them still have reservations about specific provisions in the CRC. In addition, some ASEAN countries do not recognize basic principles of the CRC, particularly the

best interests of the child. This prevents them from addressing specific child rights issues such as corporal punishment, child marriage and refugees. In addition, the two optional protocols on the involvement of children in armed conflict and on the sale and trafficking of children are not yet fully ratified (Child Rights Coalition Asia, 2010).

The Child Rights Coalition Asia (2010) has emphasized that the ACWC's challenges in regards to ensuring children's participation in the ACWC are that "there are no clear structures, procedures and mechanisms on how children can get involved in the ACWC. Also, there is no shared understanding within ASEAN about the right of children to participate" (p. 25). In this regard, it has suggested that "the ACWC should not only work on behalf of children but also work together with them as rights holders... children within ASEAN need to demand their governments to organize forums and meetings with ACWC either at national or at regional levels" (Child Rights Coalition Asia, 2010, p. 25)

In the same vein, Macalalad, Silverio, and Fellizar (2011) suggest that the ACWC should champion children's rights in the ASEAN; this includes supporting and institutionalizing child participation in the organization. It should monitor the situation of children in the region and provide assistance to member countries that need help in resolving related issues and improving children's welfare.

2.2 Regional human rights systems in Europe, Inter-America, Africa and Arab states

There are at least three main reasons for the existence of regional human rights systems (Shelton, 2011). Firstly, the regional systems themselves were the product of global concern regarding human rights that emerged at the end of World War II. Secondly, each region was encouraged by historical and political factors to focus on human rights issues. Thirdly, the UN took a long time to set up the International Bill of Rights and also promoted regionalism (Shelton, 2011). The regional systems were inspired by the development of the global human rights system and based on universal norms. However, each region had its own issues and concerns, so all the regional instruments refer to their regional heritages and contain different guarantees and emphases (Shelton, 2011).

At present, there are three developed regional human rights systems; namely Europe, Inter-America, and African (Buergenthal, 2011; International Council on Human Rights Policy, 2006; Muntarhorn, 2005; Phan, 2008; Shelton, 2011). Buergenthal (2011) emphasises that all or these three systems support and strengthen the human rights activities of the UN. They also “provide protective mechanisms suited to their regions” as well as “establish rights seen as particularly important to the region on account of its history, traditions and cultures” (Buergenthal, 2011, p. 335).

The European system is the oldest regional system for the protection of human rights. It was created by 10 Western European countries in 1949. It was also the first to create an international court for human rights’ protection, the European Court of Human Rights, as well as to ‘create a procedure for individual denunciations of human rights violations’ (Shelton, 2011). The court is in Strasbourg, France. It was obligated to apply the European Convention on Human Rights, which was ratified in 1954 (Kelsall, 2009). The European system has had a Commissioner for Human Rights since 1999 (Buergenthal, 2011). However, there is no separate Women’s Rights Commission; women’s human rights are protected under the European Convention for the Protection of Human Rights and Fundamental Freedoms (Fottrell, 2010).

The Inter-American system is the second regional system for the promotion and protection of human rights. It was initiated by the Organization of American States in Bogota, Colombia, in 1948. In 1959, the Inter-American Commission of Human Rights (IACHR) was set up (Kelsall, 2009; Shelton, 2011). In 1979, the Inter-American Court of Human Rights held its first hearing in Costa Rica (Kelsall, 2009). Surprisingly, the Inter-American Commission of Women (CIM) was established in 1928 through a resolution of the 6th International Conference of American States. It was ‘the first inter-governmental agency established to ensure recognition of human rights of women’ (Organization of American States, 2012).

The promotion and protection of human rights within the African region was established by the African Charter on Human and Peoples’ Rights (African Charter) which was ratified by all of the 53 the Organization for African Unity (OAU) member states. The African Charter includes people’s rights and also focuses on economic development, particularly the right to development, and social and cultural rights (Shelton, 2011). As Kelsall (2009) has commented, “the African Commission of Human and Peoples’ Rights is a quasi-judicial body tasked with promoting and

protecting human rights and collective (peoples') rights throughout the African continent, as well as interpreting the African Charter on Human and Peoples' Rights" (p. 5). In 2004, the African Court on Human and Peoples' Rights was set up and located in Arusha, Tanzania, by the ratification of 15 member states of the Protocol to the African Charter on Human and Peoples' Rights. Similarly to the European system, there is no Women's Rights Commission but women's and children's rights are covered under the African Charter on Human and Peoples' Rights; the African Charter on the Rights and Welfare of the Child (Murray, 2010); and the Regional Commission on Women's Health in the African region, which was inaugurated in 2010 (World Health Organization, 2010).

Apart from these three regional human rights systems, the Council of the League of Arab States created the Arabic Commission for Human Rights in 1968. Its main function was to promote human rights. In 1994, the Arab Charter on Human Rights was adopted by the Commission and revised in the following decade in order to be more compatible with global norms (Buerghenthal, 2011; Kelsall, 2009). However, its mandate is criticised as member states report little action and focus on the reviewing instead (Buerghenthal, 2011).

2.3 The Association of Southeast Asian Nations Human Rights Systems

2.3.1 The Association of Southeast Asian Nations Intergovernmental Commission on Human Rights

Many people agree that the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights (AICHR) is placing human rights at the centre of the ASEAN's agenda and that this is a significant advancement for the ASEAN (Kelsall, 2009). Nevertheless, the AICHR has met still with some criticism due to the weak mandate of its terms of reference (Buerghenthal, 2011).

Santiago (2009) commented that the AICHR has been questioned by human rights advocates regarding its principles of sovereignty and non-interference in the internal affairs of its members. Santiago further added that its consultative body is like the decision-making process in the ASEAN in that it can only decide on matters through consultation and consensus.

Other commentators have added to this critique regarding the nature of its consultative body, its principles of non-intervention and preservation of sovereignty, and its educative and promotional functions (Renshaw, 2010). Buergenthal (2011) has stated that it only has “consultative status and cannot receive individual complaints”. Santiago (2009) made another point that while the regional human rights mechanisms existing in Europe, the Inter-Americas and Africa are composed of experts, the AICHR’s representatives are appointed on behalf of the 10 ASEAN member-states. Thus the AICHR is composed of officials appointed by their own governments (Buergenthal, 2011) who may “play it safe” rather than appoint “independent experts who may be more critical of human rights violations” (Durbach, Renshaw & Byrnes, 2009, p. 235).

Some scholars have even commented that “human rights have not traditionally been considered to be part of ASEAN’s role. The traditional ASEAN norms of respect for sovereignty and non-interference have underpinned the general omission of the sensitive issue of human rights from official regional dialogue” (Poole, 2010, p. 1). Poole (2010) argued that the ASEAN human rights body “seems puzzling given the poor human rights records of some member states” (Poole, 2010, p. 1) and only 4 out of 10 member states (the Philippines, Indonesia, Thailand and Malaysia) have national human rights bodies.

Another related criticism is that AICHR only has a mandate for the promotion of human rights, not the protection (Wahyuni, 2010). As the Asian Forum for Human Rights and Development (2009) argues:

The best human rights mechanism for this region is a body that will work towards the promotion, protection, fulfilment and effective realization of all human rights. It should observe the fundamental human rights principles of equality, nondiscrimination and state accountability and it should likewise uphold international human rights standards.

A human rights body that will only work towards the promotion but not on the effective protection of human rights may not be the best human rights mechanism for the region. (Asian Forum for Human Rights and Development, 2009, p. 4)

However, even though the AICHR is critiqued that for “lacking teeth”, it is still “remarkable and is an essential first step toward ASEAN’s stated goal of respecting and protecting human rights” (Kelsall, 2009). As the Prime Minister of Thailand, Abhisit Vejjajiva, emphasised, the “AICHR

is not an end in itself but an evolutionary process towards strengthening the human rights architecture within the region” (Human Rights Herald, 2010).

2.3.2 The ASEAN Commission for the Promotion and Protection of the Rights of Women and Children

As discussed in Chapter One, a year after the AICHR was established the ACWC was inaugurated and was welcomed by human rights activists as a turning point for the ASEAN region (Asian Forum for Human Rights and Development, 2010; Kon, 2010). Some also comment that it is an important milestone in the ASEAN’s development. The Chair of the ACWC has also commented that “the establishment of the ACWC was historical and a proclamation to the world that ASEAN is truly committed to improve the life of women and children in ASEAN. The ACWC will turn the expectation into reality” (ASEAN Secretariat, 2011a, para. 2). The ACWC identified the following thematic areas to prioritize its focus in dealing with the numerous issues facing the lives of women and children in ASEAN; The thematic areas concerning women’s rights are:

- Elimination of violence against women;
- Multiple forms of discrimination against vulnerable women;
- Gender-equality and quality education;
- Trafficking in women;
- Early-age marriage and reproductive health;
- Women’s participation in politics and decision making;
- Governance and democracy;
- Women living with and affected by HIV and AIDS;
- Social impact of climate change on women;
- Women in natural disasters, strengthening economic rights of women with regard to feminization of poverty;
- Women’s rights to land and property;
- Women and discrimination based on nationality, citizenship; and
- Administrative and policy measures on family matters.

(ASEAN Secretariat, 2011a).

The thematic areas concerning children’s rights are:

- Elimination of violence against children;
- Multiple forms of discrimination against vulnerable children including children in need of special protection;

- The right to quality education, including Early Childhood Care and Development (ECCD);
- Trafficking in children;
- Adolescent physical and mental health;
- Children living with and affected by HIV and AIDS;
- Children affected by war or armed conflict and in situation of disasters;
- Social impact of climate change on children; and
- The right of children to participate in all affairs that affect them.

(ASEAN Secretariat, 2011a).

Among these areas, the elimination of violence against women is a particular priority. In 2011, the ACWC set up an ASEAN network of national agencies and volunteer welfare organizations involved in providing social services for women and children who have suffered violence and abuse. Singapore's representative for women's rights commented that:

Such a network will provide a platform for the sharing of information, intelligence, experiences and best practices in helping victims of violence. It would allow for the exchange of experts and social work professionals among ASEAN Member States, as well as, provide internships, training opportunities and the exchange of technical assistance. International transfer of victims who were trafficked could also be facilitated more effectively and with the care that they needed. (ASEAN Secretariat, 2011b)

In the same vein, Malaysia's representative for women's rights suggested that the:

ACWC will visit national agencies and voluntary welfare organisations as part of its regular meeting programmes held in various ASEAN cities. The visits will allow the ACWC Representatives to better appreciate the issues and difficulties faced by women and children who are victims of violence and the ways in which the ACWC can help meet their needs. (ASEAN Secretariat, 2011b)

As such, during its 4th meeting, the ACWC representatives visited the Counselling and Protection Centre for Women and Children in Vientiane. The shelter was established by the Lao Women's Union (LWU). It provides comprehensive services for victims of domestic violence, trafficking and sexual exploitation, with the support of its networks throughout districts and villages in the country. This allows the representatives to have a better understanding of what each ASEAN member state is doing for the healing, well-being, and reintegration [of victims] into society (ASEAN Secretariat, 2012a). This visiting initiative was reinforced by the ACWC's 5th meeting in Indonesia, where the Commission undertook a study visit to two shelters in Jakarta that give

emergency resources, assistance and protection to victims/survivors of violence against women and violence against children. The study visit was aimed at learning from the experiences of those shelters in handling cases and also at pledging morale support to those shelters that are working on the ground to promote the rights of women and children (ASEAN Secretary, 2012c).

Apart from those two study visits during its regular meetings, there was also an ACWC's consultation meeting with the Special Representative of the UN Secretary General on Violence against Children (SRSG-VAC) and prominent international experts on the elimination of violence against women in January 2012.

In terms of its connection to civil society organisations (CSOs), the ACWC met with regional and national CSOs from six of the ASEAN member states representing women and children, in order to share information and exchange views with the CSOs on issues of common interest concerning the rights of women and children (ASEAN Secretariat, 2011b). In addition, in January 2012, it also dialogued with 39 national and regional CSOs at a meeting in the Philippines. In this regard, the CSOs provided feedback to the Commissions' draft declaration on Violence against Women and Violence against Children as well as shared their views on several issues related to the rights of women and children (ASEAN Secretary, 2012c).

In terms of study visits, there have been two ACWC study visits to other regions so far. The first visit was supported by UN Women, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to Geneva in January 2011. The main discussions were on critical substantive issues of gender equality and the rights of children in the ASEAN with the focus on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the CRC (ASEAN Secretariat, 2011a). The ACWC also engaged in dialogue with a range of UN agencies, namely UN Women, UNICEF and the United Nations Office on Drug and Crime on various issues concerning the rights of women and children (ASEAN Secretariat, 2011a).

The second study visit was supported by the ASEAN-U.S to the United States in April 2012. The representatives met with various United States government and civil society officials, relevant members of private and academic organisations, media, and UN agencies. Thus they had a good opportunity to exchange information and views on: the United State's priorities, programmes,

and development assistance in support of women's and children's advancement, as well as issues affecting the lives of women and children in the ASEAN, and the ACWC's work priorities. Discussions highlighted the issues of women's political and economic participation, women's rights in the workplace, female migrant workers, gender-based violence, women's role and concerns in security and peace, HIV prevalence, child protection systems, early child care education, and the juvenile justice system.

Consultations were convened with the U.S. Mission to the United Nations and various UN Agencies, including: UN Entity for Gender Equality and Empowerment of Women (UN Women), United Nations Population Fund (UNFPA), United Nations Children's Fund (UNICEF), and UN Economic and Social Council (ECOSOC) on global and regional issues as well as their respective work priorities concerning women and children in ASEAN. (ASEAN Secretariat, 2012b)

The latest news on the ACWC was in July 2012, as it organized its 5th meeting in Indonesia. At the meeting, the ACWC mainly deliberated on the operationalisation of its Work Plan for 2012-2016 and the concept papers of 12 projects and activities for implementation in 2012-2014. The criteria used in prioritising the projects included the relevance, impact, and meaningful contribution to the promotion and protection of the rights of women and children in the region (ASEAN Secretary, 2012c). These planned projects include:

1. The publication of ASEAN best practices in eliminating violence against women and violence against children in ASEAN Member States;
2. Development of a regional network of social services agencies aiming at empowering victims of violence against women and violence against children in ASEAN;
3. Promoting convergence in the implementation of cross-cutting issues in the CEDAW and CRC Concluding Observations;
4. Public campaign to stop violence against women through activities commemorating the International Day on Anti-VAW;
5. Activities to strengthen economic rights of women, particularly to land and property, with regard to feminisation of poverty;
6. Development of an ASEAN progress report on women's advancement and gender equality;
7. Activities to create an enabling environment for children to participate in decision making process;
8. Development of standards for quality early childhood care development and education and child development index;
9. Setting performance standards on ASEAN integrative child protection system;

10. Convening a consultative meeting on cultural and religious practices impacting the rights of children;
11. Setting performance standards on service delivery for children with disabilities; and
12. Activity on non-violent approach in child rearing and positive disciplining.

(ASEAN Secretary, 2012c)

However, some human rights activists are concerned that the ACWC will face similar criticism to the AICHR. The first concern is the independence of Commissioners and questions about their effectiveness due to the ACWC being dominated by current and former civil servants rather than independent experts. The second concern is whether the body can actually protect the region's most vulnerable because its terms of reference lean more towards to the promotion of rights than their protection. Thus it will be difficult for the Commission to embark on a protection mandate. Moreover, as with the AICHR, the principle of non-interference in the internal affairs of member states itself also has restricted its ability to criticize rights abuses in the ASEAN countries (Asian Forum for Human Rights and Development, 2010; Kon, 2010).

In order to make the ACWC work effectively, activists have called for the rules and procedures of the Commission to be further defined. In addition, Wahyuni (2010) has argued that a women's and children's rights monitoring system should be established in the next three years. Tackling child trafficking could begin by focusing in the Mekong Delta countries of Thailand, Vietnam, Laos, Cambodia and Myanmar, and between Indonesia, Malaysia and Singapore, given that the issues of human trafficking, child labour, child soldiers and gender discrimination are almost universal in the 10 ASEAN member states (Asian Forum for Human Rights and Development, 2010; Kon, 2010; Wahyuni, 2010). Furthermore, the Indonesian human rights activist, Yuyun Wahyuningrum, argued that the ACWC has an even bigger mandate than the AICHR because it has a protection mandate, which the AICHR does not (Wahyuni, 2010).

2.4 International Relations and Feminism

Mainstream International Relations (IR) is a political science subfield. It was born during the inter-world-war period in the twentieth century, thus its main concerns are war, peace, order and security. Furthermore, mainstream IR has had a close relationship with government in terms of IR research funding and staff exchange. Therefore, it has largely served governments. In

addition, IR separates between community and anarchy (Whitworth, 2006) and is therefore “a man’s world, a world of power and conflict in which warfare is a privileged activity and from which women traditionally have been excluded” (Tickner, as cited in Whitworth, 2006, p. 90).

In contrast to mainstream IR, contemporary feminism has its roots in a social movement such as the women’s liberation movement. Whitworth (2006) argues that:

It represents a protest against prevailing gender-based power structures and against accepted societal norms and values concerning women and men. Feminists have expressed this protest in a variety of ways, with some demanding that women be allowed to join the spheres in which only men, historically, have been permitted and others demanding more dramatic and fundamental social change. Whatever its different prescriptions, however, feminism is a politics of protest directed at transforming the historically unequal power relationships between women and men. (Whitworth, 2006, p. 90)

In brief, “feminism clearly follows a different path from that of IR” (Whitworth, 2006, p. 90). However, “dramatic changes within the so-called “real world” have produced a crisis in both our thinking and practices around international relations” (Whitworth, 2006, p. 95). As Peterson (as cited in Whitworth, 2006, p. 95) has commented

gender is hard to see and critique because it orders “everything” and disrupting that order feels threatening-not only at the “level” of institutions and global relations but also in relation to the most intimate and deeply etched beliefs/experiences of personal (but relentlessly gendered) identity. Yet, however much we are uncomfortable with challenges to gender ordering, we are in the midst of them. Failure to acknowledge and address these challenges both impairs our understanding of the world(s) we live in and sustains relations of domination. (Whitworth, 2006, p. 95)

Gender equality at international level has gained attention at international forums since early 1980s once the Convention on the Elimination of Discrimination against Women (CEDAW) came into force in 1981. Since then CEDAW has become a set of norms in terms of gender equality for various platforms of action and other regional conventions. Some scholars also believe that international understanding regarding gender equality is essential to reach both human and sustainable development. Thus there is some literature on the relationship between global women’s networks and the UN (Kardam, 2004). However, gender equality has received little attention from international relations professionals at the international level. Gender issues

also have not been “systematically explored from the perspective of international regimes” (Kardam, 2004, p. 86).

However, international organizations have an important role in “shaping, defining and diffusing norms” (Kardam, 2004, p. 95). Global gender networks have been supported by UN agencies, regional organizations and bilateral donors “whose willingness to provide a forum for negotiation and norm development, as well as to engage in dialogue with NGOs contributed to the formation of the gender equality regime” (Kardam, 2004, p. 95). Therefore, some international organizations play a significant role and have functioned “as arenas for developing gender-based social and causal knowledge, as well as for negotiating norms and adapting declarations and treaties” (Kardam, 2004, p. 96).

2.5 Gender in Institutions

According to Whitworth (2006), “in women's studies, a good piece of conventional wisdom holds that it is simply not enough to “add women and stir”. In political science, women are just now being added, and the field has hardly begun to stir” (p. 88). This is also referred to by feminist scholars as the “add women and stir” syndrome. It is one of “the pitfalls of a superficial approach to gender and equity” (Perkins, 2010, p. 1).

In order to avoid that syndrome, we need to enhance women’s participation by creating “enabling environments”. Enabling environments could be favorable for women’s empowerment, but would need to be outlined and evaluated at international, national and grassroots levels as well as undertaken by Governments, international organizations and civil society (Kardam, 2005). Kardam (2005, p.1) further argued that:

At the global level, an enabling environment has been created under the UN aegis, where women’s networks have learned about lobbying and advocacy, come together to debate and promote their views, to negotiate with Government representatives and hold them accountable for global conventions and resolutions.

At the national level, women’s movements in many countries have successfully pressured their governments to change legal institutions, laws and policies. Kardam (2005, p. 5) has provided further strategies for change which include:

1. Creation of democratic values, and respect for human rights through formal and informal education, media and other channels.
2. Establishing cultural legitimacy for women's participation in development.
3. Assisting in changing social attitudes towards women.
4. Training for international development agency staff and prioritizing research and public dialogue on cultural and religious gender norms.
5. Education and public discussion on sexuality and gender roles and identities.
6. Human rights education.
7. Changing men's attitudes towards gender equality and respect for women's rights.
8. Policy intervention (quotas and gender sensitive-budgeting).
9. Fostering partnerships between state and civil society.

2.6 Relationships between International Organisations, Civil Society Organisations and the State

The term "civil society" is used widely and includes "citizen initiatives that are based in shared values, including neighbourhood organisations, temple associations, unions, professional associations, religious groups, not-for-profit service organisations, or advocacy campaigns" (Brown & Hu, 2012, p. 713). There is also an assumption that "local and national civil societies must be fundamentally rooted in values, energies, and resources of the local society to realise their potential for sustainable contributions to local and national social problem-solving" (Brown & Hu, 2012, p. 713). Although Civil Society Organisations (CSOs) are technically local level organisations, international actors play a significant role in the development of them. According to a recent study by Brown and Hu (2012), there are five areas that international organisations have strengthened and can continue to strengthen the capacities of CSOs.

Firstly, international donors enable CSOs to access scarce financial resources and help them to deliver government programs, as well as assist in building local and national organisations that are grounded in their values and concerns.

Secondly, international organizations enhance the capacity of CSO leaders and staff. Brown and Hu (2012) emphasise that:

CSOs are often started by 'dedicated amateurs' who are inspired to tackle social problems but who have little training for the complex problems that often emerge with success. Scaling up initial successes to cover wider clienteles or to deliver more services often requires more capacity to understand problems, mobilize resources, coordinate complex activities, and build effective long-term, and large scale strategies. International resources can help build the capacities of leaders and CSOs for more effective and expanded roles. (p. 714)

According to Brown and Kalegaokar (as cited in Brown & Hu, 2012), an important strategy of international donors is to nurture the organisations that can offer technical and capacity-building resources and support to CSOs because “support organisations can provide information and research on critical issues, training for human resources, consultation on organisation development, or linkages to partners and allies” (p. 714).

Thirdly, international organizations reduce sector fragmentation and competition. Brown and Hu (2012) further elaborate that:

CSOs often grow out of concerns about particular problems and communities and sometimes have difficulty coordinating with other organisations to avoid duplication or speak with a collective voice, even when coordination and coherence would advance shared interests. This fragmentation may be exacerbated when CSOs compete for funds and other resources...In some circumstances international resources can support the emergence of national alliances or associations that enhance members’ ability to deliver services and to respond cohesively to common challenges. (p.176)

Fourthly, as some CSOs are not “widely recognized or understood by the general public” (Brown & Hu, 2012, p. 717), international organizations can build wider public legitimacy. International support can be used to:

Help citizens as well as actors in other sectors understand CSO strengths, weaknesses and potentials...in some countries, international resources have supported research, dissemination and public discussion of civil society contributions. Such studies can correct public misconceptions and clarify expectations about civil society. (Brown & Hu, 2012, p. 717)

The last area that international organisations can help CSOs is improving relationships with organisations from other sectors, because relationships between CSOs and various sectors are shown in many forms. According to Kaldor (as cited in Brown & Hu, 2012).

CSOs are allies of the state in some contexts; they challenge or hold government agencies accountable in others; they act as bridges among and balancers of market and state institutions in still other contexts, or they become catalysts for creating transnational norms in yet others. (p.718).

Salamon (as cited in Brown & Hu, 2012) has argued that in some developed countries, “CSOs partner with government agencies to deliver goods and services, enabling the government to

deliver public services through competing CSOs rather than by expanding government departments” (p. 718).

Another significant role for international donors is to “identify contexts for that make effective use of resources from different sectors [as well as] fund forums that enable CSOs, government agencies and others to promote enabling environments in which parties use their resources to meet shared development goals” (Brown & Hu, 2012, p. 718)

As mentioned earlier, relationships between state and civil society are also a mechanism for change and enhancing women’s participation. Kardam (2005) emphasises that fostering partnerships between state and civil society involves focusing on the complementarities between them. To illustrate, Kardam (2005) highlights a good example of the partnership between Women for Women’s Human Rights-New Ways and the Social Services Administration from Turkey:

While Women for Women’s Human Rights provided the expertise and trained social workers to facilitate the human rights courses, and monitored the program, the Government provided the space in community centers and made available the social workers across the country. As a result, the program achieved legitimacy and the support of the government, and it reached more than 3,000 women in 28 provinces of Turkey. p. 8)

Campos and Alves (2011) added that there is a need to expand the understanding about the collaborations between state and civil society organizations as civil society has “the very useful function of exercising social watchdog control over policies’ in which it is not possible for ‘the government to exercise social control or advocacy” (p. 251).

2.7 Critique of Mass Women’s Organisations

Mass organisations are found in socialist regimes. They are established to meet the needs of some specific group of people and local participation is needed. As Targ (2011) argues:

In socialist theory and practice, mass organizations are designed to mobilize major populations who require and are committed to social change in their societies. While their ideas and programs parallel those of local Communist parties, they are committed to meeting the needs of workers, women, youth, farmers, war veterans, and others whether they are members of political parties or not. Also effective mass organizations require both leadership and authentic and active participation from the grassroots. (para. 4)

Consequently, mass women's organizations are established. Ireson-Doolittle and Moreno-Black (2004) extend further that:

Nearly every socialist country in the developing world has established a mass women's organisation. Such an organisation is almost always founded by the national communist or socialist party-or by the government-to serve that body's own purposes, which usually include mobilising women's labor and support for post-revolution (or postwar) reconstruction and development under Party or government direction...it usually declares gender equality, draw women into economic production outside the home, and acknowledge the importance of women's dual roles in production and family (p. 18).

There is some evidence of these arguments in Vietnam, China and also the Lao PDR. In Vietnam, the Vietnam Women's Union (VWU) was established in 1930. It is one of six major mass organizations in Vietnam. The VWU network spans national, provincial, district and village levels with an estimated 13 million members. Among others, its mandate is to protect women's legitimate rights and strive for gender equality. Targ (2011) explained that:

The VWU emphasizes organizational tasks ranging from supporting and building women's skills and autonomy at the local level to greater political influence at the national level...These included raising women's consciousness, knowledge, and capacity, promoting gender equality at all levels of society, promoting economic development, building the VWU as a national organization, and building networks of relationships with progressive organizations around the world. (para. 7)

In China, the All-China Women's Federation (ACWF) was established in 1949. It is a mass organization dedicated to the advancement of Chinese women of all ethnic groups in "all walks of life". The ACWF's mission is to represent and to protect women's rights and interests, and to promote equality between men and women. It is a multi-tiered organization with group members at every divisional level of government and local women's federation. Its highest level is the National Congress of Chinese Women which convenes every five years in order to deliberate and decide on the goals, guidelines and tasks of the national women's movement. In this regard, the ACWF also develops work plans for the next five years and amends the constitution of the All-China Women's Federation as well as elects the ACWF's Executive Committee (All-China Women's Federation [ACWF], 2012).

In the Lao PDR, there are four national mass organisations; namely the Lao Federation of Trade Unions, the Lao Women's Union, the Lao People's Revolutionary Youth Union and the Federation of Military Veterans. They are connected to and have a long lasting friendship with other regional mass organisations, particularly in Vietnam. Different kinds of training and workshops, including study visits, are organised every year at central, provincial as well as district levels.

Some outstanding examples are shown regularly in the newspapers headings; for example, “Delegations from the Ho Chi Minh Communist Youth Union (HCYU) held talks with their counterparts from the Lao People's Revolutionary Youth Union (LPRYU)” (Viet Nam News, 2012, para. 3)

Another example was during the 2012 celebration of the bilateral Friendship Year and the 50th anniversary of the two countries' diplomatic ties. The LWU delegations, led by the President of the LWU, were received by the Vietnamese Party General Secretary. During the meeting, which the President of the Viet Nam Women's Union also attended, the Vietnamese Party General Secretary emphasised that

the comprehensive co-operation between Vietnam and Laos was invaluable property of the two peoples that needs to be preserved for the future generations. The Party leader appreciated the role of the women's unions in fostering ties between the two countries. (Viet Nam News, 2012, para. 3)

During the visit, a cooperative agreement between the Women's Unions of Vietnam and Laos for 2012-2017 was also signed. Thus during the next five years,

the unions will continue strengthening information exchange on policies and directions of the Parties and States, as well as the developmental situation of women in both countries. The two sides will exchange high-level delegations while promoting mutual assistance, and shared skills and experience in various ways and fields. They also pledged to support each other at regional and international forums. (Tuoitrenews, 2012, para. 2)

These examples strongly reinforce the points made by Ireson-Doolittle and Moreno-Black (2004) and Targ (2011) as discussed above. Mass organizations, such as the Women's Union in China, the Lao PDR and Vietnam can be “very effective in raising awareness and mobilizing actors from the policy making levels to communities in rural and urban areas... However,

mainstreaming gender and women's concerns in large social and economy development programmes still remains a challenge” (International Labour Organisation [ILO], 2008, p. 40).

The Lao Women’s Union (LWU) is also facing some critique. Although it is known as one of the above mentioned national mass organisations, “it is the channel for Party and governmental directives to ordinary women, from capital city civil servants to remote village subsistence farmers” (Ireson-Doolittle & Moreno-Black, 2004, p. 18). Apart from its works and its contribution to the development of the nation as discussed in Chapter One, the LWU is also well known in terms of facilitating development projects in rural areas and changing the village women’s union into a viable organisation. It also makes “women’s work” visible. The village women’s union is part of a national mass organisation and also connected to the district, provincial women’s union and to women’s union throughout the country. However, the LWU has been criticized that some of its staff “are not yet equipped with theoretical framework or empirical data to promote gender equity in sexual health” (Women’s Studies Centre [WSC], 2004, p. 3). In the same vein, the International Labour Organization (2005) also commented that, in terms of making a great contribution to tackling the problem of trafficking, apart from high ranking people of the LWU, “other staff do not have the skills or genuine understanding to conduct awareness raising on human trafficking and migration issues effectively” (p. 5). This means that capacity building for its staff is a priority concern for the LWU.

2.8 Critique of the Promotion and Protection of the Rights of Women and Children in the Lao PDR

As mentioned in Chapter One, despite some positive signs of the promotion and protection of the rights of women and children in the Lao PDR, there are some significant gaps. These are as follows:

Women’s Rights

Lao women, particularly those who are living in rural areas, still face hard work, poverty, illiteracy, and a lack of knowledge and skills. Many of them have limited access to health care, legal information, credit and business information. Some unfavorable traditions prevent women and girls from going to school and participating in social activities (LWU, 2009). In terms of political positions, women remain less represented for both the government administration and the judiciary. Women represent only 1% of all village chiefs (UN Women, 2012b).

In a similar vein, the Gender Resource Information and Development Centre (GRID) (2005) and the United Nations Development Programme (UNDP) (2010a) have also commented that legal awareness among Lao people remains low. The implementation of laws and policies is also weak. The Lao PDR gender profile argues that “the capacity within ministries to follow-through on policies needs strengthening, particularly in light of persisting and increasing vulnerabilities such as trafficking and violence against women” (GRID, 2005, p. 82). Due to economic hardship, in order to seek employment and a better life, some women and girls migrate to neighboring countries illegally. They are at high risk of exploitation, being sold into prostitution and trafficking (LWU, 2009). As with other ASEAN member countries, the Lao PDR is also considered as a source country for human trafficking (Bernat & Zhilina, 2010; Noradeth, 2007; United Nations Office on Drug and Crime [UNODC], 2011). Between 2001 and 2007, there were about 970 Lao people who were victims of human trafficking, with 835 of those aged under 18 (Syvongxay, 2007). According to the UNDP (2011c), violence against women as well as family violence still remains common. Most family violence cases are unreported and tolerated. It is perceived as a “private matter” and “most young men and women think that men are justified in hitting their wives, even for making simple mistakes” (OECD Centre, 2011). In 2005, the first shelter for women and children, run by the LWU was established in order to provide assistance and support to victims of family violence and trafficking; these two issues are among the main women’s rights issues in the Lao PDR presently (LWU, 2009; UNDP, 2010a; UN, 2008).

As for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), even though it was ratified by the Lao PDR in 1981, knowledge about it is limited to the senior members of the LWU and some senior government officials. “There is a need for greater public advocacy and training of district officials, to encourage greater awareness of CEDAW and of women’s human rights in general” (UN Women, 2012b, para. 4). The Lao PDR’s combined first, second, third, fourth and fifth periodic report to CEDAW was submitted in 2006 (25 years after its ratification in the Lao PDR) (LaoNCAW, 2009; UN Women, 2012b). It was critiqued by the International Federation for Human Rights [FIDH] (2010) that:

A large number of states participating in the exercise were content to praise the achievements of Laos in the field of economic, social and cultural rights of women, without making any concrete recommendations in that regard, while

various UN bodies have previously addressed some very specific recommendations on these issues, which have been ignored so far (FIDH, 2010, p. 2)

The FIDH (2010) also added that:

The participation of civil society in the Lao PDR National Report on the UPR was limited to organisations under the supervision of a one-party state, led by the Lao People's Revolutionary Party, as well as the Lao Women's Union and the Lao Front for National Construction...Our Organisations firmly believe that it is inadequate to make reference to human rights guarantees in the Constitution or in national legislation, or even the ratifications of international conventions if human rights are not respected and protected in law and in practice. (p. 2).

Children's Rights

Despite of the positive efforts of the Government and concerned organizations, as the Lao PDR moves from a closed to a market economy and opens up to the region and the world, child rights violation issues have become evident in the Lao PDR (UNICEF, 2005). 260 million cluster bombs were dropped on the Lao PDR from 1964 to 1973 (UNDP, 2009) and the legacy of this Unexploded Ordinance (UXO) contamination continues to affect rural populations. 300 people are injured or killed every year; 40% of victims are children (UNICEF, 2005; UNDP, 2009). The number of children living or working on the streets is increasing in urban areas. Glue sniffing, methamphetamine use and drug abuse are reported to be increasing among urban youth (UNICEF, 2005). Human trafficking, particularly girls, is also a major problem. Lao children are most frequently trafficked to Thailand, where "the majority end up in the domestic labour force, commercial sex industry, agriculture, sweat shops or factories" (UNICEF, 2005, p. 7).

Conclusion

This Chapter reviewed a range of literature from different sources and topics regarding the promotion and protection of the rights of women and children; regional human's rights systems in different regions, particularly the ASEAN; feminist perspectives regarding international relations and institutions; relationships between the state and CSOs, and between international organisations and CSOs; critique of Mass Women's Organisations and critique of the promotion and protection of the rights of women and children in the Lao PDR.

All of these areas are closely applied to the discussion of the research findings in Chapter Five.

Chapter Three discusses the methodology that was used in data collection and explains how the data was analysed, before discussing ethical considerations negotiated in the research.

CHAPTER THREE

RESEARCH METHODOLOGY

Introduction

Chapter Two reviewed a wide range of literature from various sources which cover some specific aspects of international and regional institutions related to the promotion and protection of human rights and the rights of women and children.

This chapter discusses the methodological approach and methods used in undertaking this research. It is divided into four main parts; firstly, philosophical worldviews and qualitative strategies of inquiry; secondly, the methods of data collection which included participant observation, semi-structured interviews and document analysis; the third part of this chapter is about how the data was analysed, mainly through thematic analysis and feminist perspectives and methodologies for International Relations (IR). The chapter concludes with a discussion of the ethical considerations, including the issues of voluntary participation, informed consent, confidentiality and anonymity and specific issues regarding the researcher being both an ‘insider’ and an ‘outsider’ of the institutions being studied.

3.1 Philosophical Worldviews and Qualitative Strategies of Inquiry

3.1.1 Philosophical Worldviews

According to Creswell (2009), a worldview is “a general orientation about the world and the nature of research that a researcher holds” (p. 6); it is what some scholars call paradigm or epistemology and ontology. Philosophical ideas influence the researcher’s practice and therefore should be identified. According to Creswell (2009), there are at least four types of research worldview, namely: postpositivism, constructivism, pragmatism, and advocacy and participatory. These worldviews often lead to the adoption of a specific type of qualitative, quantitative or mixed research method. (Creswell, 2009).

A participatory and advocacy worldview provides a lens for the study of marginalized groups of people based on their class, race and gender (Creswell, 2009). It is a worldview that allows women's voices to be heard and goals realized (Flick, 2006). I therefore held this worldview in conducting my research on the views of Lao experts, particularly women, regarding the ACWC and their work related to the Commission.

Creswell (2009) emphasises that participatory and advocacy worldview approaches involve “an action agenda for reform that may change the lives of the participants, the institutions in which individuals work or live, and the researcher's life” (p.9). As summarised by Kemmis and Wilkinson (as cited in Creswell, 2009), advocacy forms of inquiry consist of four vital features. The first feature is focused on carrying out change in practices. Researchers often offer an action plan for change at the end of their studies. The second one stresses helping people to free themselves from obstacles found in work procedures and it begins with an important stance about the problems in society, such as the need for empowerment. The third aspect focuses on the aims of advocacy forms of inquiry which create a political discussion so that the change can occur. The last feature is about being practical and collaborative. In this regard, researchers engage their participants as active collaborators in their studies.

In the last part of this thesis, I have offered some recommendations designed to remove barriers and obstacle to the ACWC's work and thereby bring about some changes to it. These must occur in collaboration with the active participants of this research. It is also my hope that some of these recommendations will be brought into some levels of political discussion among the organisations concerned in order to allow changes to actually occur. During my field work, some participants have already pointed out problems and obstacles found in their day to day work, as well as raising significant suggestions to solve those problems, including recommendations on how to improve the works of ACWC in the Lao PDR. Therefore, the four key features of advocacy and participatory forms of inquiry were applied to this study in order to open the floor for women participants' experiences and agenda, as well as to identify some areas of empowerment to strengthen connections between them.

3.1.2 Qualitative Strategies of Inquiry

All qualitative, quantitative or mixed method designs include some strategies of inquiry or research methodologies (Creswell, 2009). A qualitative research approach is well known for studying social phenomena (Mayoux, 2006). It allows both researcher and researched to participate in the research, while a quantitative approach does not permit this participation (May, 2002). Myers (2000, 2011). Smith, Bekker and Cheater (2011) add that a qualitative approach facilitates a study of the depth, richness and complexity of people and issues. In terms of data analysis, Bryman (2004) emphasizes that qualitative research methods seek to discover themes from rich information and through detailed analysis of the themes in relation to literature about the issues which the research attempts to address.

However, this approach also has its own limitations. One of its drawbacks is the use of certain unquantifiable terms such as some, majority, minority, most, less. Another limitation is that qualitative research often must limit the number of research participants, so that only a section or group of people, rather than society as a whole, are represented. Thus this kind of research might be useful for specific groups of people, for instance, for policy makers, planners and implementers. Additionally, the lack of statistical information in the current research may make it less immediately relevant to people such as demographic surveyors, budgetary officers and resource allocators (Puchta & Potter, 2004; Hennink, 2007).

According to Creswell (2009), there are specific qualitative inquiry approaches, namely: ethnography, grounded theory, case studies, phenomenological research and narrative research. Narrative research is a research methodology in which researchers learn about people's lives and experiences. Then the stories are reinforced by the researchers "into a narrative chronology" (p. 13). This is also called collaborative narrative as both researchers and researched viewpoints and life are combined (Creswell, 2009). Therefore, qualitative approaches and narrative design help researchers understand people's perspectives and stories, which are drawn from their day-to-day life and experiences, then translate their findings into a narrative arrangement (Bryman, 2004; Kouritzin, Piquemal & Norman, 2009).

This study acknowledges the importance of understanding the viewpoints of those people who actually work in the field of women's and children's rights, regarding the establishment of the

ACWC and their own works. As a researcher, I believe that using the methodologies of qualitative research and a participatory worldview, combined with a narrative design, played a vital role in understanding participants' complex thoughts, then identifying key themes from the rich data collected in the field.

3.2 Methods of Data Collection

Fieldwork is not a single research method (Patton, 2002); observation and interviewing are frequently combined as major methods in qualitative research (Silverman, 2001). Patton (2002) added that document analysis reveals a “behind-the-scenes look at the program that may not be directly observable and about which the interviewer might not ask appropriate questions without the leads provided through documents” (p. 307). Therefore, using a combination of interviews, observations and documentation allows a researcher to utilize different sources of data to validate and crosscheck findings (Patton, 2002). It also allows for “a holistic interpretation of the phenomenon being investigated” (Merriam, 2009, p. 136). Thus, all three research methods, namely semi-structured interviews, participant observations and document analysis, were employed in this study.

3.2.1 Semi-Structured Interviews

As an interview requires the researcher to talk with each participant separately, it takes time and is expensive (Davidson & Tolich, 2003; Thomas, 2003). It has been commented that it can include “possibly distorted responses due to personal bias, anger, anxiety, politics, and simply lack of awareness” (Patton, 2002, p. 306). However, it is needed when participant's feelings and behavior cannot be observed and it is one of the most common methods for data collection (Dawson, 2002; Merriam, 2009; Simpson, 2008). It is useful for understanding people's perspectives, perceptions, thoughts, beliefs, feelings and attitudes on a face-to-face basis (Davidson & Tolich, 2003; Holstein & Gubrium, 2004). Schwab (2005) has added that interviews allow great flexibility; interviewers can “follow up on answers with questions that probe respondents' thinking in greater depth” (p. 4), as well as encourage interviewees to elaborate further in order to deepen meaning or eliminate possible misconceptions (Creswell, 2009). It also allows the observer to “go beyond external behavior to explore feelings and thoughts” (Patton, 2002, p. 306).

The semi-structured interview is located in the middle between two poles of structured and unstructured interviews (Dawson, 2002; Mason, 2002; Merriam, 2009; Willis, 2006). Polonsky and Waller (2011) elaborate that the semi-structured interview gives the researcher an opportunity to collect in-depth answers that reveal the insights' of the participants. It allows the interviewer to explore more issues and unexpected information. Flick (2006) has also argued that the semi-structured interview is known as a specific method for reconstructing 'subjective theories' in which the interviewees have a complicated set of know-how regarding the study topic.

The expert interview is an extension of the semi-structured interview. In this type of interview, the interviewee is in the role as an expert in a particular field of knowledge rather than in her/his role as an individual person (Flick, 2006). As Meuser and Nagel (as cited in Flick, 2006) have emphasised, the expert is "integrated into the study not as a single case but as representing a group (of specific experts)" (p. 76). For this study, the participants involved were recruited through purposeful sampling techniques based on the fact that they are Lao experts working in the rights of women and children field and work in ASEAN and Lao institutions, as well as UN agency. Participants were selected because of their role. Their contact details were obtained from telephone directories and websites. The primary data for this research was semi-structured interviews with ten participants from organisations involved in the promotion and protection of the rights of women and children in the ASEAN, Lao institutions and UN agencies. The researcher sent consent forms to all participants involved in the research project ahead of time. All participants were informed about the research and their approval was obtained before conducting any interviews. The participants of this study were people who work in the field of the promotion and protection of the rights of women and children in the Lao PDR and are considered experts. Therefore, an interactive style of interview was needed, because

Elites respond well to inquiries about broad topics and to intelligent, provocative, open-ended questions that allow them the freedom to use their knowledge and imagination. In working with elites, great demands are placed on the ability of the interviewer, who must establish competence by displaying a thorough knowledge of the topic or, lacking such knowledge, by projecting an accurate conceptualization of the problem through shrewd questioning. (Rossman & Rallis, as cited in Patton, 2002)

As such an interview question guide (see appendix A) was used as a checklist to remind the researcher to cover all the main topics needed (Merriam, 2009; Patton, 2002). This list of

questions was prepared in advance before meeting with the participants. Ten participants were asked to verbally describe their experiences of working in the field of human rights, particularly the rights of women and/or children, with the focus on the ACWC's works. Each interview started with general questions about the participant's work experiences in the field of women's and children's rights, followed by more specific questions, and then moved on to their suggestions about the work of the ACWC to complete the interview. In order to increase the richness of the answers, probing questions were used (Merriam, 2009; Patton, 2002) according to the flow of the interviews. Follow-up questions were also asked reflecting on the responses of the participants that developed their thoughts and answers, as well as ensured the key points were not left out. Each interview lasted between 40 and 50 minutes, and was backed up by using a tape recorder as agreed to with the participants.

12 information sheets were sent to potential participants, of which 10 people chose to participate in the study. The individual interviews were done at different times and places that were convenient and agreed upon with the participant. The interviews were mainly conducted at their places of work place which were located in Vientiane, the Lao PDR, between December 2011 and February 2012. They occurred either during or after work. The table below shows the diversity of participants.

Nature of Organisation	Male	Female	Total
Women's	0	5	5
Children's	0	2	2
ASEAN	1	0	1
Human rights	1	0	1
UN agency	1	0	1
Total	3	7	10

Table 2. The interview participants

3.2.2 Participant Observation

Observation is often used for qualitative research (Silverman, 2001). The aim of observation is to collect firsthand data in a natural setting (Gerson & Horowitz, 2002; Merriam, 2009; Silverman, 2001). Thus Thomas (2003) has argued that observation can be direct when the observer immediately hears and sees what is occurring (Dawson, 2002; Thomas, 2003). In most cases, the main focus is what people actually do rather than what they think about what they do (Silverman, 2001). According to Patton (2002), variation in the observational data collection methods is “the extent to which the observer will be a participant in the setting being studied” (p. 265). Therefore, the observer’s engagement may vary from not participating in observed activities at all to a full participation with the people being observed (Atkinson & Hammersley, 1998; Creswell, 2009). Silverman (2001) emphasized the point that participant observation is an extension of the observation. It assumes that researchers must participate themselves in order to understand observed people (Dawson, 2002; Sanchez-Jankowski, 2002; Silverman, 2001).

For this research, participant observations proceeded throughout the three months of the fieldwork starting from December 2011 and finishing in February 2012. This involved observing the relevant formal and informal events taking place in the office of the LWU which is the ACWC representative’s workplace, and in the meeting and training venues in the Vientiane Capital, the Lao PDR and in Bangkok, Thailand.

Although I undertook this study as a student at Unitec, as a former staff member of the LWU working the women’s rights field, I also spent the months helping the LWU to prepare to host the 4th ACWC Meeting; this was held in Vientiane, the Lao PDR, from 16th to the 18th of February, 2012. There were 22 targeted people (18 females and 4 males) who were observed during the various consultation meetings for the preparation for the 4th ACWC Meeting. They were representatives of women’s organisations, children’s organisations and the ASEAN body in the Lao PDR to the meetings.

Moreover, I also had the opportunity to be selected as one of eight Lao observers at the 4th ACWC Meeting. As a Masters student who was collecting thesis data, I took this opportunity to do some participant observation as I could participate in the women’s rights representative’s group discussion on behalf of the representative’s assistant from the Lao PDR. Even though I

could not make any official comments in either the meeting or the group discussion, I could comment and make suggestions to the Lao PDR's women's right representative. In this regard, I could be a meeting observer, an assistant to the Lao PDR's women's rights representative and a researcher. So I took this opportunity to observe the actual works of the ACWC as well as the roles and responsibilities of the Lao PDR's representatives. I also had a good chance to discuss with some of the Lao PDR participants who were at the meeting as observers their vision and ideas about how women in the Lao PDR could most benefit from the country's membership of the ACWC and how the Lao PDR can most contribute to the development of the Commission. There were 10 key experts, who were representatives of women's organisations, children's organisations and the ASEAN body in the Lao PDR at the meetings, who I observed during their participation in the 4th ACWC Meeting.

Given my legal background, I also took the opportunity to be a participant of the Learning and Planning Workshop on Women's Access to Justice and Legal Pluralism which was held in Bangkok, Thailand between the 23rd and the 25th of February 2012; this was almost at the end of my data collection period. On this occasion, I was able to learn more about the regional programme, Women's Human Rights in Southeast Asia, which has been implemented by UN Women since 2004. The programme covers seven Southeast Asian countries including the Lao PDR. There were four Lao participants, who were representatives of women's organisations, legislative and UN agencies at the workshop; I observed their participation in the Learning and Planning Workshop on Women's Access to Justice and Legal Pluralism.

3.2.3 Document Analysis

According to Patton (2002), material culture, which includes documents and records, is a rich source of data. Using material culture can save both costs and time because it is, of course, cheaper than collecting primary data. Moreover, using data collected and produced by government agencies and international organizations provides a great deal of relevant (Creswell, 2009). information within the Lao PDR. Furthermore, Denzin (as cited in Patton, 2002) has argued that "full participant observation" encourages "a field strategy" which "simultaneously combines document analysis, interviewing of respondents and informants, direct participation and observation, and introspection" (p. 265). Therefore, the researcher is not only analyzing

information obtained from the interviews and participant observation notes but also utilizing relevant literature from researched organizations, for example reports, work plans, and strategies, in order to fill the gaps and points that may be left out during the interviews and observation process.

In this study, documents, including the publications and inputs from key expert participants' organisations involved in the project, were also used to fill the gaps that the researcher might have left out during the semi-structured interviews and participant observation.

3.3 Analysis of Data

3.3.1 Thematic Analysis

The combination of research methods used in this study as described above is also called triangulation. It is a process of confirming data by using multiple methods (Abercrombie, Hill, & Turner, 2006; Flick, 2006; Patton, 2002). In this research, triangulation also occurred by applying various methods, from the use of a mixture of secondary sources of data in the literature review and data obtained from key organizations, to the use of mixed research methods, namely semi-structured interviews and participant observation to generate a variety of data (Bryman, 2004; Davidson & Tolich, 2003; Mayoux, 2006; Patton, 2002).

In terms of data analysis, thematic coding analysis is a suggested method for qualitative research methods (Robson, 2011). Braun and Clarke (2006) have defined thematic analysis as a method for “identifying, analysing and reporting patterns within data” (p.6.) and define themes as “something important about the data in relation to the research question, [which] represents some level of patterned response or meaning within the data set” (p.10). Ritchie and Lewis (2003) also commented that thematic analysis is used to organize information and data into main emergent themes. These themes are then used as categories for further analysis, thus other new emergent patterns may occur (Bray, Lee, Smith, & Yorks, 2000; Dawson, 2002). Thematic analysis can also handle the large amount of data that can be obtained from a small number of participants as well as helping in identifying the themes within data gained (Myers, 2000). As such, a thematic analysis approach was employed as the main mode of data analysis in this study.

For this study, the following six steps of thematic analysis, adapted from Stirling (2001), Ritchie, Spencer, and O'Connor (2003), Braun & Clarke (2006), Sangasubana (2009) and Robson (2011) were used.

- *Step 1: Familiarisation with the field work data*

In this step, the interviews were transcribed and the participant observation notes were checked. These were then checked against the tape recorded material before sending them back to the participants in order to ask for clarification, addition, deletion and confirmation.

- *Step 2: Forming initial codes*

In the second step, the transcriptions were read through and emerging codes were highlighted in order to make sense of the data and invent possible emerging themes (Davidson & Tolich, 2003). Polonsky and Waller (2011) have also emphasised that coding for themes is an important means of analysing interviews because coding the data allows the researcher to engage with the collected data and to “seek meaning, connections and insights” (p. 160).

- *Step 3: Identifying themes*

The possible themes explored in step two were clarified in step three by comparing and contrasting in order to identify patterns and create possible connections between them (Davidson & Tolich, 2003; Ritchie et al., 2003; Sangasubana, 2009).

- *Step 4: Reviewing themes and constructing thematic networks*

At this stage, the data continued to be interpreted and defined as themes (Braun & Clarke, 2006). These refined themes went beyond the surface level of the data to the significant meanings, assumptions, conceptualizations and ideologies that shaped the data's content (Sangasubana, 2009). In addition, initial codes and themes were redefined and a thematic network of analysis (Robson, 2011) was developed.

- *Step 5: Integration and summarization of the thematic network*

The themes identified in the preceding steps were reviewed, renamed, redefined, and finalized (Ritchie et al., 2003; Robson, 2011; Stirling, 2001) in consultation with the

research supervisors. This formed the outline of the findings. At this stage, the quotations from the participants were carefully translated and inserted into each identified theme (Braun & Clarke, 2006).

- *Step 6: Constructing the outline of the findings and writing up the results*

The outline of findings was decided on and then the findings were written up purely in the way they are written in Chapter Four. Later on, these findings were made sense of in relation to the reviewed literature and theories; these results are discussed in Chapter Five.

3.3.2 Feminist Perspectives and Feminist Methodologies for International Relations (IR)

As emphasized earlier, an advocacy worldview approach gives a voice to the participants; it is also integrated with “the philosophical assumptions that construct a picture of the issues being examined, the people to be studied, and the changes that are needed such as feminist perspective” (Creswell, 2009, p. 9). Given that this study is about the points of view of people, particularly women, who work in organisations relating to the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) as well as women’s and children’s rights in the Lao PDR, feminist concerns more or less influenced the study. However, feminist methodology is not about female researchers studying women. Ramazanoglu and Holland (2002) argue that “feminist consciousness is not derived from a female body [therefore] women do not have a special claim to know gender. Those who are materially and socially more-or-less female do not necessarily fully share political interests or experience a common social/embodied existence” (p. 15)

In turn, Ussher (as cited in Flick, 2006) has commented that feminist research is focused on “a critical analysis of gender relationships in research and theory...an appreciation of the moral and political dimensions of research...and the recognition of the need for social change to improve the lives of women” (p. 76). Therefore this study focuses on the gender relationships in the institutions being studied and on the ways to improve their work, rather than the commonality between the researched and researcher as women.

According to Bhopal (2000) and Ramazanoglu and Holland (2002), there is no single research technique that can be named a feminist research methodology. However, feminist research has

important principles which are relevant to each stage of research. Firstly, “women’s lives need to be addressed in their own terms, using the language and categories in which women express themselves of define their own situation” (Bhopal, 2000, p. 70). In this regard, the words that female participants’ used in this study are not edited. The second aspect emphasised by Bhopal (2000) is that “feminist research should not just be on women but for women, to provide for women’s explanations of their lives which can be used to improve their situation” (p. 70). Therefore, the recommendations and suggestions of the women participants were carefully considered and included in Chapter Five (Discussion of Findings and Recommendations) of this study. The third principle is that “feminist methodology involves putting the researcher into the process of production, where the researcher can make explicit the reasoning procedures they utilized in carrying out the research and be self-reflexive about their own perception and biases which they bring to the research” (Bhopal, 2000, p. 70). As for this point, my views and prejudice are consistently discussed in Chapter Four (Presentation, Analysis and Discussion of Data).

Apart from studying the work of the ACWC as an institution, this study also involved aspects of International Relations (IR). Therefore, I have not only taken into account theories of gender and institutions, but also feminist methodologies for IR. According to Ackerly, Stern and True (2006), before the late 1980s the IR field was gender-blind. Over the following two decades, feminist scholars contributed to IR studies by mainstreaming gender theory into it. Thus IR scholars gain profits from those feminist scholars in terms of having more research methods and theoretical tools with which to study IR. Ackerly et al. (2006), argued that feminist IR methods consciously build on feminist methods from outside IR, its prior works and interdisciplinary areas of study. Thus there is no single standard methodology to carry out IR feminist research. IR feminist scholars employ various research methods in their studies, including interviews, ethnography, participant observation, oral history and discourse analysis (Ackerly et al., 2006). Cohn (2006) reinforces the point that participant observation is central to her investigation of “the world of defense intellectuals” (p. 95). Apart from spending time at various military sites and taking extensive field notes; she also observed lectures, seminars and conferences and wrote “detailed notes about what people said in their presentations, as well as how they framed their casual asides and conversations” (p. 95). She adds that her research methods also included formal interviews which allowed her to discover “invaluable perspectives that change[d] my interpretations of what I was seeing and hearing” (Cohn, 2006, p.96).

I also employed the approach described by Cohn (2006) as outlined above. I spent the three months in Vientiane, the Lao PDR, conducting my fieldwork; conducting 10 semi-structured interviews, in parallel with observations in various consultation meetings for the preparation for the 4th ACWC Meeting, as well as attending the Meeting itself as an observer. In addition to the data obtained in the Lao PDR, I also observed the Learning and Planning Workshop on Women's Access to Justice and Legal Pluralism in Bangkok, Thailand. These research methods allowed me to gain sufficient data to answer my main research questions as discussed in Chapters Four (Findings) and Five (Discussion of Findings and Recommendations).

Alongside the various research methods mentioned above, feminist scholars also pay special attention to “self-reflective discussions of the authors’ own feminist research methods applied” (Ackerly et al., 2006, p. 10). As stressed by Ackerly et al. (2006), “the distinctiveness of feminist methodologies inside and outside IR lies in their reflexivity” (p.4). As a researcher, my reflections about conducting this study are consistently raised, particularly in Chapter Four (Findings).

In short, for this thesis, all participants, particularly women, have had the ultimate right to express their ideas and concerns in their own terms. The suggestions for improving their work and situations were carefully listened to and analysed; and researcher self-reflexivity was woven throughout the research process.

3.4 Ethical Issues

Ethics is the philosophy of morality, and in this context, concerns the relationship between researcher and research participants (Sumner, 2006). The fundamental ethical principles in research with humans include do no harm; informed consent; the right to privacy; and confidentiality (Sumner, 2006). As a research student, I completed an ethics application which was reviewed by the Unitec Research Ethics Committee before undertaking data collection, in order to make sure that all related ethical issues are appropriately addressed and considered. As a staff member of the organization, the Lao Women’s Union, from which a staff member was assigned to be the representative of the women’s rights for the ACWC, I faced more or less the same ethical areas of concern as other researchers. Among those areas of consideration are voluntary participation, informed consent, confidentiality and anonymity, but also an additional

ethical issue of being both an ‘insider’ and an ‘outsider’. These are discussed in the following sections of this chapter.

3.4.1 Voluntary Participation

Even though participation in all research should be voluntary, involuntary participation can potentially occur. Research within the researcher’s workplace is one of the obvious examples. Due to the close relationship between researcher and participants, participants are aware that their answers might create some negative impact on their image and position (Polonsky & Waller, 2011). Therefore, voluntary participation requires informed consent in which participants are fully informed about the research process through the information sheet and the consent form (Trochim, 2006). For this study, all potential participants for semi-structured interviews received an information sheet and a consent form prior to making an interview appointment. The target group of participant observations were inform about my research project verbally prior to each meeting taking place.

3.4.2 Informed Consent

Informed consent is needed to ensure that participants totally understand all potentially negative consequences of their participation and also what the researcher requires from them (Polonsky & Waller, 2011). For this study, I also gained verbal agreement from the LWU to undertake this research within the LWU and some related organisations before commencing the study. In addition, I gained consent from various key experts who were interviewed, by sending the information sheet and consent form prior to the interview; they were translated into Lao (see appendix B for copies). Agreement to participate in this research was demonstrated by signing a consent form. In the information sheet, it was clearly indicated that consent might be withdrawn at any time. The completed consent forms from all interviewees were kept in the researcher’s locked cabinet at the researcher’s home. Only the researcher had access to them.

However, of the 12 potential participants who received consent forms, only 10 chose to participate in the study. Reasons given for not participating were too much work for a high ranking potential participant and also my tight time frame. One participant verbally agreed to participate in my research but due to her work she postponed our appointments twice. She was

finally available just on my departure date, so I could not interview her. The other potential participant who chose not to participate also did so due to the time frame of interview and high workload; she worked in a UN agency and offered a phone call discussion after eight o'clock at night instead of an interview. I considered that without her signature on the consent form I could not use the information she gave me as it would break ethical principles, so I declined her offer.

3.4.3 Confidentiality and Anonymity

The confidentiality and anonymity of the information disclosed by participants are among the most important ethical concerns. Therefore, all collected information from the research field was treated with strict confidentiality (Trochim, 2006). In the research information sheet, the participants were informed and reassured about their confidentiality. No individual person or organization is identifiable in this thesis. Access to the interviewed information was restricted to the researcher and supervision team only. Out of respect for the rights and confidentiality, and preservation of anonymity, participants related to this research will not be identified by their names, age or other information (Robson, 2011). Moreover, pseudonyms are used in the interview transcripts and field notes. All possible identifying features were removed. After transcription, the interview transcripts were sent to the participants for affirmation of their contents. These transcripts will be stored on a password protected file at Unitec for a period of five years. All recordings were destroyed afterwards.

3.4.4 'Insider' and 'Outsider'

As mentioned earlier, this study involved a certain level of conducting research in the researcher's own organisation; Mason (2002) refers to this as insider research. According to Trowler (2002), there are a number of ethical problems associated with conducting research in the institution in which the researcher is employed.

Insider and outsider are not straightforward terms. They are "complex and often shifting positions" (Haviland, Johnson, Orr & Lienert, 2005, p.11). In a particular setting, a researcher can be both insider and outsider because "we can occupy multiple positions simultaneously" (Haviland et al., 2005, p.11). As Cotner (2000, p. 2) has argued there are four types of researchers:

1. Indigenous insider, those who are members of the community they study.
2. Indigenous outsider, those who were once members of the communities they study, but through high levels of education or other circumstances are no longer considered members.
3. Non-indigenous insider, those who become accepted as insider.
4. Non-indigenous outsiders, those who remain outsider.

Dwyer, Jennifer and Buckle (2009) commented that “rather than consider this issue from a dichotomous perspective, [it is important to] explore the notion of the space between that allows researchers to occupy the position of both insider and outsider rather than insider or outsider” (p. 54) because there are both advantages and disadvantages to being a researcher who is both an insider and an outsider. I conducted my research in my own organisation and therefore had some familiarity with the organisations concerned; therefore, I tried to utilise some of the advantages of being an insider, whilst also being aware of its potential disadvantages. As Haviland et al. (2005) concluded:

Insiders may have long-held deep understanding of the world they work in; deep tacit knowledge of what works and what doesn't; considerable accrued 'practice wisdom' based on sometimes documented but often extensive undocumented 'evidence'; already been practising more or less successful evaluation of their work over many years without ever formalising it.

Insiders may be too biased to recognise the truth of matters; too struck to see ways of getting out of ruts; too invested to give up favoured way of seeing things; so caught up in busy daily practice and therefore unable to get reflective distance in order to see new discrepancies, or the contexts generating them. (p. 14).

In order not to compromise the tension between being insider and outsider, Acker (as cited in Dwyer et al., 2009) comments that “the insider-outsider question cannot be fully resolved and...perhaps it is necessary not to bring this issue to a close but to find a way to work creatively within the tensions created by the debate” (p. 62).

In my case, before I came to study in New Zealand, I was a staff member at the LWU for 12 years. I therefore knew the key staff in some of the institutions included in this study. As a staff member of the Women's Rights Department who has been working in the area of women's rights promotion and protection for more than a decade, there were some ethical issues to overcome regarding my standpoint as a researcher. In order to avoid bias from my own point of

view and to make sure that the research outcomes represent the viewpoints of the key informants, during the interviews I consciously held a researcher position rather than that of a staff member, colleague or friend. I also frequently emphasised their roles and work positions and my role now as a Master student who was collecting data for the thesis.

I found that some of the participants were more aware of my role as a staff member of the LWU rather than as a Masters student. I observed that while half of the participants commented that the ACWC in the Lao PDR should be the role of Lao NCAW, one participant (who is not from the LWU) said that it should be the role of the LWU. This made me wonder if some participant's comments in this area were influenced by seeing me as a member of the LWU.

Another example was that some participants agreed to contribute to this study by signing the consent form and giving me some printed and electronic files regarding their institutions, but refused to participate in the interviews. They said that they did not know much about the ACWC and were too busy for an interview; but they then talked about their organisation's work in such detail that it took more time than an interview would have. I wondered whether they wanted to participate in the research because they wanted to help me or wanted to influence the work of the LWU or to use this research as an opportunity to achieve their own organisation's research agenda. Again I wondered if their lack of willingness to answer questions about the ACWC was because of my role in the LWU. It seemed they emphasised their own organisation as a way of giving me a covert message about the importance of their organisation's work. In turn, I also wondered if they wanted to use my research to forge a relationship with me in order to form a link or influence the LWU.

As far as the potential conflict between the role as a researcher and a staff member of the institution being researched is concerned, Maruyama (as cited in Trowler, 2011) has suggested that the research should be conducted with "polyocularity" (p. 2), which involves researchers from 'inside' and/or 'outside' the organization being studied. In this regard, I also employed what Trowler (2002) calls "research with polyocularity" (p. 2) to my study. In this context, I worked closely with my supervisors who were 'the outsiders' in order to allow me, 'the insider', to see dimensions that had become normalized to me. I discovered that once I know the context of my research and organisation concerned quite well, somehow I take it for granted and tend to

explain things in a general way, with an assuming that the readers will also understand. For example, one of my supervisors asked if a paragraph in Chapter Four (Findings) was about reporting the participants' points of view regarding the suitable ACWC representative or if I was talking about myself and my qualifications for that position. I learnt that I needed to be more specific and careful in reporting what the participants said by putting their words in direct quotation to back up their ideas rather than saying something too general.

3.5 Research limitations

Despite the fact that this research might make several contributions, a number of limitations have been identified and considered as constraints. Firstly, the literature related to the ACWC was surprisingly scarce. The main source of secondary information was from the ASEAN's website.

Secondly, the primary data were collected from the end of 2011 to the beginning of 2012 which was not conducive to data gathering due to participants being busy with clearing their work schedules before and after the long holidays and Lao traditional festivals.

Thirdly, primary qualitative data collection was done by semi-structured interviews among Lao' experts, including policy makers among the government agencies concerned and UN agencies. A key challenge was making appointments with them. Some of them were reluctant to agree to an appointment and collaboration, especially for interviews that focussed mainly on the ACWC; a newly established Commission in their view. Some of them said that "I've heard about the ACWC but don't know much in detail". Some international organisations also replied verbally that "at national office, we don't know much. They might discuss a lot in the regional office". Some respondents further rationalised that they had no time for an interview of 45 minutes to one hour, but they gave me a lot of documents about their organisations and talked about them instead – often for longer than an hour. It would seem that some potential participants were uncomfortable about participating in the research and put off responding to my request for an interview until I was due to return to New Zealand. Some of them then gave very specific times that they could be interviewed once I could not make it. Fortunately, I overcame this constraint by approaching more potential participants than I needed for the study. As a result, I got enough

participants in time. However, as a result of the prevaricating described, I got less data than I would have like from UN agencies.

3.6 Summary

This chapter has outlined the methodological approach and methods used in doing this research, including philosophical worldviews and qualitative strategies of inquiry; the methods of data collection; and thematic analysis as a method of data analysis. In addition, some feminist perspectives, namely gender and institutional analysis and feminist methodologies for IR were also discussed. Furthermore, ethical considerations were also discussed; in particular the issues of voluntary participation, informed consent, confidentiality and anonymity. Lastly, I discussed the ethical issue of being both an ‘insider’ and an ‘outsider’ in this research.

The next chapter is about the analysis and presentation of the data obtained by applying all methodologies and methods discussed above.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND DISCUSSION OF DATA

Introduction

The previous chapter outlined the research methodologies that were employed in this study. It also described the research methods that were employed to gather data on the relationship between the Lao People's Democratic Republic (Lao PDR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC). This chapter presents the findings from the analysis of the data collected through the semi-structured interviews, document analysis and participant observation.

4.1 Knowledge about the ACWC

Even though the ACWC was inaugurated on the 7th of April 2010, almost two years later, most of the research participants interviewed about its establishment said that "it is a new body". Thus the level of knowledge amongst participants about the ACWC varied from extensive to superficial.

Of the ten participants, half of them said that they knew a lot about the ACWC and were actively involved with it. They could explain its objectives, organisational structure and its development phases. While the other half of the participants stated that they knew about it only at a very superficial level. Two participants explained that they had participated in an ACWC consultation meeting which was held in Vientiane, the Lao PDR, in 2011. Thus they knew about its establishment but they did not know about the Commission in detail. However, they could easily guess its main objectives from its name.

As one of them said:

During the ACWC consultation meeting, we are not the one who deeply considers about the ACWC because we are not the implementing organisation. After that meeting, they (ACWC representatives) never established any connection with us (Participant, semi-structured interview, personal communication, February 24, 2012).

Another participant who was working in the implementing position of an organisation said that she had only heard about it from her boss who attended said consultation workshop. Apart from its name, she knew little. She commented that:

I don't know much about its details. It will be better if you wait until my director comes back from her mission in the provinces, and then interview her (Participant, semi-structured interview, personal communication, January 12, 2012).

Later on she gave me some of her organisational structure and related documents, described her organisation and advised me to interview her boss who knew about the ACWC. This might be considered a hierarchy issue between the boss and the staff. However, I observed that she really did not know about the ACWC and tried to avoid an interview with me by suggesting I interview her boss instead.

This not only reflects the low level of knowledge about the ACWC of the research participants but also reveals that the quality of information being transferred from the consultation meeting back to the staff responsible for implementing it is low.

One participant who was working in a women's rights organisation said that he knew about the ACWC's establishment and objectives because his organisation had supported the ACWC's representatives to convene a consultation meeting in 2011. However, he commented that, after supporting that meeting, he did not hear more about the ACWC except hearing that "It is drafting its five year work plan now" (Participant, semi-structured interview, personal communication, February 9, 2012).

I observed that some donors and also some UN agency staff made the comment that there was not much information about the ACWC at the country level office; they agreed that there might be more information at their regional offices. Thus they might know more about it once those offices deliver them some more information (Participant observation field notes, personal communication, January to February, 2012).

The findings show that most participants who knew the ACWC well were in organisations that were working closely with ACWC. These included organisations representing the ACWC (ACWC's representative organisations); the ASEAN Department and International Law Project, in the Ministry of Foreign Affairs; and an active women's NGO that has been following

women's and the ASEAN issues closely. However, those who have been working in the promotion and protection of the rights of women and children field, but have not worked closely with organisations representing the ACWC, knew about the ACWC at a very superficial level. Thus they had no idea about how to link it into their strategies and workplans (Participant observation field notes, personal communication, January to February, 2012).

It is interesting to note that even among those experts who work for the promotion and protection of the rights of women and children, some of them do not know about the ACWC. It would be interesting to ask the wider public what they know about it. The answer might be more or less the same as the expert's. These observations also suggest that ACWC needs to work more on distributing information – both in terms of tools and in considering target groups.

4.2 Sources of Information Regarding the ACWC

It appears that those who knew the ACWC best gained their knowledge through the ASEAN. There were four participants who were working directly with ASEAN institutions and they knew about the ACWC very well because their information regarding the ACWC came straightly from the ASEAN.

Another three participants knew about the ACWC through their involvement in a consultation meeting which was held in the early stages of the establishment of the ACWC. The meeting was held in Vientiane and included the participation of some organisations working in the field. However, it appeared that, again, it was difficult to see how the information obtained in the meeting was transferred into practical ways of working in the organisations.

As one participant, who held an implementation position but was not a participant in the consultation meeting, said:

I heard about it from my director who used to be a participant in an ACWC's internal workshop since it was first established. I don't know much about its detail (Participant, semi-structured interview, personal communication, January 12, 2012)

I observed that apart from the ASEAN, which has transferred information regarding the ACWC to research participants, the consultation meeting held in Vientiane in 2011 was the main source

of information regarding the ACWC in the Lao PDR. The majority of my research participants referred to it as their primary source of information.

This also was confirmed by another participant who added that he knew about it because his organisation financially supported said meeting:

Our organisation was proposed to support the ACWC consultation meeting which was held at Lao Plaza Hotel last year, so I knew about it (Participant, semi-structured interview, personal communication, February 9, 2012).

Surprisingly, one participant who worked for an NGO said that she knew about the ACWC through the ASEAN Department, at the Ministry of Foreign Affairs. She elaborated that:

I got a phone call from ASEAN Department. They asked me about my work which directly related to the children's rights and invited me to be one of the observers from Laos to participate in an ACWC meeting in the Philippines. That was my first knew about ACWC. (Participant, semi-structured interview, personal communication, January 20, 2012)

She further explained that:

As for NGOs, there is 'Learning house' that disseminates all information related to our work in general. However, our organisation is located in the outskirts of Vientiane. We do not get ACWC information from them. (Participant, semi-structured interview, personal communication, January 20, 2012)

It is interesting to note that the ASEAN Department is another main source of information regarding the ASEAN and the ACWC. During my data collection, I had the opportunity to participate in a consultation meeting regarding Civil Society Organisations (CSOs) in the Lao PDR and the ASEAN which was held in February 2012. The meeting was organised by the Rural Training and Development Centre (RRDTC) and was supported by the South East Asian Committee for Advocacy. The Deputy Director of the ASEAN Department was invited to be the resource person for the meeting (Participant observation field notes, personal communication, January to February, 2012). This also shows a connection and good relationship between government agencies and CSOs.

4.3 Organisations representing the ACWC in the Lao PDR

As discussed in Chapter One, each ASEAN member country has to assign two people to work for the ACWC. While one is assigned to work for women's rights, another is allocated for children's rights. For the Lao PDR, a person from the Lao Women's Union (LWU) has been assigned to represent women's rights. Another person from the Ministry of Labour and Social Welfare (MLSW) has been assigned to represent children's rights. As such, I did not directly ask participants about which organisation would be suitable for representing the ACWC in the Lao PDR. However, the findings from both interviews and participant observations suggested that there were some issues around the organisations that were assigned to work for and represent the ACWC in the Lao PDR. There were two specific comments regarding this; firstly, that the organisation representing women's rights should be the Lao National Commission for the advancement of Women (LaoNCAW) instead of the LWU and the organisation representing children's rights should be the National Commission for Mother and Child rather than the Ministry of Labour and Social Welfare.

According to respondents, at the ACWC consultation meeting, some participants argued that the LaoNCAW should be the organisation representing the ACWC for three main reasons. Firstly, that the LaoNCAW is a governmental organisation that has been coordinating organisations that are involved in the implementation of CEDAW and the Beijing Platform for Action. Secondly, that the LaoNCAW is in charge of drafting strategies and work plans for women's advancement in the Lao PDR and this is similar to the work of the ACWC. Thirdly, as with other ASEAN bodies, the ACWC's representatives should be representatives of the ASEAN's governments. In this context, the LaoNCAW is the only state organisation promoting the rights of women in the Lao PDR and therefore it should be the LaoNCAW's role.

For example, one participant who works in a women's rights organisation commented:

Regarding ACWC consultation meeting which was organised at Lao Plaza Hotel last year, our organisation was also invited. However, as participants, we were not the main actor who clearly analyses it. We discussed what should this Commission be in our country. Some of the participants said that LaoNCAW is the one who is doing this job because its main task is the coordination among organisations concerned regarding the implementation of CEDAW and Beijing Platform of Action. Some of them also argued that the representatives of ASEAN

Committee should be someone from governmental organisation. While the government organisation who is working for the advancement of women in Lao PDR is LaoNCAW. Thus they commented like that. Nevertheless, LWU which has been working on behalf of Mass Organisations regarding the promotion and protection of the rights of women in Laos, it also has been coordinating with ACWC. So it doesn't matter who is in charge with ACWC. (Participant, semi-structured interview, personal communication, February 24, 2012)

During the 4th ACWC Meeting (held in Vientiane in February 2012), one participant working in a children's rights organisation commented that:

After finishing this term, our organisation will hand over this task to the National Commission for Mother and Child. I think it best suit their works. (Participant, participant observation field notes, personal communication, January-February, 2012)

However, one participant argued that the ACWC's representatives should not be limited to representatives from government sectors:

As for Lao PDR, they are from LWU and MLSW. I think it will be more suitable if one representative is from LWU while another is from Mother and Children Commission. That means one is from State and one is from non-state. If the representative who is responsible for women is LaoNCAW. That means both representatives are from the State organisations. (Participant, semi-structured interview, personal communication, February 1, 2012)

It is interesting to note that this participant perceived the LWU as a civil society or a non-state organisation, rather than a mass organisation. This reinforces a point discussed in the literature review that the LWU is not only known as a mass organisation (UN Women, 2012b), it is also seen as "a quasi-government mass organization" (UNIFEM East and Southeast Asia Regional Office, 2009, p.17) whilst some scholars also refer to the LWU as a civil society organization (Vixathep, 2011).

4.4 Overlap and Alignment Between the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children and the ASEAN Intergovernmental Commission on Human Rights

According to participants, the alignment between the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Intergovernmental Commission on Human Rights (AICHR) is an on-going discussion. However, the research participants did not make black or white comments regarding this; for example, they

did not comment that one Commission should be higher than another. One argument was that the “AICHR is the ACWC’s overarching organisation”. Another idea was that the “ACWC is the same level as the AICHR”. Two male participants commented that the AICHR should be an overarching organisation due to it covering all aspects of human rights, within which the rights of women and children are a subsection.

Because both the AICHR and the ACWC are working to promote and protect human rights, particularly the rights of women and children, some participants were concerned that there might be some overlap between both commissions. One participant explained the establishment of the AICHR and the ACWC by bringing us back to understand the ASEAN Charter:

According to article 14 of the ASEAN Charter, ASEAN will establish a Human Rights Body. Thus AICHR was established as the main body regarding human rights in ASEAN. The Charter also indicates that this is the only body responsible for human rights. AICHR is responsible for all areas of HR from policy to the work of each sector. It is overarching human rights body. However, in the Charter, its objectives and principles also extended to the establishment of ACWC which under the pillar of social and cultural. Furthermore, even some of ASEAN member countries have been a member of some important UN conventions, all 10 of them are members of CEDAW and CRC. Therefore area which ASEAN could have good cooperation is the area of promotion and protection of women’s and children's rights. Thus ACWC was established. (Participant, semi-structured interview, personal communication, February 1, 2012)

The participant extended the scope of work of the AICHR and the ACWC by linking them to the UN system. If we compare the situation to the UN system, then the AICHR is the UN Human Rights Council and the ACWC is a technical body like the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee. The participant believed that the AICHR and the ACWC are not competitive bodies, although they both work towards the same objectives.

In the UN system, Human Rights Council responsible as overarching body that deals with all aspects of human rights while there are technical bodies responsible specifically to each sector. For example, CEDAW committee is a technical body responsible for the women's rights. The Social, Humanitarian Cultural Affairs Committee (Third Committee) of the General Assembly also deals with Human Rights. That means each body at each level can deal with the same issue at different levels. Therefore, human rights couldn’t be given to only one organisation to work on but there should be many sectors to work for it. They

should divide their responsibility and cooperation which is based on a consensus principle. Each body will contribute and fulfill each other in order to achieve the human rights goals. (Participant, semi-structured interview, personal communication, February 1, 2012)

He further added that the AICHR focuses on a policy level; it carries out such work as setting the policy framework which guides the levels and forms of human rights interaction in the ASEAN and others, whilst the ACWC focuses on technical work - on the activities which promote and protect the rights of women and children.

Similarly, another participant also commented that the AICHR is a Human Rights Commission; it covers all aspects of human rights. Thus the ACWC was set up in order to deal with the rights of women and children specifically:

AICHR is a body for Human rights in general, the rights of many sectors in the society. The rights of women and children are included but not so specific. In order to be specific to only the rights of women and children, ACWC was set up. (Participant, semi-structured interview, personal communication, December 22, 2011)

A different participant also reinforced that:

AICHR is the ASEAN mechanism which covers all aspects of human rights. It includes the rights of both male and female, children, vulnerable people, disabled people, migration and ethnic people... It is the right of humanity. While ACWC specifically focuses on the promotion and protection of the rights of women and children. Thus it was highlighted and was not covered by other issues. (Participant, semi-structured interview, personal communication, February 29, 2012)

Participants were also concerned about the structure and hierarchy of the AICHR and the ACWC. As one of them commented,

The only issue between them is their alignment. It doesn't mean that AICHR is higher than ACWC... AICHR is general body while ACWC is specific technical body... it doesn't mean that ACWC is under AICHR. (Participant, semi-structured interview, personal communication, February 1, 2012)

The same respondent further explained by making another comparison to the UN system:

So do CEDAW Committee doesn't report to the UN Human Rights Council but when there is the UN Human Rights Council meeting, the president of CEDAW Committee might attend and share some information regarding its own work. AICHR and ACWC should be the same and they should coordinate each other. ACWC focuses on the rights of women and children while these rights are also

considered by AICHR. That means if there is an AICHR meeting, the president ACWC might comment or inform the meeting about its work. AICHR might comment or suggest according to the alignment of the ASEAN Human Rights principles or ASEAN frameworks. (Participant, semi-structured interview, personal communication, February 1, 2012)

While many respondents avoided commenting on the alignment between the AICHR and the ACWC, one participant commented that:

It depends on your working perspectives. In order to highlight the rights of women and children it would be better if ACWC is independent. However, it's unavoidable to work cooperatively. AICHR should support ACWC and ACWC should also support AICHR because if ACWC succeeds that means AICHR also succeeds. (Participant, semi-structured interview, personal communication, December 22, 2011)

4.5 Potential Benefits to the Lao PDR

The key area in which participants believed the Lao PDR would benefit from membership of the ACWC was in technical support and assistance in increasing staff members' knowledge and capacity and the provision of advice.

One participant commented that:

It is my hope that ACWC will help every member country in term of experience exchange. Once a member country has strong points, it will share with other countries. For example, helping in the CEDAW report drafting or helping with some activities regarding the promotion and protection of the rights of women and children once a country requests for. Furthermore, I also believe that this commission will help countries that have less opportunities. For instance, when there are some budgets available, each country needs to draft its proposal to ask for financial to support activities in its own country. This is a big challenge for developing country who has less capacity to draft a good proposal. Without understanding and supporting from strong countries, there will be only country who has a lot of experience regarding proposal drafting and has a high level of English access to those available funds. (Participant, semi-structured interview, personal communication, December 22, 2011)

The participants pointed out areas in which the Lao PDR would benefit from technical support and assistance that they thought the ACWC could provide. Among these was the support for the women and children's shelter:

Shelter for survival of human trafficking and domestic violence is another area that we need help due to the fact that we still do not have a full functional shelter. It is a plan to bring all participants of the Fourth ACWC Meeting to visit the LWU Counselling and Protection Centre for Women and children. I do hope that they will help to contribute their technical assistant as well as financial support to improve this Centre. (Participant, semi-structured interview, personal communication, December 22, 2011)

According to participants, after the ACWC was established, its representatives had good opportunities to learn from each other and also opportunities to obtain advanced knowledge from various study tours in Europe and the United States. Thus they learnt about the human rights systems in their own region as well as in others.

In addition to the study tour, participation in the various ACWC meetings also allowed representatives to refresh their English, learn about the process of drafting a work plan and get used to the ASEAN working system.

As one participant, who was working for a donor agency, pointed out:

Once the representatives have learnt from ACWC, they will bring back their knowledge and experiences. Then they will contribute to the work of their organisations, for example, drafting their strategies, work plan as well as organising the meetings (Participant, semi-structured interview, personal communication, February 9, 2011).

Some participants highlighted that when ASEAN member countries gathered together and established the ACWC and the AICHR, they would have more networking and collective power.

As one participant commented:

If ASEAN member countries have the same voice regarding human rights issue including the rights of women and children. They will support each other so they will have more collective power at the international level. When we have more support from ASEAN member countries, it would be easier to compete with other regions in term of funding. (Participant, semi-structured interview, personal communication, February 9, 2011)

According to participants, the ACWC could facilitate a strong network between the ASEAN member countries in terms of information sharing regarding violence against women, women's migration and human trafficking. Optimistically they believed that once something wrong

happened in a member country, the country would send that information and ask for cooperation amongst them.

The participants also explained further that, ideally, once member countries know each other better, including strengths and weaknesses, then they will ask for and offer help among themselves. Thus networking will also support the ASEAN member countries in terms of capacity building and technical support.

The majority of respondents also made a link between the ACWC and better access to financial support. They believed that once the ASEAN member countries collect together in order to work hard on the promotion and protection of the rights of women and children, there will be some NGOs, donors and companies willing to support this kind of work; and therefore there will be more opportunities to access funding organisations. However, strong ASEAN member countries need to consider their weaker countries, as one female participant argued,

In order to reduce the gap between ASEAN member countries and build ASEAN community in 2015, the strong countries should not only think of its own country. They need to look at every member countries, particularly some weaker countries. We need not only technical support but also financial support. (Participant, semi-structured interview, personal communication, December 22, 2011)

4.6 Potential Contributions of the Lao PDR to the ACWC

Most of the research participants agreed that information sharing was a key area in which the Lao PDR could contribute to the ACWC. This ranged from general statistics regarding the promotion and protection of the rights of women and children, to more specific areas such as violence against women, women's migration and human trafficking.

According to the participants, another area in which the Lao PDR could contribute to the ACWC was sharing good practice. In this regard, the majority of the participants responded that the Lao PDR had often been a 'good party' to a number of UN Conventions. As a participant who worked in an organisation involved in international law commented,

Regarding the acknowledgement of the international obligations. Lao PDR takes its responsibilities seriously. For example, the submission of the CEDAW report and the implementation of the CEDAW Committee suggestions. The report

submission is quite good, not too late. (Participant, semi-structured interview, personal communication, February 1, 2011)

One participant who worked in a women's organisation added that:

Recently, we also organized a CEDAW good practice at Lanxang hotel. We have done the Seventh CEDAW report and now preparing for the Eighth and Nineth. While some countries still have not done any report yet. (Participant, semi-structured interview, personal communication, February 29, 2011)

However, the quality of the report also needs to be considered by looking at CEDAW Committee recommendations as discussed in Chapter Two (Literature Review).

As pointed out by many respondents, another area that this research participant considered that the Lao PDR could contribute to the ACWC is good practice in terms of gender integration and mainstreaming into various areas, particularly the government sector and line Ministries as well as at provincial, district and village levels. Regarding the promotion and protection of the rights of women, there are three main organisations responsible for gender mainstreaming; the LWU, the Lao NCAW and the Women Parliamentarian Caucus. As a result, there are relatively high numbers of women in political and leadership positions, as shown in Chapter One.

Some participants added that the Lao PDR has also approved specific laws regarding the promotion and protection of the rights of women and children; namely, the Promotion and Protection of Women Law and the Protection of the Rights and Interests of Children Law. The Lao PDR has good practice in terms of dealing with conflicts and disputes at the village level. There is a Village Mediation Unit (VMU) in each village and in each one there is at least one Village Women's Union representative.

Apart from protecting women and children in terms of the legal framework, participants also comment that the Lao PDR also protects women's lives by helping them to eliminate poverty; for example, through work experience and training in microfinance operation at the village level. Lao women are also considered to be lead agents of cultural presentation and preservation; traditional weaving is an area of strength for the Lao PDR.

In terms of child protection, one research participant also raised an important area of her organisation's expertise which could be shared with other ASEAN member countries as well as the ACWC.

We are expertise in TOT (Training of Trainer) for child participation (normal children and disable children); child centered teaching method, children reading support, children mobile drama team (which acknowledged by Japan and Sweden). IEC material for awareness raising particularly by using a poem, short story, song, drama, poster. (Participant, semi-structured interview, personal communication, January 20, 2011)

4.7 Difficulties and Obstacles for the ACWC

According to participants, at the ASEAN level, a variety of representatives impaired the work of the ACWC in the early stages. This was partly due to the fact that because there are two representatives of the ACWC from each ASEAN member country, they are all quite different in terms of cultures and working positions, as well as working experience. As a participant, who worked in a women's rights organisation highlighted:

It's a new body. Its representatives are from different cultures. Some of them have much more knowledge, experiences and position than others. So it takes time for consulting and for making things in common. For example, the ACWC was inaugurated since April 7th 2010 in the ASEAN Summit in Hanoi, it planned to open the first meeting in June 2010 but it was impossible. It was postponed until 2011.... The representative of Malaysia is the vice minister level..... The former representative of Brunei was also the vice president level but they assigned a new person already..... As for Thailand, one representative is also a retired personnel who used to work in a high level as well as used to work in New York work for UN CEDAW committee for a long time..... If we utilize these differences to support each other it would be good but if they use their knowledge, experiences and position to control the weaker it will create some more difficulties. (Participant, semi-structured interview, personal communication, December 22, 2011)

Similarly, one participant who worked in a human right's organisation commented that:

Due to ACWC's representatives are various some are from government agencies while some are from CSOs. For those who are from the government, they might think in the government way. For those who are CSOs, they might have broad idea...Sometimes might be too broad in which ASEAN might not able to accept it. If compare to AICHR, ACWC has more variety of the representative so sometimes these variety effect the decision made by the ACWC including the

coordination with AICHR and outsiders. (Participant, semi-structured interview, personal communication, February 1, 2012)

Of the ten research participants, four said that there is no clear direction and guideline for the ACWC's works in the Lao PDR. They commented that one reason why there is no progress on the work of the ACWC in the Lao PDR is because the ASEAN-level work plan is still in process and therefore they are not sure which direction and area the ACWC will focus on. As one female participant said:

It's new body. We still don't know the direction of our country even at the ASEAN level its five year work plan is still drafting not yet officially approved. It's new so less people know it. It's difficult to coordinate and cooperate. We don't know how to link to concern organizations. (Participant, semi-structured interview, personal communication, December 22, 2011)

As the ACWC is recently established, the majority of the participants commented that the ACWC also lacked acknowledgment at a high level in society as a whole. As one participant highlighted, "It's new and still learning. Still lack of acknowledge by the high level and public" (participant, semi-structured interview, personal communication, February 1, 2012). Others supported this, saying that "apart from the respective leader of the representative organizations and some specific organization concerns, very few people know it" (participant, semi-structured interview, personal communication, February 1, 2012).

One participant commented that:

Due to its new establishment, there was a lack of acknowledgement among society as a whole. There was only concern organisations at central level know about it while the provincial, district and village levels do not know about its roles and significance of this Commission. (Participant, semi-structured interview, personal communication, February 9, 2012)

These statements were also reinforced by a participant in an implementation role; she said that she had only heard about the ACWC from her director and did not know much in detail.

Two participants working in women's and children's rights commented that even though their organizations work in the field they are not much involved in the work of the ACWC, And, since early 2011, have only participated in the consultation meeting; afterwards they did not work

further together. According to my observation field notes, this might lead to the concerns about a lack of cooperation and support from organizations.

Lack of a strong coordination between the LWU, the Lao NCAW, the Women Parliamentarian Caucus, the National Commission for Mother and Child (NCCMC) and the MLSW is another concern. As one participant commented, the “ACWC is also still not sure about its roles regarding working with those organizations” (participant, semi-structured interview, personal communication, February 9, 2012).

Another participant commented that:

I know it only a superficial level due to UN Women regional office invited an alternate representative of AICHR to attend a workshop in Jakarta. I was coordinator but never consult and work together only regional office knows it well. It is a new framework, not yet open to other organizations to participate. Regional office might access to its information but not the national level. (Participant, semi-structured interview, personal communication, February 1, 2012)

As the Lao PDR was new at hosting the ACWC meeting, it paid more attention to organizing the meeting in terms of the venue for the meeting and accommodation for participants than the meeting contents. A participant criticized this by saying:

Even though the President and Vice-President of ACWC are responsible for the agenda and content which will be discussed in the meeting, each participant also needs to prepare for some main points they need to insert in the draft of the ACWC work plan. (Participant, participant observation field notes, personal communication, January-February, 2012)

Another observer added that

In terms of meeting content, not only prepare for this meeting (which Laos is hosting). They should prepare for every ACWC meeting in advance. They may need to consult their high level leaders as well as ASEAN department before going to participate in any ACWC meeting. After all, they need to report back to them. So those leaders could follow up and closely direct the work of ACWC. (Participant, participant observation field notes, personal communication, January-February, 2012)

Another participant commented that this may not be straight forward because:

Apart from one representative who is assigned to work for the ACWC, there is no further supporting staff. We need to utilize some of our staff who also have plenty of work to do. Lack of staff who are expert in Laws, particularly law that relating to the protection of women and children's rights. As other countries, they have representatives who have a lot of experience, high English level and specialise in a certain field of work. As for our country, just have someone to work for it. (Participant, semi-structured interview, personal communication, February 29, 2011)

My participant observation field notes during the period before and during the 4th ACWC workshop in Vientiane support this. I found that both the women's rights representative and the children's rights representative not only have full time jobs in their organisation, but must also deal with their additional job as the representative of the ACWC in the Lao PDR. They were therefore overwhelmed with work.

The representatives confirmed that it could be difficult to manage both roles and they needed to allocate working time to deal with both their routine jobs and their work for the ACWC. One of them further commented that:

The same as some ASEAN countries, the representatives are not only assigned to work as ACWC's representatives but also deal with their works in their organisations. We cannot focus only ACWC work. (Participant, semi-structured interview, personal communication, December 22, 2011)

4.8 Future Roles of the ACWC in the Lao PDR

Most of the research participants highlighted that the main role of the ACWC in the Lao PDR was to act as a database in terms of the promotion and protection of the rights of women and children. It should gather all the information for the various organisations in one place - the ACWC office. This should include both internal information and external information from other member countries.

One participant, who worked in a women's NGO added that

It should include data mapping which indicates who is doing what and where are they working. ACWC should collect as much as information regarding women's issues such as trafficking, domestic violence, violence against women or gender

based violence...and frequently updated. (Participant, semi-structured interview, personal communication, February 16, 2011)

As the ACWC representatives of the Lao PDR, the research participants expected them to coordinate between the ASEAN member countries and the Lao PDR in terms of the promotion and protection of the rights of women and children. Most of the participants commented that the ACWC should represent the needs of Lao women and children. It should bring their problems and needs to the ASEAN stage and ask for assistance and support from other ASEAN member countries. Some of them added that the ACWC will not be an implementing organisation but rather will serve as a bridge between the ASEAN and the Lao PDR.

Apart from coordination at the ASEAN level, the participants also suggested that the ACWC's representatives coordinate relevant organisations within the Lao PDR. As one female participant who worked for a women's organisation commented:

ACWC should coordinate among concern organisations in order to gather information, consult, planning and find out way for implementation. (Participant, semi-structured interview, personal communication, February 29, 2011)

4.9 Suggestions on how to Improve the Work of the ACWC in the Lao PDR

According to participant's suggestions, in order to improve the work of the ACWC in the Lao PDR, some key points needed to be focus on. They are as follows:

Most of the participants suggested that in order to promote the ACWC to relevant organisations and the public, the ACWC should promote itself by distributing as much information as possible to said organisations, civil society and the wider society as a whole. As one participant who worked in a women's rights organisation said, "We should disseminate [the] ACWC's information to concern organizations and public as much as we can. This would take off by translating ACWC's Term of Reference (TOR) and distributing to wider society". (Participant, semi-structured interview, personal communication, December 22, 2011)

According to four participants, because the ACWC is a recently established body, it would be useful to have clear guidelines from the top; when compared to the AICHR, the ACWC is not yet well known at Ministerial level. Some participants commented that "Of course Ministers of

concern organisations knew it but it should be wider than that. How to make AMM (ASEAN Minister Meeting) understand and acknowledge the ACWC and consider ACWC positively”. (Participant, semi-structured interview, personal communication, February 1, 2012)

Four research participants suggested that there should be an office for the ACWC in the Lao PDR. This office should serve as the ACWC’s secretariat. The respondents further suggested that, due to the representatives both working for their own organisation and the ACWC, they needed to allocate time to both positions. As a participant commented:

Apart from working in their offices, we need to have a specific office for ACWC in which we can take turns to work in. We might work here once or twice a week. So we will have enough time to focus on ACWC. At the same time people will know that there is ACWC’s office in Lao PDR. That will be easier for people to access to its information as well as coordinate and work with ACWC. (Participant, semi-structured interview, personal communication, December 22, 2011)

Respondents commented that apart from two assigned representatives, there should be enough qualified support staff who work as ACWC secretaries as well as being trained to be future ACWC’s representatives.

These should not only support staff but also the coming next representative of ACWC in our country due to each representative has his/her term. Among them one person has four years and a half term, another person have three year term. In our case, the term of the representative who is responsible for the rights of women has four years while the one who is responsible for children’s rights has three year term. As some other countries, they start to train their next representatives by bringing them to learn from the actual work of ACWC. As we have seen some of them participated in the ACWC’s meeting as the observers and supporting staff for their representatives. (Participant, semi-structured interview, personal communication, December 22, 2011)

According to respondents, as a result of the previous point, the Lao PDR should select suitable representatives and support staff to work for the ACWC in the next term. One participant commented that, “The representative should be someone in the middle position, not so low and not so high (department position), so it will be easy to coordinate with concern organisations”. (Participant, semi-structured interview, personal communication, December 22, 2011)

Several of the participants from different organisations commented that the future representatives should be people who speak English well, have a legal background – particularly in law that

relates to women and children, and has some knowledge of the CEDAW and the CRC as well as some experience in this field. In addition, they need to be trained to understand the ACWC and its work prior to actually being a representative. In this regard, they should start working with the ACWC as support staff so that they have the opportunity to participate in ACWC meetings. Thus they can learn from the ACWC's day to day work.

Most participants strongly suggested that after the ACWC five year work plan is officially approved, the Lao PDR should link the work plan with the work plans of the relevant organisations. Thereby ensuring that the ACWC five year work plan is actually implemented in the Lao PDR. At the same time, these organisations will be able to access technical and financial support.

The majority of the participants commented that the ACWC in the Lao PDR should serve as a coordinator. It should pull all relevant organisations who are working in the field of the rights of women and children together. In this regard, the ACWC can gather all information regarding these organisation's work and be able to draw a working map as well as establish a strong network between them. This would help in drafting policy, strategy and work plans as well as their implementation.

Once such a connection was established, the ACWC should hold regular consultation meetings of its network. Most participants suggested that there should be regular consultation meetings (monthly, trimonthly, six monthly and yearly).

In addition to organising consultation meetings, most participants advised the ACWC to organise various kinds of capacity building sessions for its representatives, support staff and people who work in the women's and children's rights field. These should include training and workshops which focus on proposal drafting, negotiation skills and English.

Apart from working closely with relevant organisations in the Lao PDR, key informants also suggested that the ACWC continue working closely with particular ASEAN member countries that share common problems, in order to submit proposals to donor agencies or raise funds to work on common issues at the ASEAN and country levels. One participant who worked in a women's rights organisation commented that:

ASEAN member countries should not compete with each other in order to gain as much as budget to its own countries but it should help the weaker countries and reduce the gaps between them in order to build ASEAN community in 2015. (Participant, semi-structured interview, personal communication, December 22, 2011)

The majority of participants commented that the AICHR and the ACWC should agree that the AICHR is an overarching body, while the ACWC is a specific technical body. They argued that “It doesn’t mean that [the] AICHR couldn’t work for the rights of women and children. AICHR can work too but it should coordinate with each other. While AICHR focuses on the policy level. ACWC should focus on the actual work of promotion and protection the rights of women and children” (participant, semi-structured interview, personal communication, February 1, 2012).

In addition, many participants also suggested that the ACWC work closely with the AICHR and the ASEAN department because the AICHR is an overarching body while the ASEAN is a supervised body who deal with ASEAN and foreign affairs policies and frameworks. As a participant who is working at the policy level regarding ASEAN commented:

Both AICHR and ACWC should coordinate and understand each other. They should follow the same directions because they work on behalf of the government under the ASEAN framework. That means they both should follow the same direction as ASEAN policy and framework. At country level, Ministry of Foreign Affairs is the main body that supervises all concern organizations in order to make sure that foreign policy and ASEAN principles and frameworks are followed. (Participant, semi-structured interview, personal communication, February 15, 2012)

According to the majority of participants, the ACWC in the Lao PDR should continue working closely with UN and other donor agencies, namely, UNICEF, UNDP, Oxfam Novib, CARE International, PLAN International and GDG as potential donors.

They also suggested that the ACWC should work proactively in terms of presenting itself to relevant organisations and the public. At the ASEAN level, the Lao PDR representatives should actively share information, discuss and negotiate with other member countries in terms of asking for help and assistance, as well as offering its support. As one participant who worked in a children’s rights NGO commented “ACWC should be proactive in finding funding to support the work of women’s and children’s rights” (participant, semi-structured interview, personal communication, January 20, 2012).

SUMMARY

Chapter Four has presented data that was gathered from a field trip to the Lao PDR during the period of December 2011 to February 2012. A number of themes emerged through the findings including: knowledge about the ACWC; sources of information regarding the ACWC; organisations in charge of the ACWC in the Lao PDR; overlapping and alignment between the ACWC and the AICHR; potential benefits to the Lao PDR of the ACWC; potential contributions of the Lao PDR to the ACWC; difficulties and obstacles of the ACWC; future roles of the Lao PDR; and suggestions on how to improve the work of the ACWC. The next chapter discusses these findings by reflecting on the themes in the context of the current literature (as outlined in the literature review in Chapter Two).

CHAPTER FIVE

DISCUSSION OF FINDINGS AND RECOMMENDATIONS

Introduction

This chapter seeks to address the main research question “How can women’s organisations most benefit from the Lao PDR’s membership of the ACWC and how can the Lao PDR most contribute to the development of the Commission?” by discussing the findings presented in Chapter Four. This chapter provides an analysis and discussion of the key findings within the context of the literature reviewed earlier. There are also several emerging themes that are addressed along with some recommendations.

5.1 Knowledge about the ACWC and the Sources of Information

Before examining how women’s organisations in the Lao PDR can most benefit from the country’s membership of the ACWC and how the Lao PDR can most contribute to the development of the Commission, we should first consider how much knowledge people have about the ACWC and through what channel they got that information.

In this regard, the findings suggest that two years after its establishment, the ACWC is still not well known by the core representing and implementing organisations including some CSOs and UN agencies. In addition, the level of knowledge about the ACWC of those key experts is also varied. While some of them reported that they knew the ACWC very well, others indicated that they did not much know about it. It would be reasonable to believe a similar or lower level of knowledge about the ACWC exists within the wider public.

In terms of the source of information regarding the ACWC, the findings revealed that after the ACWC was inaugurated in 2010, its first information distribution in the Lao PDR was through a consultation meeting among relevant organisations working to promote and protect the rights of women and children. The meeting was supported by UN Women and held by the Lao Women’s Union in Vientiane in 2011.

Another main source of information is the ASEAN Department. The results from both the interviews and participant observations suggested that CSOs have access to information about the ASEAN and the ACWC through the ASEAN Department. The Department's personnel were invited to be the meeting's resource people; for instance, for the consultation meeting which was organised by the Rural Training and Development Centre (RRDTC) on the topic "the CSOs in the Lao PDR and the ASEAN" which was held in February 2012. The same thing happened to the ACWC representatives, as they were also invited to be resource people for a CSO meeting in order to update them about the ACWC's progress. This is an indicator of the connection between the information holders and CSOs.

Apart from these consultations and meetings, the ACWC information is also provided on the ASEAN's website (<http://www.aseansec.org/ACWC.htm>). However, not everyone knows about it or has access to it. Moreover, it is not in Lao and is not available on Lao websites, including the famous website of a Lao scholar, titled "the Coalition for Lao Information, Communication and Knowledge" (<http://www.lao44.org/>).

These results not only indicate that few people know about the ACWC, they also show that not many channels are used to distribute information regarding the ACWC. Thus, the ACWC should work harder on information distribution in terms of tools as well as target groups.

5.2 Organisations Representing the ACWC in the Lao PDR

It is somewhat surprising that the findings from both interviews and participant observations suggest that there are issues with organisations that are assigned to work for and represent the ACWC in the Lao PDR. Both representatives of the Lao PDR, one from the Lao Women's Union (LWU) and another from the Ministry of Labour and Social Welfare (MLSW) were appointed in 2010. Later on, the new representative on children's rights, who was also from the MLSW, was reappointed in the ACWC's third meeting in September 2011. Some participants commented that the LWU and the MLSW should not be representatives of the ACWC in the Lao PDR. Instead they believe that the LaoNCAW should represent women's rights. They believed that the LaoNCAW is a governmental organisation that has been working as a coordinator among organisations regarding the implementation of the CEDAW and the Beijing Platform for Action. In addition, it is also in charge of drafting strategies and work plans for women's

advancement in the Lao PDR which is similar to the work of the ACWC. Some of them added that, as other ASEAN bodies, the ACWC's representatives should be assigned on behalf of each respective government in the ASEAN. The LaoNCAW is the only State organisation working for the promotion of the rights of women in the Lao PDR; therefore, the LaoNCAW should be the ACWC representative. In the same vein, some participants also commented that, rather than the MLSW, the National Commission for Mother and Child (NCMC) should be the ACWC representative on children's rights.

In contrast, another participant argued that the ACWC's representatives are not only limited to the government sectors. Apart from government agencies, representatives of some of the ASEAN member countries are also from other organisations. This argument is supported by the list of the representatives to the ACWC shown in Chapter One. It demonstrates that apart from working for a government organisation, some of them are working in foundations, federations and universities. Therefore, coming from the government or state sector is not a limitation of being a representative to the ACWC. As one participant commented, "It doesn't matter who is in charge with [the] ACWC. It does matter what we should coordinate among ourselves" (participant, semi-structured interview, personal communication, February 24, 2012).

Interestingly, the above idea was supported by the children's rights representative's organisation who said that "After finishing this term, our organisation will hand over this task to the National Commission for Mother and Child. I think it best suit their works" (participant, participant observation field notes, personal communication, January-February, 2012).

However, the terms of reference of the ACWC states that "The subsequent Chair and Vice-Chair shall be rotated among ASEAN Member States on an alphabetical basis. The rotation of Chairmanship and Vice-Chairmanship shall follow an opposite cycle" (ASEAN Secretariat, 2009c, p. 10). According to a representative of the Lao PDR, at present the Chair is Thailand's representative on women's rights and the Vice-Chair is Indonesia's representative on children's rights. Thus the next Chair might be the Vietnam representative on women's rights and the Vice-Chair might be the Lao PDR's representative on children's rights. However, the terms of reference allow for each representative to serve a term of three years, therefore the term of the Lao PDR's representative on children's rights will finish in 2013. If there is an intention to hand

the ACWC representation to the NCMC, then in order to provide continuity for the work of the ACWC in the Lao PDR, particularly on the work of children's rights, the next representative on children's rights needs to be involved and trained to be both the next representative and the next Vice-Chair of the ACWC in advance. Otherwise, the Lao PDR needs to ask to be consecutively re-appointed for another additional term or the Lao PDR may "forgo its turn" (in either women's or children's rights) (ASEAN Secretariat, 2009c, p. 10).

5.3 Alignment and Overlap Between the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children and the ASEAN Intergovernmental Commission on Human Rights

The results of this study also indicate that alignment between the ACWC and the AICHR is still an on-going discussion, even though the research participants skipped making black or white comments about this area. However, there are two main arguments arising from the research participants. The noticeable one is that the AICHR is ACWC's overarching organisation due to the AICHR covering all aspects of human rights, within which the rights of women and children are a subsection. Meanwhile, another argument is that the ACWC is at the same level as the AICHR due to both the AICHR and the ACWC both being ASEAN Commissions. These two arguments point to the overlap between these two Commissions; both of them are working for the promotion and protection of human rights, although the ACWC is more focused on the rights of women and children.

In regard to these points, a link to the UN system was made by research participants. The AICHR is inferred to be equivalent to the Human Rights Council, which is responsible as the overarching body that deals with all aspects of human rights, while the ACWC is inferred to be the equivalent of the CEDAW committee, as the technical body responsible for women's rights. Thus, the AICHR and the ACWC are not competitive bodies. The research participants commented that the only sticking point is the coordination between them; "They should divide their responsibility and cooperation which is based on a consensus principle. Each body will contribute and fulfill each other in order to achieve the human rights goals" (participant, semi-structured interview, personal communication, February 1, 2012).

However, some participants also suggested that the ACWC is at the same level as the AICHR. Some of the participants suggested that it would be good to highlight the promotion and

protection of the rights of women and children by separating the ACWC from the AICHR. When looking at other regions, the European system has no separate Women's Rights Commission, women's human rights are protected under the European Convention for the Protection of Human Rights and Fundamental Freedoms (Fottrell, 2010). Similar to the European system, Africa has no separate Commission for women's rights; women's and children's rights are covered under the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child (Murray, 2010). However, the Inter-American Commission of Women was established in 1928 through a resolution of the 6th International Conference of American States. It was 'the first inter-governmental agency established to ensure recognition of human rights of women' (OAS, 2012).

Feminist scholars critique that it is simply not enough to "add women and stir" (Nannerl Keohane as cited in Whitworth, 2006); this is one of "the pitfalls of a superficial approach to gender and equity" (Perkins, 2010, p. 1). In the case of the ACWC, feminist scholars would argue that it is not enough to simply add the rights of women and children under the AICHR. In order to avoid the 'add women and stir' syndrome, feminist scholars suggest enhancing women's participation through creating "enabling environments". As Kardam (2005) has commented, enabling environments would possibly be favorable to women's empowerment, but would need to be outlined and evaluated at international, national and grassroots levels, as well as undertaken by governments, international organizations and civil society. "At the global level, an enabling environment has been created under the UN aegis, where women's networks have learned about lobbying and advocacy, come together to debate and promote their views, to negotiate with Government representatives and hold them accountable for global conventions and resolutions" Kardam (2005, p.1). This supports the argument that the ACWC should be kept separate from the AICHR.

5.4 Potential Benefits to the Lao PDR's

This study suggests that the majority of research participants see that the ACWC will facilitate better access to financial support. They believe that once the ASEAN member countries collect together in order to work hard on the promotion and protection of the rights of women and children, there will be international NGOs, donors and companies who wish to support these

kinds of work by providing them with financial supports. Thus there will be more opportunities to access funding organisations.

So far, the ACWC has already established a good relationship with some UN agencies that support the promotion and protection of the human rights in general and the rights of women and children in particular, namely the Office of the United Nations High Commissioner for Human Rights (OHCHR), UN Women and UNICEF respectively. This was shown by their support the ACWC's first visit to Geneva in January 2011 (ASEAN Secretariat, 2011a). Furthermore, the ACWC has also engaged in dialogue on various issues concerning the rights of women and children with those UN agencies, particularly UN Women and UNICEF including UNODC (ASEAN Secretariat, 2011a).

However, these dialogues and engagements are at the regional level and they might not directly link to the national offices. As evidenced by the observation field notes and semi-structured interviews, there is not much information regarding the ACWC at country offices. They agree that there might be more information at their regional offices. Thus they might know more about it once those offices deliver them more information (participant observation field notes, personal communication, January to February, 2012). Thus engaging in dialogue with donors and UN agencies at the national level is also vital for the ACWC in the Lao PDR.

In addition to the potential financial support, technical assistance is the key area that the research participants thought the Lao PDR will gain from its country's membership of the ACWC. In this regard, support for the women and children's shelter is also among the research participants' concerns as, at the ASEAN level, the ACWC is placing its focus on the elimination of violence against women. This is clearly indicated in the thematic areas concerning women's rights (ASEAN Secretariat, 2011a). As a result, an ASEAN network of national agencies and volunteer welfare organizations involved in providing social services for women and children who suffered violence and abuse was set up. Thus, technical assistance and support will be provided through this network. Singapore's Representative for women's rights comments that:

Such a network will provide a platform for the sharing of information, intelligence, experiences and best practices in helping victims of violence. It would allow for the exchange of experts and social work professionals among ASEAN Member States, as well as, provide internships, training opportunities

and the exchange of technical assistance. International transfer of victims who were trafficked could also be facilitated more effectively and with the care that they needed. (ASEAN Secretariat, 2011b)

It is interesting to note that experiences obtained from various study tours in different places in ASEAN member countries and in Europe and the United States is also one of the potential benefits the research participants though the Lao PDR might gain from the ACWC. This is because ACWC representatives have opportunities to learn about the human rights systems in other regions as well as their own.

Since its establishment, the ACWC's representatives have already visited the Counselling and Protection Centre for Women and Children in Vientiane. This was also followed by visits to two shelters in Jakarta that give emergency resources, assistance and protection to victims/survivors of violence against women and against children. The main aims of undertaking such study tours during the ACWC's regular meetings is to allow the representatives to have a better knowledge and understanding of what each ASEAN Member State is doing for 'the healing, well-being, and reintegration into society' (ASEAN Secretariat, 2012a) of victims/survivors, as well as to learn from the experiences of those shelters in handling cases, and also to pledge morale support to those shelters that are working on the ground to protect the rights of women and children (ASEAN Secretary, 2012c).

As Malaysia's Representative for women's rights suggests:

[The] ACWC will visit national agencies and voluntary welfare organisations as part of its regular meeting programmes held in various ASEAN cities. The visits will allow the ACWC Representatives to better appreciate the issues and difficulties faced by women and children who are victims of violence and the ways in which the ACWC can help meet their needs. (ASEAN Secretariat, 2011b)

Apart from these study visits during the ACWC's regular meetings, there were also two study visits to other regions. The first one was to Geneva in January 2011 which was supported by the UN Women, UNICEF and the Office of the United Nations High Commissioner for Human Rights. The main discussions were on critical substantive issues of gender equality and the rights of children in the ASEAN with the focus on the CEDAW and the Convention on the Rights of the Child (ASEAN Secretariat, 2011a). The second visit was to the United States in April 2012

which was supported by the ASEAN-U.S. Thus, the representatives met with various United States government and civil society officials, relevant members of private entities, and academic organisations, media, and UN Agencies.. They had a good opportunity to exchange information and views on the U.S. priorities, programmes, and development assistance in support of women's and children's advancement, as well as issues affecting the lives of women and children in the ASEAN, and the ACWC's work priorities (ASEAN Secretariat, 2012b).

As raised by the research participants, another significant benefit that the Lao PDR gains from the ACWC is a strong network between the ASEAN member countries in terms of information sharing. This is also reinforced by the ACWC's thematic areas concerning women's rights which focus on the elimination of violence against women. Therefore, an ASEAN network of national agencies and volunteer welfare organizations involved in providing social services for women and children who have suffered violence and abuse was established. Such a network will provide

a platform for the sharing of information, intelligence, experiences and best practices in helping victims of violence. It would allow for the exchange of experts and social work professionals among ASEAN Member States, as well as, provide internships, training opportunities and the exchange of technical assistance. (ASEAN Secretariat, 2011b)

5.5 Potential Contributions of the Lao PDR to the ACWC

As discussed above, information sharing is not only identified by the research participants as one of the potential benefits of country membership but is also identified as a potential contribution the Lao PDR can make to the ACWC. The information sharing could range from general statistics regarding the promotion and protection of the rights of women and children to more specific areas of information such as violence against women, women's migration and human trafficking.

The study results further suggested that sharing the Lao PDR's good practice in terms of being a good member of the various UN Conventions, particularly the CEDAW, as the Lao PDR ratified the CEDAW in 1981 with no reservation on any of the substantive articles (Dairiam, 2003). As pointed out by the research participants, while "some countries still have not done any report[ing] yet" (participant, semi-structured interview, personal communication, February 29, 2011), the Lao PDR had already submitted its combined 6th and 7th periodic report in 2009 (UN

CEDAW Committee, 2009) and is now preparing for the 8th and 9th reports. Having said that, the Lao PDR's combined 1st, 2nd, 3rd, 4th and 5th periodic report was submitted 25 years after its ratification (LaoNCAW, 2009; UN Women, 2012b). Furthermore, it was critiqued by International Federation for Human Rights (2010) that:

A large number of states participating in the exercise were content to praise the achievements of Laos in the field of economic, social and cultural rights of women, without making any concrete recommendations in that regard, while various UN bodies have previously addressed some very specific recommendations on these issues, which have been ignored so far. (FIDH, 2010, p. 2)

However, this gap will be met by one of the 12 projects and activities planned for implementation in 2012-2014; namely, the project "Promoting convergence in the implementation of cross-cutting issues in the CEDAW and CRC Concluding Observations" (ASEAN Secretary, 2012c). Thus the Lao PDR will also learn from other ASEAN member countries, as well as share some of its CEDAW best practices. As a participant from a women's organisation commented:

While some countries still have not done any report yet, recently we organized a CEDAW good practice workshop at Lanxang hotel. We have done the Seventh CEDAW report and now preparing for the Eighth and Nineth. (Participant, semi-structured interview, personal communication, February 29, 2011)

Another area that the research participants suggested that the Lao PDR could contribute to the ACWC is good practice in terms of approving specific laws regarding the promotion and protection of the rights of women and children; namely, the Promotion and Protection of Women Law and the Protection of the Rights and Interests of Children Law. Thus the Lao PDR could contribute its knowledge regarding drafting, implementing and evaluating those Laws to the ACWC and its member countries.

Last but not least, some research participants also raised an important point regarding gender integration and mainstreaming in various areas in the Lao PDR. They emphasised that there are three organisations responsible for the advancement of women, as well as the promotion and protection of the women's rights in the Lao PDR. These are the Lao Women's Union, the Lao National Commission for the Advancement of Women and the Women Parliamentarian Caucus. As a result of their work, of the 115 members of the present National Assembly legislature, 29

are women which accounts for 25% (LWU, 2009). It is among the highest rates in Asian region (UN Women, 2012a). However, participants also commented that women and girls are still faced with unfavorable traditions which prevent them from going to school and participating in social activities (LWU, 2009). As a result, women remain less represented in some areas, including government administration and the judiciary. Women represent only 1% of all village chiefs (UN Women, 2012b). Nevertheless, at least one Village Women's Union representative is in the Village Mediation Unit (VMU) in each village. Because the VMU is dealing with conflicts and disputes at the village level, the representative potentially can ensure that issues on women's rights are dealt with. The research participants commented that the Lao PDR also could share this good practice with other ASEAN member countries.

5.6 Difficulties and Obstacles for the ACWC

The results of this study also highlight that there are some areas of difficulty and some obstacles facing the ACWC. Among others, the research participants emphasised the lack of clear direction and guidelines from the ASEAN in the early stages of the ACWC's establishment. However, the data collection period spanned the lead up to and period immediately after the ACWC's 4th Meeting. The 5th ACWC Meeting has now occurred and at it thematic areas concerning the rights of women and children were identified, together with a Work Plan for 2012-2016 and concept papers for 12 projects and activities for implementation in 2012-2014 (ASEAN Secretary, 2012c). Thus this difficulty should gradually be resolved due to each ASEAN member country applying these plans and projects in its own country.

The same situation might apply to the point made by the majority of the participants that the ACWC lacked acknowledgment at a high level as well as in society as a whole due to being recently established. The Lao PDR was the host for the 4th Meeting and therefore it is likely to be better known among high ranking people. There was also some news published in the local newspaper during the meeting, thus wider society might also know more about it. However, it still needs to work more on information distribution as well as the implementation of the above mentioned work plan and projects.

The third difficulty is the lack of strong coordination among the three main organizations promoting and protecting the rights of women namely, the LWU, the LaoNCAW and the

Women Parliamentarian Caucus. The ACWC in the Lao PDR needs to work harder to build connections amongst these organizations and others, including civil society organisations and UN agencies. The LWU, the LaoNCAW and the Women Parliamentarians' Caucus have already been assigned to draft the laws on violence against women and children and they therefore need to work collaboratively. As the president of the National Assembly further emphasised, "The Lao Women Parliamentarians Caucus, in cooperation with the Lao Women's Union, the Lao National Commission for Advancement of Women, and the relevant ministries will draft a law on the prevention of violence towards women and children next year" (Sengdara, 2012, para. 8). Thus,

Women's organisation leaders at all levels, the Lao National Commission for the Advancement of Women and the Lao Women Parliamentarians Caucus should help [the Lao Women's Union] in turning the Party directives towards laws concerning the rights to protection of all women and children. (Sengdara, 2012, para. 3)

This good opportunity will allow the ACWC representatives to insert the ACWC work plan and projects into the work plan and strategies of the other two organisations. Then these three main organisations will work hand in hand to promote and protect the rights of women and children in the Lao PDR.

The research results also point to one last difficulty for the ACWC in the Lao PDR: the lack of (qualified) support staff. As one participant commented:

Apart from one representative who is assigned to work for the ACWC, there is no further supporting staff. We need to utilize some of our staff who also have plenty of work to do. Lack of staff who are expert in Laws, particularly law that relating to the protection of women and children's rights. As other countries, they have representatives who have a lot of experience, high English level and specialise in a certain field of work. As for our country, just have someone to work for it. (Participant, semi-structured interview, personal communication, February 29, 2011)

However, the research participants also suggested some recommendations regarding how to improve the ACWC in the Lao PDR as discussed below.

5.7 Future roles of the ACWC in the Lao PDR

The study results highlighted that the main role of the ACWC in the Lao PDR must be a 'database' in terms of the promotion and protection of the rights of women and children. It

should gather all the information for various organisations in one place – the ACWC office. This should include relevant information from other ASEAN member countries and the Lao PDR, including data mapping.

The research participants also expected the ACWC representatives to coordinate between the ASEAN member countries and the Lao PDR in terms of the promotion and protection of the rights of women and children. They indicated that the ACWC representatives should represent the needs of Lao women and children. It should bring their problems and needs to the ASEAN forum as well as ask for assistance and support from other ASEAN member countries. Thus some of them emphasised that the ACWC will not be an implementing organisation but rather serve as a bridge between the ASEAN and the Lao PDR.

5.8 Suggestions and Recommendations on how to Improve the Work of the ACWC in the Lao PDR

In terms of improving the work of the ACWC in the Lao PDR, the study results, particularly the women participant's points of view, reveal that the ACWC should focus the following key areas:

1. The ACWC should promote itself by distributing as much information as possible to relevant organisations, civil society and wider society as a whole. Among other documents, the ACWC's terms of reference need to be translated and distributed to wider society. At the same time, its Work Plan 2012-2016 and the concept papers for the 12 projects and activities for implementation in 2012-2014 also need to be translated and used to guide relevant organisation's work plans and strategies. In so doing, we can ensure that these work plans and projects will be implemented in the Lao PDR.
2. The ACWC should have its own office which serves as the ACWC's secretariat. In addition, there should be sufficient and qualified support staff who work as ACWC secretaries as well as being trained to be future ACWC representatives. This is because each representative serves a term of three years and may be consecutively re-appointed for only one additional term (ASEAN Secretariat, 2009c, p. 9). As suggested by the research participants, future representatives should be middle ranking people who have a certain level of English; have a legal background, particularly in law that relates to

women and children or a related field; have some knowledge of the CEDAW and the CRC, as well as experience in the field. In order to enable the ACWC to work continuously, the future representatives need to be trained to understand the ACWC and its work prior to actually being representatives. As such, they should start working with the ACWC by being a support staff, thereby having the opportunity to participate in various ACWC meetings and learn “on the job”.

3. The ACWC in the Lao PDR should serve as a coordinator. It should pull all relevant organisations who are working in the promotion and protection of the rights of women and children field together. Then the ACWC can gather all the information about the work of these organisations and be able to draw a working map as well as establish a strong network between them. This will help in drafting policy, strategy and work plans as well as in their implementation.
4. The ACWC should continue creating its connections to civil society organisations (CSOs) in the country. Traditionally, mainstream International Relations (IR) has had a close relationship with government and therefore it has largely served government. In addition, IR has been critiqued as “a man’s world, a world of power and conflict in which warfare is a privileged activity and from which women traditionally have been excluded” (Tickner, as cited in Whitworth, 2006, p. 90). As such, a close connection between the ACWC as an IR Commission and CSOs needs to be established and strengthened. As Campos and Alves (2011) have commented, there is a need to expand the understanding about the collaborations between state and CSOs because civil society has “the very useful function of exercising social watchdog control over policies in which not possible for the government to exercise social control or advocacy” (p. 251).

At the regional level, the ACWC has already approached and met with regional and national CSOs from six ASEAN member states representing women and children, in order to share information and exchange views with the CSOs on issues of common interest concerning the rights of women and children (ASEAN Secretariat, 2011b). In addition, it held a dialogue with 39 national and regional CSOs in the Philippines in January 2012. In this regard, the CSOs provided feedback on the Commission’s draft

declaration on Violence against Women and Violence against Children as well as shared their views on several issues related to the rights of women and children (ASEAN Secretary, 2012c).

5. The ACWC should organise regular consultation meetings between relevant organisations. In addition to organising these consultation meetings, it should also organise various kinds of capacity building for its representatives, support staff and people who work in the field of promotion and protection the rights of women and children. These could include training and workshops which focus on proposal drafting, negotiation skills and the English language.
6. The ACWC should continue to work closely with particular ASEAN member countries that share some common problems, so that they can submit proposals to donor agencies or raise funds to work on those common issues at the ASEAN and country levels.
7. The ACWC should work closely with the AICHR and the ASEAN Department; this is because in the Lao context, the AICHR is an overarching body while the ASEAN is the supervising body that deals with the ASEAN and foreign affairs policies and frameworks.
8. The ACWC should work proactively in terms of presenting itself to relevant organisations and the public. At the ASEAN level, the Lao PDR representatives should actively share information, discuss and negotiate with other member countries in terms of asking for help and assistance, as well as offering its support.
9. The ACWC should also work proactively in terms of approaching national offices of potential donors and UN agencies that support the promotion and protection of women and children in the Lao PDR; namely UNICEF, UNDP, Oxfam Novib, CARE International, PLAN International and the Gender and Development Group (GDG). The ACWC at regional level has already established a good relationship with some UN agencies that support the promotion and protection of the human rights and the rights of women and children in the Office of the United Nations High Commissioner for Human Rights (OHCHR), UN Women and UNICEF (ASEAN Secretariat, 2011a). The ACWC

has also engaged in dialogue on various issues concerning the rights of women and children with these UN agencies, particularly UN Women and UNICEF including UNODC (ASEAN Secretariat, 2011a). But these discussions and engagements at the regional level might not directly link to the national office. Thus the ACWC in the Lao PDR needs to have further discussions with their national office.

10. The ACWC should enable those donors and UN agencies who are in general considered to be international organizations to help strengthen the capacity of CSOs in the Lao PDR; this should include the Lao Women's Union (LWU) as it is not only considered a "mass organisation" or "mass women's organisation" (UN Women, 2012b), but is also seen as "a quasi-government mass organization" (UNIFEM East and Southeast Asia Regional Office, 2009, p.17) and as a CSO (Vixathep, 2011) because the term "civil society" is widely used to also include unions (Brown & Hu, 2012).

Therefore international organisations (including donors and UN agencies) could help by applying some of the suggestions identified in recent research done by Brown and Hu (2012). This research indicates that there are five areas that international organisations can strengthen the capacities of CSOs. Firstly, international donors enable CSOs to access scarce financial resources and help them to deliver government programs, as well as assist in building local and national organisations that are grounded in their values and concerns; secondly, international organizations enhance the capacities of CSOs leaders, staff, and organizations; thirdly, international organizations reduce sector fragmentation and competition; fourthly, international organizations build wider public legitimacy; the last area is that international organisations improve relationships with organisations from other sectors (see Chapter Two for more detail).

5.9 Limitations of the Study

One limitation of the study is that, due to the relatively recent establishment of the Commission, it is too early to examine its relationship with the Lao PDR. Thus instead of investigating how women's organisations in the Lao PDR could most benefit from membership of the Commission

and indicating how the Lao PDR could contribute to the development of the Commission, the study focuses on a projection of those aims.

Another limitation is that the researcher has been working in the field of the promotion and protection of women's rights for more than a decade. The researcher therefore has more knowledge and experience in the field of women's rights than in the field of children's rights. Therefore, it is not surprising that this study mostly focuses on women's rights.

Furthermore, as the researcher has also been a member of the organisation being studied for almost 12 years, she is both "insider" and "outsider"; this can raise issues, as discussed in Chapter Three (Research methodology).

The last limitation is as discussed in Chapter Three (Research Methodology); because the ACWC is a recently established Commission, the literature related to it, particularly from printed sources, is very scarce. The main source of secondary information about it was mainly the ASEAN's website (www.aseansec.org/ACWC.htm).

5.10 Suggestions for Further Research

In order to avoid the above mentioned limitations, further research needs to be conducted after a suitable period of time. That means waiting until the ACWC has been in place, working, for a reasonable period of time before starting to conduct further studies on it.

In addition, rather than solely focussing on the Lao experts who are working in the field of the promotion and protection of the rights of women and children, further research should include CSOs and the wider public, as well as key donors and UN agencies. Doing so will make it easier to identify and investigate the relationship between the Lao PDR and the ACWC, including the benefits and contributions to the development of the ACWC and other ASEAN countries as a whole.

CLOSING REFLECTIONS

As expressed in the prologue, I have been passionate about women's issues since I was a law student when I was shocked at seeing the hardship of women and their families living in remote areas. I wished to help them somehow after my graduation. Since 1999, shortly after I graduated, I have worked for the Lao Women's Union, in women's rights protection. Every time there is a new initiative to empower women in my country, I feel personally excited and re-energised. For example, the adoption of the law on the development and protection of women, the establishment of the counselling and protection centre for women and children and the building of the women's training centre were all initiatives that I found uplifting and encouraging.

The inauguration of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) in April 2010, at the occasion of the 16th ASEAN Summit, in Vietnam, was also an initiative that was particularly rewarding to me as an advocate of women's rights and advancement.



Figure 6. The 16th ASEAN Summit logo 2010 in Vietnam. Retrieved September 12, 2012 from: <http://se9trt3.edu.glogster.com/asean/>

Among others, it is my hope that the Commission will advance and boost the conditions of women and children in the ASEAN region, as well as serving as a bridge to connect concerned organisations working in the field in the ASEAN to the Lao PDR and among those organizations in the Lao PDR.

Having had an opportunity to carry out research for my master's thesis on the topic of *“the relationship between the Lao People's Democratic Republic (Lao PDR) and the ASEAN*

Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) with a focus on women” has been satisfying at both a personal and scholarly level. I took this opportunity to explore and learn about the Commission in order to see the relationship between the ACWC and my home country, the Lao PDR. At the same time, by investigating how a women’s organisation in the Lao PDR can most benefit from the country’s membership of the ACWC and how the Lao PDR can most contribute to the development of the Commission, I have also been able to contribute to the protection and promotion of the rights of women and children in the Lao PDR and in the ASEAN region as a whole.

As I walked through each step of conducting the research until reaching the findings, I gradually understood the ACWC’s mandates and functions. I also found that the relationship between the ACWC in the Lao PDR and its core representing and implementing organisations is not as strong as expected. This is not only shown by how few participants know well about the ACWC, but also more broadly through the low level of knowledge of those that do know.

Another significant point I found is that the ACWC will facilitate better access to financial support, technical assistance, experiences obtained from study tours and a strong network between the ASEAN member countries. While the potential contributions of the Lao PDR to the ACWC include information sharing, good practice in terms of CEDAW implementation, gender integration and mainstreaming and some specific laws related to the rights of women and children in the Lao PRD.

However, I also agree with some research participants and my participant observation field notes which suggest that it is too early to see the significance of the ACWC to the Lao PDR and vice versa. I therefore suggest that further research needs to be conducted in the foreseeable future. In addition, rather than solely focussing on the Lao experts who are working in the field of the promotion and protection of the rights of women and children, further research should include more CSOs and the wider public. Doing so will make it be easier to identify and investigate the relationship between the Lao PDR and the ACWC, including the benefits and contributions to the development of the ACWC and others ASEAN countries as a whole. So we will together witness how the ACWC helps in terms of turning the expectations of organisations working for the rights of women and children, particularly the Lao Women’s Union and my personal hope

into reality. As Mrs. Kanda Vajrabhaya, Chair of the ACWC (ASEAN Secretariat, 2011a), commented, *“The establishment of the ACWC was historical and a proclamation to the world that ASEAN is truly committed to improve the life of women and children in ASEAN. The ACWC will turn the expectation into reality”*.

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APPENDICES

Appendix A Interview questions

Questions for Lao institution staff

1. How long have you been working with ASEAN institutions?
2. Which ASEAN institutions have you worked at?
3. What do you know about the formation of ACWC and its objectives/goals?
4. What do you think are the differences between AICHR and ACWC?
5. What do you think are the potential strengths and weakness of the ACWC?
6. What do you consider are the difficulties, obstacles and challenges of ACWC?
7. What do you think the main roles of ACWC will be in the future ?
8. Do you think that the establishment of ACWC will improve the promotion and protection of the rights of women and children in the ASEAN region?
9. How do you think women in Lao PDR can most benefit from the country's membership of the ACWC?
10. How do you think Lao PDR can most contribute to the development of the Commission?
11. What do you think are the main difficulties, obstacles and challenges of Lao PDR in ACWC's work?
12. Do you think Lao PDR has enough resources to meet the work of ACWC?
13. What do you think Lao PDR needs to do to improve?
14. What do you see as the main contributions Lao PDR can make to the Commission of ACWC?
15. How do you perceive you contribute to the work of ACWC?
16. What supports to you need to improve your work regarding ASEAN institutions?

Questions for Lao staff working in UN institutions

1. How long have you been working with this UN agency?
2. How long have you been working in the field of supporting the promotion and protection of the rights of women and children in Lao PRD?
3. What do you know about the formation of ACWC?
4. What are the differences between AICHR and ACWC?
5. What are the potential strengths and weakness of the ACWC?
6. What are the difficulties, obstacles and challenges of ACWC?
7. What do you think the main roles of ACWC in the future will be?
8. Do you think that ACWC establishment will improve the promotion and protection of the rights of women and children in the ASEAN region?
9. How do you think women in Lao PDR can most benefit from the country's membership of the ACWC?
10. How do you think Lao PDR can most contribute to the development of the Commission?
11. What do you think are the main difficulties, obstacles and challenges of Lao PDR in ACWC's work?
12. Do you think Lao PDR has enough resources to meet the work of ACWC?
13. What do you think Lao PDR needs to improve in order to gain benefit and also make contributions to the Commission?
14. What can your organization contribute to the work of ACWC?

Appendix B



INFORMATION SHEET

Sabaidee and greetings

My name is Soukphaphone Phanit. I am currently enrolled in the Master of Social Practice in the Department of Social Practice at Unitec Institute of Technology, New Zealand. I'm seeking your help in meeting the requirements of research for a Thesis course, which forms a substantial part of this degree. The title of my research project is: *The relationship between Lao People's Democratic Republic (Lao PDR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) with a focus on women.*

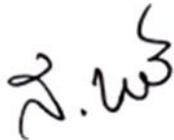
The primary objective of this research project is to understand the mandates and potential functions of ACWC in Lao PDR and to provide a platform for the concerned and implementing organizations in Lao PDR to suggest how they would like to shape the future.

I will be collecting data using an interview schedule and would appreciate being able to interview you at a time that is mutually suitable. The interview may take around one hour to talk about a number of questions in relation to the topic. I will also be asking you to sign a consent form prior to the interview session.

Neither you nor your organisation will be identified in the thesis. I will be recording your contributions and will provide a transcript (or summary of findings if appropriate) for you to check before data analysis is undertaken. Collected data will be stored securely on a computer at Unitec for five years and they will be disposed and no longer used after the 5th year. However, I acknowledge that the completed thesis of this research project might be used as a source of knowledge and for future studies, but none of these have been identified as this stage.

I do hope that you will agree to take part and that you will find the participation in this project of interest. If you have any queries about the project, you may contact my supervisor, Dr Helene Connor, at Unitec Institute of Technology either by email hconnor@unitec.ac.nz or telephone, +64 8 815 4321 Ext. 5010.

Yours sincerely and Kop jai lai lai



Soukphaphone Phanit

Mobile (Laos): + 856 20 55698 152

(New Zealand):+ 64 22 0261831

Email: soukphaphone@yahoo.com

UREC REGISTRATION NUMBER: 2011-1238

This study has been approved by the UNITEC Research Ethics Committee from 8 December 2011 to 8 December 2012. If you have any complaints or reservations about the ethical conduct of this research, you may contact the Committee through the UREC Secretary (ph: 09 815-4321 ext 6162). Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcome.



Participant Consent Form

‘The relationship between Lao People’s Democratic Republic (Lao PDR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) with a focus on women’

I have had the research project explained to me and I have read and understand the information sheet given to me.

I understand that I don't have to be part of this if I don't want to and I may withdraw from this research project within two weeks of the date of the interview.

I understand that everything I say is confidential and none of the information I give will identify me and that the only persons who will know what I have said will be the researcher and her supervisors. I also understand that all the information that I give will be stored securely on a computer at Unitec for a period of 5 years.

I understand that my discussion with the researcher might be taped and transcribed, and a copy of the recorded interview and/or its transcript will be made available to me upon request.

I understand that I can see the finished research document.

I have the authority to speak on behalf of my organization

I DO NOT have the authority to speak on behalf of my organization

I have had time to consider everything and I give my consent to be a part of this project.

Name:

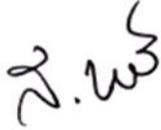
Signature:

Date:

Researcher: Soukphaphone Phanit

Date:

Signature:



UREC REGISTRATION NUMBER: 2011-1238

This study has been approved by the UNITEC Research Ethics Committee from 8 December 2011 to 8 December 2012. If you have any complaints or reservations about the ethical conduct of this research, you may contact the Committee through the UREC Secretary (ph: 09 815-4321 ext 6162). Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcome.

ETHICS APPROVAL

Soukphaphone Phanit
2/89 Carrington Rd
Mt. Albert
Auckland 1025

8.12.2011



Dear Soukphaphone,

Your file number for this application: 2011-1238

Title: The significance of the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) to Lao PDR and vice versa

Your application for ethics approval has been reviewed by the Unitec Research Ethics Committee (UREC) and has been approved for the following period:

Start date: 8.12.2011

Finish date: 8.12.2012

Please note that:

1. The above dates must be referred to on the information AND consent forms given to all participants.
2. You must inform UREC, in advance, of any ethically-relevant deviation in the project. This may require additional approval.

You may now commence your research according to the protocols approved by UREC. We wish you every success with your project.

Yours sincerely,

Scott Wilson
Deputy Chair, UREC

cc: Helene Connor
Cynthia Almeida

study@unitec.ac.nz
Tel +64 9 849 4180
Fax +64 9 815 2901

www.unitec.ac.nz

Postal address
Private Bag 9 2025
Victoria St West
Auckland 1142
New Zealand

Mt Albert campus
139 Carrington Rd
Mt Albert
Auckland 1025
New Zealand

Newmarket campus
277 Broadway
Newmarket
Auckland 1023
New Zealand

Northern campus
10 Rothwell Ave
North Harbour
Auckland 0632
New Zealand

Waikare campus
5, 7 Rotana St
Henderson
Auckland 0612
New Zealand