

**Third Roundtable Discussion on Human Rights in ASEAN:
Building Human Rights in an ASEAN Community**

17-18 December 2007
Manila, Philippines

SUMMARY OF PROCEEDINGS

I. Introduction

1. The Third Roundtable Discussion (Roundtable) on Human Rights in ASEAN: Building Human Rights in an ASEAN Community, was held in Manila, Philippines, on 17-18 December 2007. The Roundtable was co-organized and co-hosted by the Department of Foreign Affairs of the Republic of the Philippines, the Working Group for an ASEAN Human Rights Mechanism (Working Group), and the Commission on Human Rights of the Republic of the Philippines.
2. The Roundtable was attended by participants representing governments, national human rights institutions, and members of the Working Group from Brunei Darussalam, Cambodia, Indonesia, Lao P.D.R., Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam, including a representative from the ASEAN Secretariat. Also in attendance were observers from funding organizations.
3. The Keynote Address of the Philippine Secretary of Foreign Affairs, the Honorable Dr. Alberto G. Romulo, was delivered by the Honorable Rafael E. Seguis, Undersecretary for Special Concerns. H.E. Romulo congratulated the participants on the signing of the ASEAN Charter, which provides for an ASEAN human rights body. The focus now is on the drafting of its terms of reference. He recalled the commitment of the ASEAN member states to promote and protect human rights at all times and reminded them not to forget the economic, social and cultural rights of their people. He lauded the efforts of the ASEAN governments for taking time off and sitting down for an exchange of ideas despite coming from diverse cultures and backgrounds. He said it is through these kinds of exercises that cooperation, dialogue and a shared commitment to work for progress in the ASEAN region and the well-being of the people are attained.
4. In his welcome remarks, former Senator Wigberto Tañada, Chairperson of the Philippine Working Group for an ASEAN Human Rights Mechanism noted that these are exciting times to be working in the field of human rights in the region. With the signing of the Charter, ASEAN has transformed itself into a rules-based legal entity, which is another step towards achieving an ASEAN Community. He noted that one of the important organs to be established is the ASEAN human rights body and drafting its terms of reference is the first step toward its formation. He said that much work remains to be done, and this Roundtable is a timely and much-needed tool in enabling ASEAN to come up with policies responsive to the needs of ASEAN peoples. Senator Tañada also noted that the Working Group has done much to help implement the human rights areas of the Vientiane Action Programme (VAP), which is already at the mid-term of its implementation. However, the human rights goals outlined in the VAP are far from being realized. He expressed confidence that this Roundtable would contribute to the fuller and faster implementation of the VAP.

II. Roundtable Sessions

5. The Roundtable was divided into five sessions covering the following topics: (A) Where to on Human Rights in ASEAN?; (B) Midway Into the Vientiane Action Programme: How Do We Proceed on its Human Rights Program Areas?, which was further divided into the following sub-sessions: (i) Promoting Education and Public Awareness on Human Rights in the Region; (ii) Promoting and Protecting the Rights of Women and Children; and (iii) Promoting and Protecting the Rights of Migrant Workers; (C) Human Rights in the ASEAN Charter: Establishing a Human Rights Body in ASEAN; (D) The "ASEAN Four": Network of National Human Rights Institutions in ASEAN; and (E) Conclusions and Recommendations.
6. In Session One, entitled "Where to on Human Rights in ASEAN?", Dr. Termsak Chalermphanupap, Special Assistant to the Secretary-General of ASEAN, stressed that it is very difficult to generalize the human rights situation in the whole of ASEAN without considering the national human rights situation of each ASEAN Member State. He also informed participants that the Secretary-General of ASEAN had recently proposed the establishment of an ASEAN Charter experts group to do the follow-up work as the ASEAN Secretariat believes it is not necessary to wait for the full ratification of the Charter to start doing the follow-up work. He pointed out that one of the important issues to be resolved is the terms of reference of the ASEAN human rights body as enshrined in the Charter. Although drafting it will not be easy, he said the Roundtable will be a good venue to increase common understanding in ASEAN on what a regional grouping can do on the issue of human rights promotion and protection. The session was moderated by Dr. Budiono Kusumohamidjojo, Secretary-General of the Indonesian Working Group for an ASEAN Human Rights Mechanism.
7. Session Two, entitled "Midway Into the Vientiane Action Programme: How Do We Proceed on its Human Rights Program Areas?", was further divided into three sub-sessions:
 - a. In the first sub-session on "Promoting Education and Public Awareness on Human Rights in the Region", Ms. Paulynn Sicam of the Working Group for an ASEAN Human Rights Mechanism, presented and commented on a paper prepared by Dr. Hafid Abbas, Director General of the Agency of Human Rights Research and Development, Ministry of Law and Human Rights, Republic of Indonesia. Ms. Sicam said that human rights education in the region can be analyzed from the perspective of all levels, all types and all channels of education. She said that some ASEAN countries have made significant moves toward integrating human rights in the curriculum at all levels. She said there are certain rights, often neglected, which deserve particular attention, such as the economic, social and cultural rights, and the rights of marginalized or vulnerable groups. She identified four key challenges for human rights education: universalization, interconnection, diversification and specification. She also stressed that developing respect for human rights requires a long process, considering that human rights is all about values. She proposed the creation of an ASEAN Human Rights Studies Center as part of the ASEAN University Network, as a first step towards the establishment of an ASEAN Human Rights Institute. During the open forum, participants discussed how to integrate human rights education in the drafting of the terms of reference for the ASEAN human rights body. On the concern that the VAP was about to expire, participants discussed the need to focus on new ASEAN blueprints which will soon be formulated and to include important human rights provisions of the VAP in these blueprints. At the end of the session, it was emphasized that human rights education is itself a human right. The session was moderated by Mr. Leong Sze Hian, a member of the Singapore Interim

Committee for an ASEAN Human Rights Mechanism.

- b. In the second sub-session on “Promoting and Protecting the Rights of Women and Children”, Mrs. Ma. Elena Caraballo, Deputy Executive Director of the Council for the Welfare of Children, Philippines, noted that although ASEAN has a committee on women and a committee on youth, there is no specific committee on children’s rights. She acknowledged there are venues where children’s rights are discussed. However, she hoped an ASEAN committee on children will be set up. She reminded ASEAN of its commitment under the VAP to create a commission on women and children. She said there was no particular hindrance to its creation since all ASEAN countries are signatories to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). During the open forum, the discussion focused on how ASEAN should proceed on the mandate to create a specialized commission on women and children’s rights, as enshrined in the VAP, given that the ASEAN Charter has specified a new mandate to establish an ASEAN human rights body. The session was moderated by Mr. Nyi Soe, Deputy Director, ASEAN Affairs Department of the Ministry of Foreign Affairs of Myanmar.
 - c. In the third sub-session on “Promoting and Protecting the Rights of Migrant Workers”, Mr. Crescente Relacion, Executive Director of the Office of Migrant Affairs of the Department of Foreign Affairs of the Republic of the Philippines, gave a background on Philippine laws to promote and protect the welfare of migrant workers. He discussed the one country-team approach wherein officers, representatives and personnel of the Philippine Government posted abroad act as one team under the leadership of the country ambassador in delivering basic services to Filipino migrant workers. During the open forum, Singapore shared its policies which seek to uphold the rights of migrant workers and protect them from abuses. While the policies have yielded promising results, the difficult challenge was how to control illegal recruitment agencies from flourishing and exploiting migrant workers. It was also noted that with the signing of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in Cebu, the next step is to set up an official committee to implement its provisions. The session was moderated by Mr. Bindu Marbun, Deputy Director for ASEAN, Political and Security Cooperation, Department of Foreign Affairs of the Republic of Indonesia.
8. In Session Three, entitled “Human Rights in the ASEAN Charter: Establishing a Human Rights Body in ASEAN”, Ambassador Rosario G. Manalo, Chairperson of the High Level Task Force (HLTF) on the Drafting of the ASEAN Charter gave an insider’s view on how the Charter was deliberated and how the human rights body was included. She said the ASEAN Charter was never envisioned to contain the entire details of the creation of the human rights body. Considering the importance of the human rights body, it was decided the Charter provide for enabling provisions, but the formulation of the terms of reference be determined by the ASEAN Foreign Ministers Meeting. Ambassador Manalo suggested that ASEAN should be ready for the creation of the human rights body by preparing a timeline in order to guide and monitor the development of policies towards the creation of the human rights body. She also suggested possible elements of the body which could be part of the terms of reference. During the open forum, Ambassador Manalo clarified the misconception that no public consultation was made with regard to the ASEAN Charter. She also said that the human rights norms should not be lower than those of the Universal Declaration of Human Rights and the core human rights instruments signed by ASEAN Member States, particularly CEDAW and CRC. The session was moderated by Tunku Datuk Nazihah Tunku Mohd Rus, Commissioner from the Human Rights Commission of Malaysia.

9. In Session Four, "The 'ASEAN Four': Network of National Human Rights Institutions in ASEAN", the networking of the national human rights institutions (NHRIs) and their efforts to address common human rights issues and concerns was tackled. Ms. Jacqueline Mejia, Executive Director of the Commission on Human Rights of the Philippines, presented the paper prepared by Chairperson Purificacion Valera-Quisumbing of the Commission on Human Rights of the Philippines. Ms. Mejia gave background information on developments in ASEAN which led to the creation of the Working Group and the participation of the ASEAN Four in its regional workshops. She discussed their cooperation framework covering five thematic areas: 1) Economic, Social and Cultural Rights; 2) Human Trafficking; 3) Migrant Workers; 4) Terrorism; and 5) Human Rights Education. During the open forum, the role of existing NHRIs in the region in helping the establishment of similar institutions in other ASEAN countries was highlighted. In addition, the Roundtable had a discussion on the appropriate role of NHRIs in relation to the new ASEAN human rights body and other bodies of ASEAN responsible for human rights issues, as well as the formalization of the relationship between the NHRIs and ASEAN. These issues will also be further discussed in the meeting of the ASEAN NHRIs in January 2008. The session was moderated by Deputy Secretary-General Pranoon Suwanpukdee of the National Human Rights Commission of Thailand.
10. In the final session, entitled "Conclusions and Recommendations", the participants discussed and adopted the proceedings of the Roundtable, including the conclusions and recommendations. The session was moderated by the Hon. Luis T. Cruz, Assistant Secretary (Director General) of the Office of ASEAN Affairs of the Department of Foreign Affairs of the Republic of the Philippines, with Mr. Carlos P. Medina, Jr., Secretary-General of the Working Group for an ASEAN Human Rights Mechanism, as Rapporteur.
11. The Closing Remarks were delivered by the Hon. Luis T. Cruz. He expressed his elation over the successful outcome of the Roundtable due in part to the good representation from ASEAN Member States. He said that the discussions are indicative of how seriously ASEAN views human rights. He thanked the participants for their active participation and the funding agencies for their support.

Conclusions and Recommendations

General

12. The Roundtable recognizes the need to measure progress on human rights in the blueprints for the three pillars of the ASEAN Community, namely, political-security, economic, and socio-cultural, and for this purpose proposes the formulation of ASEAN human rights norms, which shall be based on the Universal Declaration of Human Rights and the core human rights instruments common to ASEAN countries.
13. The Roundtable recognizes the need for ASEAN governments, parliamentarians, civil society groups, and other relevant stakeholders in ASEAN to take follow-up measures on human rights in ASEAN, particularly in the light of the ASEAN Charter.
14. The Roundtable believes that the terms of reference for the ASEAN human rights body can be drafted even before the ASEAN Charter enters into force.

15. The Roundtable supports the carry-over of important pending cooperation measures for the promotion and protection of human rights in the VAP into the two remaining blueprints for the political-security and socio-cultural pillars of the ASEAN Community.

Human Rights Education (HRE)

16. The Roundtable affirms that human rights education is itself a human right, and acknowledges its crucial role in the promotion and protection of human rights in the ASEAN region.

17. The Roundtable recognizes the need to have a shared understanding of human rights in the ASEAN region. Towards this end, it acknowledges the importance of promoting dialogue and closer contact among, particularly but not limited to, the ministries of education of ASEAN Member States through, among others, human rights education.

18. The Roundtable notes that there are many approaches and methods to human rights education. It may be implemented in various stages according to the state of development and readiness of an ASEAN Member State, especially since human rights education is about disseminating information on human rights to people through the appropriate ways and means.

19. The Roundtable takes note of the Working Group's proposal, submitted to ASEAN Senior Officials during their meeting in July 2007, for the creation of an ASEAN Human Rights Studies Center, which shall be part of the ASEAN University Network, as a first step towards the establishment of an ASEAN Human Rights Institute.

20. The Roundtable supports the inclusion of human rights education in the terms of reference for an ASEAN human rights body as one of its mandates.

Promotion and Protection of the Rights of Women and Children

21. The Roundtable acknowledges that the establishment of an ASEAN commission on the promotion and protection of the rights of women and children (as enshrined in the VAP) will complement the establishment of an ASEAN human rights body (as enshrined in the ASEAN Charter).

22. The Roundtable recommends that, notwithstanding the expiration of VAP in 2010, all parties concerned should continue with their efforts to establish the specialized bodies on women and children's rights in a manner consistent with the direction agreed upon by ASEAN Member States.

23. In particular, the Roundtable proposes that in setting up the proposed specialized bodies, the members should be selected by ASEAN governments with appropriate form of consultation with civil society groups in the selection process.

Promotion and Protection of the Rights of Migrant Workers

24. The Roundtable reaffirms the obligation of every ASEAN Member State to protect its citizens, without discrimination, wherever they may be. In particular, it recognizes the need to protect migrant workers everywhere.

25. The Roundtable notes that everyone has a role to play in the promotion and protection of the rights of migrant workers, and recommends that steps be taken to promote these roles. In particular, employers from ASEAN receiving countries must be made aware of their responsibilities, since many human rights abuses result from misunderstandings between employers and migrant workers. The media must also be reminded not to stereotype the perceived negative effects of migration and migrant workers.
26. The Roundtable acknowledges the existing bilateral arrangements between Thailand and Laos, Myanmar, and Cambodia which are aimed at managing labor migration in a systematic manner. These can serve as models that other ASEAN Member States can replicate.
27. The Roundtable recognizes the value of the ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers. The Roundtable hopes that the recently-created committee to implement the Declaration would soon begin its work.
28. The Roundtable looks forward to the Second Global Forum on Migration which will take place in Manila, Philippines, in 2008.

Human Rights in the ASEAN Charter

29. The Roundtable urges ASEAN Member States to ratify the ASEAN Charter as soon as possible.
30. The Roundtable realizes the role parliamentarians play in ratifying the ASEAN Charter and in the promotion and protection of human rights in general. The Roundtable encourages an exchange with the various parliamentary caucuses in ASEAN so parliamentarians are better informed of human rights developments in the region.
31. The Roundtable suggests that for ASEAN to boost its credibility with the signing of the ASEAN Charter, ASEAN must set a specific timeframe for the speedy completion of the terms of reference and the establishment of an ASEAN human rights body to realize the human rights commitments enshrined in the Preamble, Purposes and Principles of ASEAN in the Charter.
32. The Roundtable recommends that there should be further dialogue and consultations between the ASEAN body that would draft the terms of reference and other stakeholders, especially on the mandates, functions, composition, and funding of the human rights body, without waiting for the Charter to enter into force.

Network of National Human Rights Institutions in ASEAN (NHRIs)

33. The Roundtable welcomes the support that the network of the four existing NHRIs in Indonesia, Malaysia, the Philippines, and Thailand has extended to Cambodia in its efforts to establish its NHRI.
34. The Roundtable encourages the establishment of NHRIs in ASEAN Member States

which do not yet have one and affirms the important role that existing NHRIs can play in this regard.

35. The Roundtable recognizes the important contribution of the network of NHRIs in promoting and protecting human rights at the regional level, and at the same time emphasizes the need to clearly define the role of the network of NHRIs at the regional level in order to optimize coordination with other ASEAN bodies dealing with human rights. In this connection, the Roundtable regards the network of NHRIs as a useful forum for Member States to exchange experiences and share best practices on the promotion and protection of human rights at the national level.
36. The Roundtable suggests that the four NHRIs make a list of human rights issues which are of common concern in the region for dissemination in ASEAN, information of which will be useful in the drafting of the terms of reference for the human rights body in accordance with Article 14 of the ASEAN Charter.

IV. Acknowledgment

37. The Roundtable participants expressed their appreciation to the Department of Foreign Affairs of the Republic of the Philippines, the Working Group for an ASEAN Human Rights Mechanism and the Commission on Human Rights of the Philippines for co-hosting and co-organizing the Third Roundtable Discussion on Human Rights in ASEAN: Building Human Rights in an ASEAN Community, to the Friedrich Naumann Foundation and to the Canadian International Development Agency (CIDA)-sponsored Southeast Asia Regional Cooperation on Human Development (SEARCH) project for providing crucial financial support, and to the members of the conference secretariat for all their hard work.