

**7<sup>TH</sup> WORKSHOP ON THE ASEAN REGIONAL MECHANISM ON HUMAN RIGHTS  
SINGAPORE  
12-13 JUNE 2008**

**Summary of Proceedings**

**I. Introduction**

1. The 7<sup>th</sup> Workshop on the ASEAN Regional Mechanism on Human Rights was held in Singapore on 12-13 June 2008. The Workshop was co-hosted by the Working Group for an ASEAN Human Rights Mechanism (“Working Group”) and an ad hoc organizing committee from Singapore (the “Singapore Organizing Committee”) with its secretariat as the Singapore Institute of International Affairs (“SIIA”). The Workshop was co-organized by the Working Group, the Singapore Organizing Committee and the Ministry of Foreign Affairs, Singapore.
2. The Workshop was attended by participants representing governments of ASEAN member-countries, the ASEAN Secretariat, the national human rights institutions (“NHRIs”) of Malaysia, the Philippines and Thailand, members of the Working Group, and members of civil society organizations. Also, in attendance were representatives of local, regional and international non-governmental organizations (“NGOs”), international institutions and donor agencies as observers.
3. Welcome remarks were delivered by Prof. Simon Tay, Chairman of SIIA and Prof. Vitit Muntarbhorn, Co-Chairperson of the Working Group. Prof. Tay noted that Article 14 of the ASEAN Charter, which promises a human rights body for ASEAN brings with it great optimism. Prof. Tay continued by reflecting on the recent cyclone disaster in Myanmar which stirred up emotions and united hearts across the region with respect to the importance of human rights and humanitarian affairs. Further, Prof. Tay opined that ASEAN should be recognized for its diversity in cultures, religious and political systems. Accordingly, in building an ASEAN community, ASEAN should seek to maintain its strong and vivid diversity. Prof. Muntarbhorn followed from Prof. Tay’s address and called on participants to reflect on the promotion and protection of human rights given the contemplated coming into force of the ASEAN Charter. He reflected on the past efforts of the Working Group and noted that they have deepened understanding of human rights in ASEAN through step by step consultations and engagement with the ASEAN Secretariat, governments of member countries and civil society. Accordingly, with the contemplated coming into force of the ASEAN Charter and a more participatory ASEAN, it is imperative to sustain activities to promote and protect human rights and contribute to its implementation for the betterment of all in the region.
4. The keynote address was delivered by His Excellency Raymond Lim (“H.E. Lim”), Singapore’s Minister for Transport and 2<sup>nd</sup> Minister for Foreign Affairs, who reflected on the significance of the ASEAN Charter. H.E. Lim noted that the signing of the ASEAN Charter represents a landmark for ASEAN and human rights as it provides a statement of ASEAN’s common purpose and values with respect to human rights as well as provides for the establishment of an ASEAN Human Rights body. H.E. Lim noted that a high level panel (the “HLP”) will be convened to draft the terms of reference (“TOR”) for the ASEAN Human Rights body and reminded participants that the road ahead may not be easy as this is an

unprecedented effort by ASEAN. Accordingly, ASEAN should proceed with caution and should “cross the river by feeling the stones”. In particular, H.E. Lim identified three areas to note: First, the ASEAN Human Rights body, as with any new ASEAN institution, must have the support of all the member countries of ASEAN and must reflect the political realities and diversity within ASEAN. Second, advancing human rights in ASEAN may best be achieved in an evolutionary approach. Accordingly, the functions of ASEAN Human Rights body should be allowed to evolve gradually. Third, H.E. Lim warned participants against setting artificial deadlines for the establishment of an ASEAN Human Rights body. Ultimately, care should be taken to establish an institution which is credible and realistic. H.E. Lim emphasized the importance of establishing consensus among ASEAN member countries but noted that the need for consensus should not be an excuse for inactivity. H.E. Lim closed his address by commending the Working Group for bridging the ASEAN governments and civil society on the issue of human rights and hailed the Workshop as an important activity in ASEAN’s overall approach to human rights.

## **II. Workshop Sessions**

5. The Workshop was divided into six sessions covering the following topics: (1) Stocktaking of Regional Efforts to Establish an ASEAN Human Rights Mechanism; (2) The ASEAN Charter and Human Rights; (3) Establishment of an ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (the “Commission”); (4) Elaboration of an ASEAN Instrument on Migrant Workers (the “Migrant Workers Instrument”); (5) The ASEAN Human Rights Body; and (6) Moving Forward on Human Rights in ASEAN.
6. Session 1 was chaired by Prof. Tay and keynoted by His Excellency Dr. Surin Pitsuwan, ASEAN Secretary-General. H.E. Pitsuwan stated that it was an important undertaking to create an ASEAN community and that not only its structure was important but also its soul. H.E. Pitsuwan noted that the idea of a peaceful, stable and prosperous ASEAN had been in place since ASEAN’s inception. However, material prosperity must be distinguished from prosperity in terms of ideals of human aspirations and human dignity. He added that in pursuit of these ideals, ASEAN should deeply examine what are its values and ask if they are different from what has been claimed as universal values. Commenting on the significance of the ASEAN Charter, H.E. Pitsuwan noted that it was an opportunity to use it as leverage to advance human rights in ASEAN as it is an expression of general will that an ASEAN Human Right body shall be established. H.E. Pitsuwan called on participants to focus on the prospective TOR and stated that the work of the HLP must reflect the aspirations and expectations of the ASEAN peoples. Accordingly, members of the ASEAN Human Rights body should be independent and be selected with the participation of civil society so that they will be free to do their best for the ASEAN peoples. Further, H.E. Pitsuwan identified that the greatest challenge to human rights in ASEAN is the differences in attitudes towards it. Nonetheless, to achieve a caring and sharing community, ASEAN will have to continue to work hard at the promotion and protection of human rights and to allow the ASEAN peoples to fulfill their potential. This undertaking requires the support of all the ASEAN peoples, governments of ASEAN member countries, dialogue partners and institutions.
7. Session One continued with His Excellency Prof. Tommy Koh, Singapore’s Ambassador at Large and Chair of the High Level Task Force on the

Drafting of the ASEAN Charter (“HLTF”), adding five more points. First, he hailed the ASEAN Charter as revolutionary step in human rights protection in ASEAN. Second, he reflected that the HLTF had a challenging task as there was no issue which was as divisive and controversial as human rights in the course of drafting the ASEAN Charter. Third, he reminded participants that ASEAN remains fairly divided on human rights issues. Fourth, H.E. Koh identified the issues which the HLTF could and could not agree on. On one hand, the HLTF agreed that the ASEAN Human Rights body should be an inter-governmental organization; that it should not be an accusatory body; that it should define human rights in an ASEAN context; and that it should represent ASEAN at international forums. On the other hand, the HLTF could not agree on whether the ASEAN Human Rights body should have the power to monitor and investigate the human rights practice of member countries; and on whether discourse on human rights in ASEAN should also include the responsibility of individuals. Fifth, he concluded by adding that the HLP will face the challenging task of balancing human rights protection with ASEAN’s principle of non-interference with the domestic affairs of member countries. Mr. Rodolfo Severino, former ASEAN Secretary-General, emphasized that basic human rights should be enforced and violations of these under any pre-texts should not be tolerated. Following from this, Mr. Wigberto Tañada, Chairperson of the Philippine Working Group for an ASEAN Human Rights Mechanism, added that it was now clear that a consensus has been reached that the ASEAN Human Rights body be established and that ASEAN member countries should act without further delay in exercising their collective political will and common sovereignty to protect human rights. Prof. Tay concluded Session 1 by reminding participants that the ASEAN Charter is not yet in force as four member countries have yet to ratify it.

8. Session Two was chaired by Prof. Muntarbhorn and featured discussions among Mr. Manasvi Srisodapol, Deputy Director-General of the Department of ASEAN Affairs of the Ministry of Foreign Affairs of Thailand, Ms. Trinh Hai Yen, Senior Lecturer at the Faculty of Law of the Diplomatic Academy of Vietnam and Dato’ Param Cumaraswamy, Chairperson of the Malaysian Working Group for an ASEAN Human Rights Mechanism. Mr. Srisodapol noted that the way forward for human rights in ASEAN is through the identification of a shared vision by ASEAN’s stakeholders which will depoliticize human rights in ASEAN and develop ASEAN perspectives on human rights. Further, he added that he expected a first draft of the TOR by December 2008 and a final draft of the TOR by July 2009. Hopefully, the ASEAN Human Rights body would be established by December 2009 during the 16<sup>th</sup> ASEAN Summit. Dato Cumaraswamy believed, on the other hand, that human rights will always be seen as being politicized. Accordingly, he advocated an approach whereby member countries which were ready and willing to move ahead with the formation of the ASEAN Human Rights body should move first. Further, he added that the ASEAN Human Rights body should be independent from governments and must have powers to investigate and report. Further, member countries should not see these powers as interference. Ms. Trinh provided participants with an interpretation of Article 14 of the ASEAN Charter and opined that it should be interpreted in light of the purposes and principles in the Charter’s provisions. Accordingly, she found that the functions of the ASEAN Human Rights body should be suitable for member countries at particular stages of economic development and that an amendment procedure should be included in the TOR so as to facilitate the future development of the ASEAN Human Rights body. The floor proceeded

to discuss Dato Kumaraswamy's proposal that member countries which were ready and willing to move ahead with human rights should move first. Some noted that it would not be an unprecedented policy for ASEAN to take while others felt that this would cause divisiveness within ASEAN.

9. Session Three was chaired by Prof. Tay and featured discussions between Dr. Sriprapha Petcharamesree, Chairperson of the Thai Working Group for an ASEAN Human Rights Mechanism, and Ms. Constance Singham, President of the Association of Women for Action and Research. Prof. Tay posed the question of how the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children will operate and how will it interact with the ASEAN Human Rights body. Dr. Petcharamesree suggested that the Commission should be structured in accordance with the Paris Principles with emphasis on independence from governments, reflecting a pluralistic composition and representation, with a broad mandate and sufficient powers. The Commission should also use the Convention on the Elimination of all Forms of Discrimination Against Women ("CEDAW") and the Convention on the Rights of the Child ("CRC") as common legal standards. Further, she felt that the Commission should conduct thematic reporting as it would save considerable resources given that all ASEAN member states have reporting obligations under the CEDAW and the CRC. Ms. Singham agreed with Dr. Petcharamesree and added that the Commission should be allowed to comment on member countries' practices. The floor deliberated these opinions and noted that the Commission is due to be established based on the Vientiane Action Programme ("VAP"). The floor also recognized that there should be no duplication of the Commission's work and supported the thematic reporting by the Commission. However, some participants were also of the opinion that the Human Rights body and the Commission should not co-exist for fear of de-prioritizing the Commission's work.
10. Session Four featured discussions among Ms. Braema Mathi of Maruah, Singapore, Dr. Rene Ofreneo of Asia Monitor Research Centre, Philippines and Mr. Irmawan Emir Wisnander, Director for ASEAN Functional Cooperation, Directorate-General of ASEAN Cooperation, Department of Foreign Affairs, Indonesia, and was chaired by Prof. Muntarbhorn. Ms. Mathi recommended that the ASEAN Secretariat should be restructured to better implement the ASEAN Declaration on the Rights of the Migrant Workers (the "Migrant Worker Declaration") and urged the ASEAN Summit to move forward to implement the Migrant Worker Declaration. She also suggested using corporate social responsibility as a way of advancing migrant rights. Dr. Ofreneo added that the Migrant Workers Instrument should require ASEAN member countries to ratify International Labor Organization Conventions No. 97 and No. 143 and pass enabling domestic legislations. In addition, he suggested the creation of a migration database and the appointment of a lead official to manage the database and mediate intra-ASEAN labor disputes. Further, efforts to campaign for the Migrant Workers Instrument should focus on the benefits to all member countries. Mr. Wisnander noted that the Migrant Workers Instrument should endeavor to be comprehensive in scope and detail the rights and obligations of sending and receiving states. Prof. Muntarbhorn concluded the session by reiterating that the Migrant Worker Declaration must be implemented and the rights provided for in it must be protected. He further warned against creating additional documents just so as to delay the process of the Migrant Worker Declaration's implementation. Further, Prof. Muntarbhorn noted that the search for a Migrant Workers Instrument should bear in mind that there are a number of human rights treaties that

concern migration and reminded participants that there are existing domestic laws that provide some protection to migrants.

11. Session Five featured discussions among Ms. Chalida Tajaroensuk, Coordinator of Empowering People for Strong Civil Society (People's Empowerment), Thailand, Dr. Carolina Hernandez, Founding President of the Institute for Strategic and Development Studies, Philippines and Mr. Ou Virak, President of the Cambodian Centre for Human Rights, Cambodia. Ms. Tajaroensuk suggested that the ASEAN Human Rights body should be easy to access by individuals and should be an independent body recognized by governments. Further, she suggested that a human rights council and a human rights court should be established within the ASEAN Human Rights body. Such a human rights council would be structured similar to the UN Human Rights Council and would be responsible for the monitoring of member countries' human rights practices which in turn would report on it to ASEAN and the public. The human rights court will receive claims in every ASEAN language, fulfill an investigative role and bring cases of non-compliance to human rights to jurists. Dr. Hernandez provided an insight into how the prospective drafting of the TOR may be conducted and commented there is a risk that in the course of drafting the TOR, civil society may not be sufficiently consulted. She therefore urged civil society to engage the HLP. Dr. Hernandez also warned that the establishment of the ASEAN Human Rights body may itself belie a more fundamental deficit in the ability of ASEAN member countries to implement human rights obligations. Accordingly, the ability to effect human rights in ASEAN depends on the ability to change the mindsets of member countries. Mr. Ou reiterated that the work of the HLP must be participatory in nature and that the HLP should understand that for the ASEAN Human Rights body to be effective, the TOR must provide some investigatory powers. Prof. Tay considered that the proposals in this session contemplated that the members to the ASEAN Human Rights body should be appointed by governments. The processes of appointment, however, should be in consultation with civil society. The floor discussion agreed with Prof. Tay's proposition and further suggested providing a women and children's commission with a shelf date while the ASEAN Human Rights body is being established, which will then be subsumed in it. The participants also noted that if a human rights court is to be established, we should be confident its judgments are to be complied with. Further, the floor discussion identified that human rights cuts across ASEAN's political-security, economic, and socio-cultural communities.
12. Session 6 featured discussions among Mr. Severino, Prof. Muntarbhorn, Prof. Tay, and was chaired by Ms. Cecilia Quisumbing, Commissioner of the Commission on Human Rights of the Philippines. Mr. Severino reviewed the options before ASEAN in establishing the ASEAN Human Rights body. He noted that the TOR will probably not prescribe accusatorial and confrontational powers with respect to member countries' compliance with their respective human rights obligations, perhaps, with exceptions for the gravest abuses of human rights. Accordingly, Mr. Severino opined that the TOR may prescribe advocacy, monitoring, capacity building functions together with powers to recommend ASEAN instruments on human rights. He noted that comprehensive agreements may not be immediately feasible. Prof. Muntarbhorn noted the complementary nature of human rights between the international realm and in ASEAN. Accordingly, he distinguished opportunities for ASEAN in human rights at the international and regional levels. At the international level, Prof. Muntarbhorn recommended that ASEAN member countries

ratify all 9 human rights treaties and their protocols and to implement them well, coupled with UN special procedures on human rights, and with emphasis on the ability of ASEAN to add value to the corpus of international human rights law. At the ASEAN level, ASEAN member countries and ASEAN should implement their existing obligations well. Human rights is a permeating principle, applicable to all sections of the ASEAN Charter. Accordingly, the ASEAN Human Rights body should have the power to assess situations, advise member countries, and be established as an independent body. Further, there should be access and participation of civil society and an attempt to synchronize its work with other ASEAN human rights institutions.

13. Prof. Tay agreed with Prof. Muntarbhorn that human rights is a cross-cutting issue in ASEAN, thus, must be coordinated with the three pillars, and should advocate different human rights agenda in each pillar. Prof. Tay suggested reconciling the different ideas regarding what are the right ideas on what the ASEAN human rights bodies should be and what these bodies can be at the right times, through a road map. He emphasized the need to develop the principles in stages. For example, starting with a human rights committee and moving towards a human rights commission applying international human rights standards; starting with transboundary issues and moving towards broader issues; starting with an inter-governmental body and moving towards an independent body. Prof. Tay also suggested that the Workshop consider what the toolbox of protection contains by looking at other options of getting to what protection denotes, and to clearly rule out coercion and the use of force. For example, using diplomacy and quasi-judicial rules e.g. exchanges of notes to protect human rights. Prof. Tay considered that there is always space to build effective human rights norms across member countries in accordance to consensus by layering this framework with protocols. Ms. Quisumbing added that NHRIs can serve as a useful bridge between governments and civil society and that we should think about what role they can play in the ASEAN Human Rights body.

### **III. Conclusions and Recommendations**

#### **A. Conclusions**

14. The Workshop congratulates ASEAN on the incorporation of a human rights body pursuant to Art 14 of the ASEAN Charter and recognizes that its establishment is a breakthrough for human rights in the region. The Workshop further recognizes ASEAN's commitments to its Joint Communiqués beginning in 1993, particularly on establishing an appropriate regional mechanism on human rights.
15. While ASEAN member countries have shown their commitment to promote and protect human rights, and in particular, the rights of women, children and migrant workers, through various declarations, plans of action, laws, policies and mechanisms both at regional and national levels, gaps remain at ground level which require enhanced action and vigilance on the part of governments and civil society in promoting and protecting human rights. It is important to emphasize that all should strive to implement what have already been declared and agreed upon by ASEAN member countries.
16. Further, ASEAN member countries which have not ratified the ASEAN Charter must do so as soon as possible and civil society groups, NHRIs and other stakeholders in these countries must work for the ratification of

the ASEAN Charter by their respective governments. In addition, it is not necessary for ASEAN governments and civil society to wait for the ratification of the ASEAN Charter before taking action pursuant to its human rights provisions since these are based on existing agreements or commitments of ASEAN member countries.

17. Civil society, NHRIs and other stakeholders should have important roles to play in consultations and in providing inputs to the HLP which will draft the TOR for the ASEAN Human Rights body. The HLP should facilitate meaningful and comprehensive consultations and work in a transparent manner.
18. There remain many challenges or constraints to the eventual establishment of the ASEAN Human Rights body. In particular,
  - i. There is a variety of opinions on whether the ASEAN Human Rights body should be composed of government representatives or of independent experts.
  - ii. Most participants believe that there should be independent powers, which includes to investigate, monitor and report, as well as the obligation on the member countries to provide the access, while other participants believe that less intrusive powers should be provided.
  - iii. Some participants believe that ASEAN should move as a whole in establishing the ASEAN Human Rights body while other participants believe that member countries who are ready and able to move first could do so.
19. There is a variety of opinions on how to proceed with the possible establishment of a possible ASEAN Commission on the Promotion and Protection of the Rights of Women and Children in light of the advent of the ASEAN Charter.

#### B. General Recommendations

20. The Workshop considers that human rights issues in ASEAN should be viewed in light of a broader ASEAN agenda as human rights issues cross-cut into the ASEAN Political and Security Community, Economic Community and Socio-Cultural Community.
21. The Workshop recognizes that for effective recognition and protection of human rights to take place within ASEAN, the establishment of an ASEAN Human Rights body should also be accompanied by renewed efforts to strengthen the body of substantive international, regional and national human rights norms. Accordingly, the Workshop encourages the ASEAN governments:
  - a. to abide by and strengthen existing human rights norms in international law;
  - b. to take steps to sign, ratify and implement existing international human rights instruments with possible withdrawal of reservations where they have yet to do so;
  - c. to increase cooperation and engagement with regional and international human rights organizations and mechanisms for

strengthened and improved compliance with international human rights instruments;

- d. to continue to strengthen and affirm the human rights principles found in the ASEAN Charter, the VAP and in other ASEAN instruments;
  - e. to continue in a step-by-step, multi-track and building block approach in developing principles of regional human rights norms which should be consistent with the standards set in international human rights instruments;
  - f. to facilitate ASEAN's human rights programmes and to enhance the functions of the ASEAN Secretariat accordingly;
  - g. to establish NHRIs in accordance with the Paris Principles, if they have not done so;
  - h. to welcome dialogue between ASEAN and NHRIs, which could possibly be called as "National Human Rights Institutions Dialogue with ASEAN" (NIPA); and
  - i. to increase cooperation and engagement with domestic human rights organizations.
22. The Workshop recommends that the HLP address the issue of the possible establishment of the Commission on the Promotion and Protection of the Rights of Women and Children which should not result in its lesser status in the event that two commissions/bodies are established.
23. While the Migrant Worker Declaration is a landmark document, there is a need for follow up efforts, including consideration of a binding legal instrument on the rights of migrant workers. In particular, it is important for civil society to help the ASEAN Secretariat implement the Migrant Worker Declaration pending the possible concretization of a binding instrument.

### C. Specific Recommendations

#### I. The ASEAN Charter and Human Rights

24. The Workshop welcomes the possible timeline that the TORs should be finalized and the ASEAN Human Rights body established by the end of 2009 as proposed by a participant from Thailand, factoring in effective consultation with civil society.
25. The Workshop welcomes the convening of the HLP which is to draft the TOR that will spell out the mandate and scope of an ASEAN Human Rights body. In furtherance of this objective, the Workshop considers that the HLP should bear the following principles in mind in the course of drafting the TOR, wherein, inter alia, the TOR could empower an ASEAN Human Rights body that is:
- i. mandated to carry out state and/or thematic reporting coupled with an optional protocol to conduct investigations upon complaints by individuals in accordance to international standards and broadly, with the power to assess situations and advise member countries;

- ii. with the power to promote and protect human rights;
  - iii. to provide for effective implementation of the ASEAN Human Rights body's findings and adequate resources for its operations.
  - iv. to provide that the appointment of its members should be carried out in consultation with civil society groups, NHRIs and other stakeholders transparently.
  - v. to provide public education with respect to human rights;
  - vi. to study and promote relevant human rights treaties;
  - vii. to promulgate human rights declarations on behalf of ASEAN;
  - viii. to consult with NGOs, NHRIs and other stakeholders;
  - ix. to appoint a human rights coordinator to advocate in development and work of ASEAN councils, networks of existing NHRIs; and
  - x. to engage in capacity building in the implementation and encouraging compliance with human rights treaties.
- a. Accordingly, the TOR should provide adequate provisions for its own amendment so as to facilitate the gradual development of the ASEAN Human Rights body.
  - b. The TOR should provide the ASEAN Human Rights body with sufficient powers and scope to examine and develop regional human rights norms which should at least be consistent with international human rights standards.
  - c. The TOR should address the issue of follow up of recommendations/consultations with whatever human rights body.
31. The Workshop recognizes that the ASEAN Charter is but a seminal and significant beginning for the promotion and protection of human rights in the region,
- II. An ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
29. The Workshop recognizes that the VAP provides for the establishment of the Commission within its time line of 2010. In the event of it being established, it should be aligned with whatever other body that has already been established.
30. The Workshop further recommends that the Commission should be provided with:
- a. sufficient power and scope to investigate non-compliance of international and regional human rights norms with respect to the promotion and protection of the rights of women and children, in particular engaging in the thematic reporting of the most urgent

instances of non-compliance with human rights norms concerning women and children;

- b. sufficient resources to carry out its agenda; and
- c. sufficient power and scope to further articulate and develop international and regional human rights norms with respect to the promotion and protection of the rights of women and children.

The Workshop recognizes that the work of the Commission should not result in duplication with other international organizations and/or treaties.

### III. An ASEAN Instrument on the Protection and Promotion of Migrant Workers (the "Migrant Workers Instrument")

- 32. The Workshop advocates that steps towards implementation of the Migrant Workers Declaration be taken as soon as possible and encourages ASEAN member states to sign and ratify human rights treaties that provide for the rights of migrants, in particular, International Labor Organization Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and enact the appropriate enabling domestic legislation. Further, the Workshop recommends that the ASEAN Secretariat, civil society groups, NHRIs and other stakeholders should assist member countries in building their capacity to comply with existing standards.
- 33. The Workshop acknowledges that there is a need to align existing Memoranda of Understanding and bilateral agreements concerning migrant workers with the Migrant Workers Declaration's provisions .
- 34. The Workshop welcomes the establishment of an ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and looks forward to its work towards the development of a Migrant Workers Instrument.
- 35. The Workshop recommends that, in the event that a Migrant Workers Instrument is contemplated to be entered into by ASEAN member countries, the Migrant Workers Instrument should be referenced to existing human rights treaties that provide for the rights of migrants instead of creating new obligations for member states to comply with.
- 36. The Workshop urges ASEAN member countries to resolve the following issues:
  - i. the definition of who are considered migrant workers;
  - ii. to prohibit the caning and/or other forms of corporal punishment on undocumented migrant workers;
  - iii. consider using principles of corporate social responsibility to promote and protect the human rights of migrant workers;
  - iv. to align of local laws with the Migrant Worker Declaration.

### IV. Acknowledgements

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