

**DRAFT**

**Third Workshop for an ASEAN Regional  
Mechanism on Human Rights  
Bangkok, 28-29 May 2003**

**Summary of Proceedings**

**I. Introduction**

1. The Third Workshop for an ASEAN Regional Mechanism on Human Rights was convened in Bangkok, Thailand, on May 28 and 29, 2003. It was co-organized and

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Human Rights Mechanism; (2) Human Rights Policies, Practices and Related Functional Cooperation in ASEAN; (3) Cooperation on Issues of Common Concern in the ASEAN Region; (4) Plenary Discussion on the Draft Concept Paper on the ASEAN Human Rights Mechanism; and (5) Moving Forward: Summarising and Identifying Practical Steps for Further Cooperation. Under Session Three, there were four parallel sessions on the following topics: (i) The Respect for Human Rights in the Context of the Global Fight Against Terrorism; (ii) Cooperation to Combat Trafficking of Women and Children in the Region; (iii) The Promotion of Human Rights Education in the Regional Context; and (iv) The Realization of Economic, Social and Cultural Rights and the Right to Development for ASEAN Peoples in the Context of Globalization.

7. In the First Session, Mr. Marzuki Darusman, Co-Chairperson of the Working Group for an ASEAN Human Rights Mechanism, said that pending a substantive response from ASEAN on the proposal for an ASEAN Human Rights Commission, there is a need for interim steps to maintain direction and sustain existing efforts towards the ultimate goal of a regional mechanism. Dr. Carolina Hernandez of the ASEAN-ISIS, explained that the diversity within ASEAN-ISIS has made it difficult for the organization to endorse the proposal for the ASEAN Human Rights Commission, but that ASEAN-ISIS is willing to continue collaborative efforts with the Working Group. Tan Sri Dato Harun Mahmud Hashim, the Vice-Chairperson of the Malaysian Human Rights Commission (SUHAKAM), expressed the importance of having national human rights institutions in all ASEAN countries. The Session was chaired by Dr. Kek Galabru, the head of LICADHO in Cambodia.
8. In the Second Session, Mr. M.C. Abad of the ASEAN Secretariat discussed the various areas of functional cooperation relating to human rights in ASEAN. Dr. Hafid Abbas of the Ministry of Justice and Human Rights of Indonesia discussed the various areas for a multi-track cooperation among various institutions in ASEAN countries and stressed the importance of having regional centers of excellence. Prof. Vitit Muntarbhorn, Co-Chairperson of the Working Group, presented a roadmap of concrete steps that could be adopted towards the establishment of an ASEAN Human Rights Mechanism. This Session was chaired by Ms. Paulynn Sicam of the Benigno Aquino Foundation, Philippines.
9. The Third Session was divided into four Working Group Sessions. The Working Group on “The Respect for Human Rights in the Context of the Global Fight Against Terrorism” was chaired by Mr. Wilhelm Soriano, Commissioner of the Philippine Commission on Human Rights, with Dr. Chaiwat Sata-Anand of the Peace Information Center, Thammasat University, Thailand, and Mr. Sinapan Samydorai, President of Think Centre in Singapore as speakers.

The Working Group on “Cooperation to Combat Trafficking of Women and Children in the Region” was chaired by Mr. Bounteum Khamkheuang, Deputy-Director General of the Department of Treaties and Legal Affairs of the Ministry of Foreign Affairs of Lao P.D.R. with Mr. Oren Ginzburg of UNICEF as speaker.

The Working Group on “The Promotion of Human Rights Education in the Regional Context” was chaired by Dr. Ne Win of the Ministry of Home Affairs of Myanmar, with Mr. Naren Prasat of UNESCO as speaker.

The Working Group on “The Realization of Economic, Social and Cultural Rights and the Right to Development for ASEAN Peoples in the Context of Globalization” was chaired by Ms. Khunying Ambhorn Meesook, Commissioner of the National Human Rights Commission of Thailand, with Ms. Nicola Bullard of Focus on the Global South as speaker.

The reports of the four parallel sessions were presented by Mr. Budiono Kusumohmidjojo (Indonesian Working Group) for the session on terrorism, Ms. Nanda Hmun (Ministry of Culture of Myanmar) for the session on trafficking in women and children, Ms. Evelyn Serrano (Forum-ASIA) for the session on human rights education, and Mr. Sinapan Samydorai (Think Centre, Singapore) for the session economic, social and cultural rights and the right to development. The Plenary Session for the Reports of the Working Groups was chaired by Mr. Touch Khemarin of the Cambodian Committee on Human Rights.

10. Session Four was a Plenary Discussion on the Draft Concept Paper on the ASEAN Human Rights Mechanism. The resource persons for this session were Prof. Viti Muntarbhorn and Mr. Marzuki Darusman, Co-Chairpersons of the Working Group for an ASEAN Human Rights Mechanism. The session considered various proposals to further advance the initiative for a regional mechanism, including the points raised in the paper entitled “Roadmap for an ASEAN Human Rights Mechanism” which Prof. Muntarbhorn drafted for the Third Workshop. The Session was chaired by Mr. Wigberto Tañada, Chairperson of the Philippine Working Group.
11. Session Five considered and adopted the summary of conclusions and recommendations of the Third Workshop which were presented by Dr. Sriprapha Petcharamesree (Mahidol University, Thailand) and Mr. Carlos Medina (Secretary General of the Working Group for an ASEAN Human Rights Mechanism) as rapporteurs. The session was chaired by the Mrs. Atchara Suyanan, Director-General of the Department of International Organization, Ministry of Foreign Affairs of the Kingdom of Thailand.

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

12. The Workshop reaffirmed that the establishment of an ASEAN human rights mechanism is desirable, and reaffirmed the importance of a step-by-step, multi-sectoral and building-block approach. In the keynote speech delivered by H.E. Dr. Sorajak Kasemsuwan, Vice Minister of Foreign Affairs of Thailand, he declared that “we all agree in principle that there should be a regional mechanism for human rights in ASEAN”.

13. It was also suggested that regional mechanism could take many forms and contents to offer a range of options to work on. In the short term, cooperation could focus in the areas of common concerns.
14. The Workshop agreed that as part of the building block approach, there is a need to create a culture of human rights in ASEAN through the construction of a normative framework for human rights as a common value, diffusion of human rights education to grass-root level, and the creation of channels for exchanges of human rights information and experience as envisioned in the Hanoi Plan of Action. There is also a need to construct a common legal framework for human rights in ASEAN to create a collective sense of ownership. The first step recommended can be a study of the Constitutions of ASEAN countries to identify human rights elements within them.
15. The Workshop recognized that the proposal to set up an ASEAN Human Rights commission emphasized in the draft agreement for the Establishment of an ASEAN Human Rights Commission submitted by the Working Group to the ASEAN Foreign Ministers Meeting in 2000 seemed for some to be premature. It was therefore recommended that interim arrangements be established while bearing in mind that the end goal be an ASEAN Human Rights Commission. The ASEAN Commission for the Promotion and Protection of the Rights of women and children was proposed as a possible interim arrangement. There is however a need to avoid reinventing the wheel.
16. The Workshop agreed that the formation of such mechanism should be based on at least five premises; act independently of the government, be an intergovernmental based upon the commitment of member governments/states; be consistent with international human rights standards while providing “value added” from the region; should respect existing national mechanisms; and should provide access to member governments and individuals to seek redress against the other member governments.
17. The Workshop approved and adopted in its entirety the document entitled “Roadmap for an ASEAN Human Rights Mechanism” prepared by Prof. Vitit Muntarbhorn. Five steps along the roadmap have been identified as follows:
  - a. A Joint Working Group between the government representatives, the national human rights institutions, and civil society including the Working Group for an ASEAN Human Rights Mechanism and ASEAN-ISIS be set up in 2004 preferably at the time of the ASEAN Ministerial Meeting
  - b. An Eminent Persons Group be established with the blessings of the ASEAN governments to complement the joint Working Group and to provide the “Think Tank” inputs for the options available and to submit reports on the issue to the proposed Joint Working Group and the ASEAN Foreign Ministers in 2004. The EPG should be set up by the governments

of ASEAN with the participation of civil society in order to ensure broader partnership and access to all key stakeholders.

- c. Explore the possibility for the establishment of an ASEAN Commission for the promotion and protection of the Rights of Women and Children, which is considered as a potential entry point.
- d. A more comprehensive ASEAN Women Rights Commission be set up in the framework of the existing ASEAN Vision 2020 based on the pathfinder mentioned.
- e. Other activities for the promotion and protection of human rights in ASEAN region to complement the proposed interim mechanism be supported. Those activities are the formation and networking between the national working groups, and between the national human rights commissions, more human rights education and capacity building, and the fostering of good practices in implementing human rights standards regionally, nationally, and locally, with strong civil society participation and people-to-people cooperation.

18. The Workshop took note of other possible arrangements, including the following:

- a. Development of various regional centers of excellence within ASEAN as a strategic step towards a more synergetic efforts. The SEAMEO model was recommended.
- b. The establishment of the “Council” composed of representatives of relevant ministries accredited by the governments of member states.
- c. Networking of the national human rights institutions.
- d. A special unit to support a human rights data base under ASEAN Secretariat be set up.

19. The Workshop strongly recommended the adoption of a special plan of action for the protection of human rights in the context of the fight against terrorism as well as a special plan of action on the trafficking of women and children.

20. The Workshop repeatedly emphasized the cooperation on human rights education in the region. Special human rights education programs for some particular groups, e.g. police, judges, lawyers, etc be further developed. Having common strategies and sharing experience are also recommended. A declaration for a Decade of Human Rights Education in ASEAN should be considered.

21. The Workshop also recognized a good position of the NHRIs to bridge between the governments and civil society and therefore recommend closer cooperation among

existing national human rights institutions within ASEAN. For this particular purpose, permanent networking should be established initially with the focus on the rights of women and children.

22. The Workshop called for the continuity of involvement and representation. It also recognized the need that the Workshop to be organized in the future be attended by all ASEAN countries.

23. The Workshop decided that the following steps be specifically undertaken:

- a. request ASEAN-ISIS to review the draft agreement for the establishment of an ASEAN Human Rights Commission submitted to the AMM in 2000 and to work together with the Working Group on a Draft Concept Paper for an ASEAN Human Rights Mechanism;
- b. work towards the establishment of an Eminent Persons Group by submitting a list of possible nominees to the ASEAN-SOM during the next meeting in Phnom Penh;
- c. support the coordination activities of the National Human Rights Institutions including the designation of a Focal Point to work with the Working Group;
- d. task a team to identify and study the activities and programs under the Functional Cooperation framework of ASEAN in relation to the initiative;
- e. expand the basis of activities of the initiative by involving the support of the United Nations and other International Agencies; and
- f. continue the step-by-step, multi-track approach in line with the ASEAN Vision 2020 and its present and future Plans of Action.

#### **IV. Acknowledgement**

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