

**Roundtable Discussion on the ASEAN Human Rights Mechanism: Follow-Up of
the Vientiane Action Programme of ASEAN 2004-2010**

Bali, Indonesia

19-20 December 2005

Summary of Proceedings

I. Introduction

1. The Roundtable Discussion (Roundtable) on the ASEAN Human Rights Mechanism: Follow-Up of the Vientiane Action Programme of ASEAN 2004-2010 was held in Bali, Indonesia, on 19-20 December, 2005. The Roundtable was co-organized and co-hosted by the Department of Foreign Affairs of the Republic of Indonesia and the Working Group for an ASEAN Human Rights Mechanism.
2. The Roundtable was attended by participants representing governments, national human rights institutions, and national working groups of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore and Thailand, including a representative from the ASEAN Secretariat. Also in attendance were representatives of funding organizations and the United Nations Office of the High Commissioner for Human Rights as guests and observers.
3. The Roundtable was opened by Mr. I Gusti Agung Wesaka Puja, Acting Director-General of the Multilateral Political, Social and Security Affairs, Department of Foreign Affairs of the Republic of Indonesia, and Mr. Marzuki Darusman, Co-Chairperson of the Working Group for an ASEAN Human Rights Mechanism, who each delivered welcome remarks.
4. The Roundtable Discussion is a step-by-step process towards the eventual establishment of a human rights arrangement in the ASEAN region and aims to provide recommendations for a practical strategy towards a progressive realization of an ASEAN regional mechanism on human rights. It also aims to provide recommendations that can be used for future discussions.

II. Roundtable Sessions

5. The Roundtable was divided into five sessions covering the following topics: (1) Stocktaking of Developments on Human Rights in ASEAN; (2) The Vientiane Action Programme: A Step Towards the Establishment of an ASEAN Human Rights Mechanism; (3) Common Human Rights Concerns in ASEAN, which include (i) Promoting Education and Public Awareness on Human Rights in the Region; (ii)

establishment of the commission on women and children; and (iii) Promoting and Protecting the Rights of Migrant Workers ; (4) Networking of National Human Rights Institutions: Efforts to Address Common Human Rights Issues and Concerns; and (5) Plenary Discussion on the Roundtable Conclusions and Recommendations.

6. In the first session, Dr. Khiane Phansourivong of the ASEAN Secretariat discussed developments on human rights in ASEAN by outlining the evolution of ASEAN and the emergence of human rights as a recognized issue of regional concern. Dr. Phansourivong spoke of ASEAN documents and programs which deal with human rights, like the Declaration against Trafficking in Persons, the Jakarta Declaration on Violence against Women, and the Vientiane Action Programme (VAP), emphasizing the program areas contained in the VAP and making suggestions as to areas where the Working Group could be of assistance. Inquiries were made in relation to the follow-up of the Hanoi Plan of Action of 1998 especially on the setting up of the ASEAN Center for the exchange of information on human rights as well as the possibility of receiving support from the ASEAN Development Fund and other sources. The Session was moderated by Dato Param Cumaraswamy, Chairperson of the Malaysian Working Group for an ASEAN Human Rights Mechanism.
7. In the second session, Mr. Prasith Sayasith, Deputy Director-General of the ASEAN Department of the Ministry for Foreign Affairs of Lao P.D.R., spoke of the VAP in which there are seven points on promotion and protection of human rights. He informed the meeting about the response of the Laos SOM leader to the questions raised by the Working Group on the occasion of the 38th ASEAN Ministerial Meeting in Vientiane, Lao P.D.R.. He observed that there was a move in Vientiane for official minutes to be taken during the Working Group meeting with ASEAN SOM. There was also a recognition of the need for a focal person within ASEAN with whom the Working Group could coordinate with regard to the mandate it was given which is to assist ASEAN on four of the human rights program areas of the VAP. The Session was moderated by Ms. Wiwiek Setyawati Firman, Director for Political and Security Affairs, Directorate General for ASEAN Cooperation, Department of Foreign Affairs of the Republic of Indonesia.
8. The third session discussed common human rights concerns in ASEAN and 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," Mr. Jose Luis Gascon, a member of the Philippine Working Group for an ASEAN Human Rights Mechanism, commenced by making the observation that ASEAN states are at the

crossroads of opportunities and challenges when it comes to human rights. He then presented a concept paper prepared by members of the Philippine Working Group on Human Rights Promotion in ASEAN which provide strategies for human rights promotion in ASEAN. The session was moderated by Ms. Rath Many, Deputy Director, General Department of ASEAN, Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia.

- b) In the second sub-session on "Promoting and Protecting the Rights of Women and Children", Ms. Sjamsiah Achmad, a member of the National Commission on Violence Against Women of the Republic of Indonesia, outlined points to consider in advocating for the promotion and protection of women's and children's rights within the region: (1) necessity of taking stock and understanding the legal frameworks in ASEAN states and their relation to international instruments and policies affecting the sectors; (2) importance of networking and of having focal points; (3) systematic monitoring; (4) necessity of engaging all stakeholders; (5) advisability of ensuring inputs for the ASEAN Charter by engaging the Eminent Persons Group for such Charter and the drafting team which may be constituted. The session was moderated by Dr. Sriprapha Petchamesree, a member of the Thai Working Group for an ASEAN Human Rights Mechanism.
 - c) In the third sub-session on "Promoting and Protecting the Rights of Migrant Workers," Mr. Sinapan Samydorai of the Singapore Working Group for an ASEAN Human Rights Mechanism spoke of the challenges, brought about by diversity and difficulties, faced by the region when it comes to labor migration. He recounted instances when the rights of migrant workers in the region were violated. He then gave a few recommendations at regional and national levels, including core labor rights, minimum standards on migrant rights, and specific standards for recruitment. It was noted that further studies are necessary on best practices on migrant labor policies, existing bilateral arrangements, and the like. The session was moderated by Mr. Raymond Balatbat, Director, Office of ASEAN Affairs, Department of Foreign Affairs of the Republic of the Philippines.
9. In the Fourth Session, Dr. Chiam Heng Keng, Commissioner, Malaysian National Human Rights Commission (SUHAKAM), discussed the networking of the National Human Rights Institutions and their efforts to address common human rights issues and concerns. She touched on what the four institutions have accomplished so far in their networking. The areas identified by the NHRIs are similar to the program areas mentioned in the VAP. She also outlined some

pointers for networking among the NHRIs. Among the matters to be discussed at the next meeting of the four NHRIs is the memorandum of understanding (MOU) submitted by the Philippine Commission on Human Rights. The session was moderated by Mr. Marzuki Darusman, Co-Chairperson, Working Group for an ASEAN Human Rights Mechanism.

10. The Fifth Session was a Plenary Discussion on the Roundtable Conclusions and Recommendations. The rapporteurs, Mr. I Gusti Agung Wesaka Puja, Acting Director General of Multilateral Political, Social and Security Affairs, Department of Foreign Affairs of the Republic of Indonesia, and Mr. Carlos Medina, Secretary-General of the Working Group for an ASEAN Human Rights Mechanism, presented for plenary deliberation the draft summary of the Roundtable proceedings and the conclusions and recommendations of the Roundtable. The session was moderated by Ms. Wiwiek Setyawati Firman, Director for Political and Security Affairs, Directorate General for ASEAN Cooperation, Department of Foreign Affairs of the Republic of Indonesia.
11. The closing remarks were delivered by Ms. Wiwiek Setyawati Firman to formally end the Roundtable.

III. Conclusions and Recommendations

For the purpose of realizing the four human rights program areas of the Vientiane Action Programme (VAP), namely:

- i. Establishment of a commission on the promotion and protection of the rights of women and children;
- ii. Elaboration of an ASEAN instrument on the promotion and protection of the rights of migrant workers;
- iii. Promoting education and public awareness on human rights in the region; and
- iv. Establishing network among existing national human rights institutions in the region,

the Roundtable makes the following conclusions and recommendations.

General

12. The Roundtable reaffirmed the ASEAN commitment to continue working for the establishment of an ASEAN human rights mechanism and reaffirmed the importance of a step-by-step, multi-track and building-blocks approach involving

governments, national human rights institutions, parliaments, and civil society groups in the ASEAN region.

13. The Roundtable expressed support for the implementation of the VAP and the consolidated efforts of governments towards such implementation in a timely fashion within the timeframe provided by VAP.
14. The Roundtable specifically acknowledged the need to mobilize resources to support the implementation of the four program areas of the VAP, e.g., the ASEAN Development Fund, international, regional, and national organizations.
15. The Roundtable recommended:
 - a. That an in-depth study be undertaken by the Working Group on the status of human rights protection in each of the ASEAN states for the establishment of a regional mechanism on human rights and in particular for the establishment of a commission or commissions for the promotion and protection of the rights of women and children and an instrument for the protection and promotion of rights of migrant workers in the ASEAN region.
 - b. That this study be undertaken and completed within a period of one year from the date of this round table.
 - c. That the existing national human rights institutions in ASEAN expedite the formalization of the network among themselves as encouraged by the VAP.
16. The Roundtable recommended that specific activities for the four human rights program points in the VAP be identified and that the ASEAN be urged at the next opportunity to provide specific timeframes for the implementation of the human rights program areas.
17. The Roundtable recognized the need to strengthen efforts to set up an ASEAN human rights mechanism and the need for follow-through activities on the mechanism initiative, while working at the same time for the establishment of mechanisms to deal with, as a matter of priority, specific issues of common concern such as the promotion and protection of the rights of children, women and migrant workers.
18. The Roundtable recognized the advantages of considering an initiative involving those countries which are already prepared to subscribe to a regional mechanism on human rights to start that process while continuing the dialogue with a view to universal participation within ASEAN.
19. The Roundtable recognized that any discussion on human rights must also be seen in the context of strengthening the rule of law, good governance, and the administration of justice in ASEAN. It also acknowledged the need to have transparency, accountability and effectiveness of public sector management, as well as an active civil society.

20. The Roundtable recognized the vital role of civil society groups in the region and the need to adopt a more cooperative approach in the spirit of productive partnership in working with ASEAN governments in the promotion and protection of human rights, and welcomed the readiness of civil society to be engaged in a more constructive and productive dialogue with government in addressing various human rights issues in the region.
21. The Roundtable considered the need to engage and involve the private sector to maximize its role in the promotion and protection of human rights.
22. The Roundtable reaffirmed the need to constitute a joint working committee of ASEAN and the Working Group, including resource persons, at regional level to initiate specific activities towards the implementation of the four program areas of the VAP.

ASEAN Charter

23. The Roundtable welcomed the Declaration on the Establishment of the ASEAN Charter and recognized the need to engage the members of the Eminent Persons Group for an ASEAN Charter as well as the members of any drafting team formed in the future to ensure that human rights concerns be included and given full consideration in such Charter.

Human Rights Education

24. The Roundtable reaffirmed the importance of civil society support in the promotion of education and public awareness on human rights in the region.
25. The Roundtable acknowledged the importance of having National Plans of Action on Human Rights in each ASEAN country as a platform for exploring regional cooperation on human rights education.
26. The Roundtable agreed on the need to take stock of initiatives on human rights education in the ASEAN states, and to increase exchange as well as best practices in human rights, particularly human rights education. In this connection, the Roundtable considered the possibility of setting up a Regional Training Center on Human Rights.
27. The Roundtable reaffirmed the need to integrate human rights teaching at all levels of education and to accord special attention to human rights education for disadvantaged persons and those living in remote areas.
28. In the same vein, the Roundtable stressed the importance of making education accessible to all.

Promotion and Protection of the Rights of Women, Children and Migrant Workers

29. The Roundtable recognized that as a preliminary step towards the establishment of mechanisms on the rights of women, children and migrant workers, there is a need to take stock of the judicial systems and the national legal framework and policies of ASEAN states, and to understand how these relate to the international instruments and policies which most affect the rights of women, children, and migrant workers.
30. The Roundtable realized the importance of engaging all stakeholders in the process of setting up such mechanisms.
31. The Roundtable realized the need to ensure the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) within the ASEAN region and recognized the need for systematic monitoring of compliance by ASEAN countries with laws and other instruments dealing with the rights of women, children and migrant workers.
32. With regard to the rights of migrant workers, the Roundtable recommends that all ASEAN member-countries consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and relevant labor standards.
33. The Roundtable considered the need to explore the feasibility and wisdom of proposing to ASEAN separate commissions for women and children.
34. The Roundtable recommended the immediate establishment of the commission on women and children in accordance with CEDAW and CRC.
35. The Roundtable recommended that the Working Group widen its network to include other ASEAN implementing or sectoral bodies, especially the ASEAN SOMTC, AMMTC and ASEAN DGICM, which have specific mandates to deal with trafficking in persons and to address the issues pertaining with the rights of women and children.
36. The Roundtable acknowledged and welcomed the endorsement of the ASEAN Standing Committee of the project entitled the "ASEAN Human Rights Mechanism Study" in relation to the promotion of the rights of women and children.

National Human Rights Institutions

37. The Roundtable recognized the need to consolidate networking activities among existing national human rights institutions and other specialized human rights

agencies to strengthen their role on human rights in the region, especially on emerging critical issues of common concern.

38. The Roundtable acknowledged the need for increased collaboration among national human rights institutions on emerging critical issues of common concern in the region.
39. The Roundtable considered the possibility of establishing national human rights commissions in ASEAN countries which still do not have one.

IV. Acknowledgment

40. The Roundtable participants expressed appreciation to the Department of Foreign Affairs of the Republic of Indonesia and the Working Group for an ASEAN Human Rights Mechanism for co-hosting and co-organizing the Roundtable Discussion, and to the Southeast Asia Regional Cooperation in Human Development and the Friedrich Naumann Foundation for providing invaluable financial support.