

WORKSHOP FOR AN ASEAN REGIONAL MECHANISM ON HUMAN RIGHTS
Jakarta, July 5 - 6, 2001

WORKSHOP'S SUMMARY OF THE PROCEEDINGS

I. Introduction

1. The Workshop for an ASEAN Regional Mechanism on Human Rights was convened in Jakarta from 5 to 6 July 2001. The Workshop was organized and co-hosted by the Department of Foreign Affairs of the Republic of Indonesia, the Indonesian National Human Rights Commission (KOMNAS HAM) and the Working Group for an ASEAN Human Rights Mechanism (Working Group).
2. The Workshop was attended by participants representing Governments, National Human Rights Commissions, NGOs and academicians from Cambodia, Indonesia, Lao PDR,, Malaysia, Myanmar, Philippines, Thailand, and observers from the ASEAN Secretariat, officials from Indonesian government agencies, universities and NGOs. An official from Vietnamese Embassy attended the Workshop to observe the proceeding. The informal nature of the Workshop has provided frank and friendly atmosphere and encouraged participants to enthusiastically taking part in the exchange of views and discussions.
3. The Workshop was opened by the Indonesian Minister for Foreign Affairs, H.E. Dr. Alwi Shihab. Additional opening statements were made by Chairman of the Indonesian National Commission on Human Rights, Mr. Djoko Sugianto and Chairman of the Working Group, H.E. Mr. Marzuki Darusman.
4. A parallel meeting among national human rights commissions in the ASEAN region was convened to discuss possible courses of action in the light of the Workshop's objectives. A meeting of the Working Group also took place on the occasion of this Workshop.
5. The Workshop was closed by the representatives of the three co-hosts of the Workshop, namely: Mr. Wigberto Tanada on behalf of regional Working Group and Indonesian National Commission on Human Rights, and H.E. Dr. N. Hassan Wirajuda, Director-General for Political Affairs, Department of Foreign Affairs of the Republic of Indonesia;.

II. Organization of the Workshop

6. The Workshop was conducted in 5 sessions with topics: Why a Regional Human Rights mechanism?; ASEAN and Human Rights; Existing Human Rights Regional Mechanisms; Appropriate Arrangement for the Establishment of an ASEAN Human Rights Mechanism; and Strategies and Process.
7. The first session examined current human rights policy and practice in the ASEAN region. It discussed the question on why there is a need for a regional mechanism in the ASEAN region. The first panel discussion was chaired by Dr. Dewi Fortuna Anwar (Indonesia). Speaker of this session was Dr. Carolina Hernandez (ASEAN-ISIS). The second panel

discussion discussed the existing human rights procedures and mechanism in the ASEAN region. This was chaired by Mr. Chey Entero (Cambodia). Mr. Theo Sambuaga (Indonesia), Ms. Songphorn Tajaroensuk, Prof. Saparinah Sadli and Prof. Mely G. Tan spoke on the topic.

8. The second session identified human rights engagements and current initiatives within the ASEAN region. The session was chaired by Mr. Jaran Ditapichai (Thailand). Dato Param Cumaraswamy (Malaysia) spoke on the Initiative of the Working Group for an ASEAN Human Rights mechanism.
9. The third session examined existing regional mechanisms in other regions. The session was chaired by Mr. Wigberto Tanada (Chairman Philippines Working Group). Mr. David Padilla (Inter American Commission on Human Rights) made a presentation on the Inter-American and European Human Rights mechanism..
10. The fourth session explored and examined existing regional documents and systems and their possible application in Southeast Asia. It also identified a number of options for the establishment of an appropriate ASEAN Human Rights Mechanism. The session was chaired by Dr. H.S. Dillon (Komnas HAM-Indonesia). Dr. Sriprapha Petcharamesree (Mahidol University, Thailand) made presentation on this topic.
11. The participants had also an opportunity to exchange of views on the Draft Agreement for the Establishment of an ASEAN Human Rights Commission as proposed by the Working Group.

III. Substantive Summary

12. Interesting points were noted during extensive discussions and exchange of views at the respective session, as follows:
 - a) This Workshop is important in contributing to our common efforts to devise future cooperative arrangement for the promotion and protection of human rights in ASEAN region;
 - b) This Workshop is a step in a learning process towards the eventual establishment of a human rights arrangement in the ASEAN region;
 - c) The regional mechanism could address issues and concerns of particular importance for the given region in a manner which is deemed most appropriate to given regional context;
 - d) The eventual establishment of human rights regional mechanism in this region should take into account history and characteristic of each country as well as established practice within ASEAN notably that all decisions be taken by consensus;
 - e) A number of participants placed great emphasis on the importance of sharing responsibility between government and civil society in the promotion and protection of human rights;
 - f) The Workshop is encouraged by the openness of countries represented in this Workshop to explore further cooperation on human rights matters;
 - g) A number of participants stressed the need for the countries which have not appointed focal point for this purpose to do so in the near future. The workshop is encouraged by the delegations' willingness to facilitate the creation of a focal point for this dialogue;

- h) The Working Group should convince the senior officials and ministers that its objectives and activities are not to undermine government's development program and countries' national stability;
- i) Human rights should be included in the agenda of the next meeting of ASEAN Inter-Parliamentary Organization (AIPO) and that the AIPO Declaration on human rights of 1993 must be disseminated among ASEAN parliaments so that they can strengthen and follow up all their previous commitments;
- j) A clear strategy (action plan) and a set of practical guidelines are recommended in working further towards the realization of an ASEAN human rights mechanism.
- k) Determination and perseverance are needed for the eventual establishment of the ASEAN human rights mechanism.
- l) A number of options for an ASEAN mechanism proposed by the Working Group were also raised. They are:
 - i) establishment of an ASEAN Human Rights Commission
 - ii) establishment of an ASEAN Human Rights Commission and an ASEAN Human Rights Court
 - iii) establishment of an ASEAN Human Rights Court
 - iv) establishment of an ASEAN Human Rights Commission and an ASEAN Human Rights Committee of Ministers or Assembly of Head of Governments
 - v) establishment of an ASEAN Human Rights Commission, an ASEAN Human Rights Court and an ASEAN Human Rights Committee of Ministers or Assembly of Head of Governments
 - vi) establishment of National Human Rights Commissions and Concretisation of their network
 - vii) Promotion of regional human rights activities.
- m) Based on the principles agreed in the UN workshop series on the regional arrangement in the Asia-Pacific as referred to in the Opening Remark of the Indonesian Foreign Minister, notably the principles of step by step building block approach involving consultation among Governments of the region and that the regional arrangements must emerge from and be directed to the needs and priorities set by Governments in the region, with roles, functions, tasks, outcomes and achievements determined by consensus, three more options were put on the table, they are:
 - i) establishment of an ASEAN Commission on Women and Children Rights
 - ii) establishment of an ASEAN Human Rights Commission through three steps: setting up an official regional human rights information center; setting up of a working group to study the draft agreement for an ASEAN Regional Human Rights Mechanism; and to include the outcome of the working group in the ASEAN SOM and AMM.
 - iii) to invigorate the existing ASEAN Committee within the ASEAN functional cooperation framework which relate to human rights.
- n) A number of options for ASEAN human rights were highlighted. However, the workshop strongly recommends that efforts should be made towards the establishment of an ASEAN human rights commission. It is also recommended that the Draft Agreement for the establishment for an ASEAN human rights commission be studied by appropriate body, preferably a joint committee between ASEAN and the Working Group.

13. The Workshop highlighted the following elements for the forthcoming ASEAN

Ministerial Meeting:

- i) Greater efforts should be made by each member country to raise awareness at all levels, through education, information campaign and advocacy;
 - ii) Human rights issues, such as children and women's rights, are considered as common concerns in the ASEAN region. While continuing to work on these particular issues, it is recommended that each member country should explore possibilities towards the establishment of a comprehensive arrangement on human rights in the region;
 - iii) A national focal point to serve as a mechanism for regional consultations in the promotion and protection of human rights should be designated in each member country. Where a national human rights commission exists, their capacity and independence should be enhanced.
 - iv) The relevant ASEAN intergovernmental bodies should continue their dialogue with civil society. In this regard, there is a need to establish expert working group comprising representatives of ASEAN governments and national institutions, academic institutions and NGOs with the task to examine various ways of establishing an appropriate ASEAN regional mechanism and submit its inputs and recommendations to the ASEAN Ministerial Meeting.
14. The Workshop expressed its appreciation to the co-organizers. The Workshop expressed the need for the same forum to be convened in another ASEAN state for the continuation of this process.
