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HUMAN RIGHTS HERALD

A BI-ANNUAL PUBLICATION OF THE WORKING GROUP FOR AN ASEAN HUMAN RIGHTS MECHANISM

Cambodian government, civil society express support for an independent national human rights commission

In what he called a “landmark event for the country,” Cambodian Prime Minister Samdech Hun Sen said in a keynote speech that Cambodia needed a national human rights institution (NHRI) that will comply with the Paris Principles. These form the organizing framework that national institutions must abide with in order to effectively promote and protect human rights in then country. He also gave a nod to the efforts of the Regional Working Group for an ASEAN Human Rights Mechanism (Working Group) by firmly expressing support for the establishment of a regional mechanism for human rights in ASEAN.

The conference, entitled “The Establishment of a National Human Rights Institution in Cambodia,” drew over 100 Cambodian representatives from government ministries, human rights organizations, international institutions, and civil society in Siem Reap. This was jointly organized by the Cambodian Working Group for an ASEAN Human Rights Mechanism (CWG) and the Royal Government of Cambodia on September 25-27, 2006. The activity was a response to the call of Cambodian NGOs to have an independent NHRI. To date, there are three existing human rights commissions in Cambodia but none of these comply with the Paris Principles.

While the participants generally agreed that a strong human rights commission was needed because of Cambodia’s unique history of genocide and civil war, Dr. Kek Galabru of the Cambodian League for the Promotion and Defense of Human Rights emphasized that the commission had to



Representing government and civil society- Om Yentieng (Cambodian Human Rights Committee), Governor Sou Phirin, and Kem Sokha (Cambodian Working Group) join hands for human rights

be independent from the government. She reminded them that the coalition government had, in fact, promised an independent NHRI as part of its 2004 election campaign platform. Speaking on behalf of the government, Chairperson Om Yentieng of the Human Rights Committee responded that the NHRI would be independent and will not replace any of the existing human rights institutions in the country.

Speakers from Indonesia, Malaysia, and the Philippines shared about the best practices in neighboring Asian countries with NHRIs so that these may be considered when an NHRI is set up in Cambodia. Working Group co-chairperson Mr. Marzuki Darusman, who himself is a former chair of the Indonesian National Human Rights Institution (KOMNAS HAM), said that the NHRI was responsible for “breaking the culture

of impunity and making human rights justiciable” in Indonesia. This position was echoed by Dr. Sriprapha Petcharamesree of the Mahidol University of Thailand, but she also stressed that NHRIs must not replace judicial courts. Commissioner Dato Siva

turn to page 4

INSIDE

- 2 Working Group Updates
- 6 News from the Region
- 7 Our People
- 8 Viewpoints
- From the Secretary General’s Desk

Working Group and ASEAN senior officials review progress of VAP, take steps towards closer cooperation

Joining several leaders from Southeast Asia, members of the Working Group for an ASEAN Human Rights Mechanism (Working Group) flew to Malaysia last July 24, 2006. The Working Group came to Kuala Lumpur to engage ASEAN senior officials in a discussion on how to combine efforts for the implementation of the four action points on human rights in the Vientiane Action Programme (VAP). This happened in the sidelines of the 39th ASEAN Ministerial Meeting.

The senior officials, led by ASEAN Standing Committee (ASC) Chairman Datuk Rastam Mohd Isa, informed the Working Group about the steps being taken to implement the VAP on the promotion of human rights:

- To promote the rights of migrants, Mr. Bounkeut Sangsomsak of Laos shared that ASEAN is considering a convention on the rights of migrant workers that will take place later in the year. Ms. Erlinda Basilio, representing the Philippines, said that her government was pushing for an ASEAN Declaration that will protect migrant worker rights. "We will be happy to work closely with the Working Group in developing the Declaration," she added.
- The ASEAN adopted the Declaration on the Protection of the Rights of Women and Children to further promote women and children's rights. A senior official for Thailand noted that the 40th anniversary of ASEAN was going to be celebrated in 2007 and that an establishment of a Commission for Women and Children by then will be very timely. The Thai government, he declared, would be supportive of this.
- Some ASEAN governments are already looking at partnering with universities to increase public awareness and the promotion of human rights education in the region. Certain south-east Asian schools with human rights training programmes were identified: Ateneo Human Rights Center (Ateneo de Manila University, Philippines) and

the Office of Human Rights Studies and Social Development (Mahidol University, Thailand).

- The ASC Chairman said that ASEAN was looking forward to the signing of a Declaration that will formalize cooperation among existing national human rights institutions (NHRIs) in the region. To compliment this landmark document, he suggested that the Working Group organize a workshop for NHRIs in the region so they can dialogue on areas of common concern. The gathering will aim to bolster the NHRIs network and also help ASEAN countries which do not have one yet.

"We are thankful for the attention and support the ASEAN is dedicating to the VAP action points for human rights. Please rest assured that the Working Group will not back down from its commitment for the realization of the VAP," said Secretary General Carlos Medina of the Working Group. He recalled that the Working Group was tasked by the ASEAN to initiate activities for the VAP during the milestone Vientiane meeting last May 2005. Professor Vinit Muntarbhorn and Mr. Marzuki Darusman, who jointly headed the Working Group delegation, gave an update on their activities. They informed the senior leaders on the progress of research studies being conducted on the human rights situation of

migrant workers, women and children. Important feedback on how human rights education is promoted in the region, which was based on consultation with several groups, was also presented. Perhaps what the Working Group considered a significant development was that the NHRIs had agreed, in principle, to work in partnership with the Working Group on the advocacy for a regional mechanism.

Close coordination between the Working Group and ASEAN is seen as a constructive way to move forward with the implementation of the VAP's human rights provisions. The Working Group was enjoined to submit a concept paper on the creation of a joint committee with members from both organizations. ASEAN Secretary General Ong Keng Yong said that the ASEAN and the Working Group can also look into the possibility of increased regular meetings and interactions whenever the senior officials meet as part of the step-by-step approach into having joint efforts.

He added, "Nothing (should) prevent the Working Group from presenting its views to the ASEAN, particularly on peace, security, development and human rights."

The Working Group's proposal for the joint committee will be presented in the upcoming ASEAN Coordinating Conference on the ASC Plan of Action. All measures taken by the ASEAN for the VAP from 2004 to the present will be evaluated then.



ASEAN leaders dialogue with the Working Group In Malaysia last July 24, 2006

Indicators used to evaluate progress

The Working Group for an ASEAN Human Rights Mechanism (Working Group) Co-Chair Marzuki Darusman and the secretariat identified the indicators of their organization's success during a workshop in Bangkok. The activity was conducted by the Working Group's major funding partner, the Southeast Asia Regional Cooperation in Human Development (SEARCH), on November 20-22 so that participants may learn whether their organizations' desired goals have been achieved or not.

Setting the starting point for the exercise, Darusman gave an update on the Working Group's activities as well as significant developments in the region since June 2006. From there, the Working Group honed straight-forward, measurable indicators that they can use to gauge the progress of their programs.

In their discussions with SEARCH Regional Director Michael Miner, the Working Group noted that defining the indicators for success compelled them to be even more focused in achieving their objectives. An additional value of the workshop was that it exposed the Working Group to the activities of SEARCH's other key regional partners, Forum Asia and the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP). Aside from learning from the best practices of these organizations, the Working Group said that they discovered some areas where there can be mutual cooperation. The Working Group, Forum Asia and UNIAP will be submitting the information they gathered with their indicators to SEARCH early next year.

SEARCH is a five-year, regional rule of law project. Its primary focus is on building the capacity of its stakeholders to work



Co-Chair Marzuki Darusman (far left), heading the Working Group delegation, meets with SEARCH Regional Director Michael Miner (center).

together in the region, particularly on initiatives that link activities in Thailand, Vietnam, Cambodia, Indonesia, the Philippines, Laos, and Timor Leste. SEARCH

aims to build strong networks for the promotion and protection of the rights of women and children, ethnic minorities, and migrant workers in Southeast Asia.

Singapore Groups express interest in revitalizing Singapore Working Group

Working Group for an ASEAN Human Rights Mechanism (Working Group) Co-Chairperson Marzuki Darusman and Secretary General Carlos Medina met with several Singaporean groups in October 20, 2006 to drum up support to strengthen the Singapore Working Group for an ASEAN Human Rights Mechanism. The dialogue with the groups, which included representatives and observers from foreign embassies, the Ministry of Foreign Affairs, NGOs and think tanks, was held at the Asia-Europe Foundation office in Singapore.

The Singapore groups raised queries and proposals on how to organize themselves so they can help boost current efforts to set up a regional human rights mechanism in Southeast Asia. The Singaporean groups resolved to have an organizational meeting soon thereafter.

The National Working Group is primarily responsible for initiatives at the domestic level for the realization of an ASEAN regional mechanism on human rights. The meeting was organized by Sinapan Samydorai, president of Think Centre and the focal point for the Singapore Working Group.

Working Group looks into readiness of ASEAN countries for human rights mechanisms

How prepared are ASEAN countries for human rights mechanisms on women, children, and migrant workers? The Working Group for an ASEAN Human Rights Mechanism (Working Group) intends to find out by commissioning the Ateneo Human Rights Center (AHRC) of the Ateneo Law School in the Philippines and the Office of Human Rights Studies and Social Development (OHRSD) of Mahidol University in Thailand to conduct research studies. The two human rights institutes will take stock of existing national legal frameworks, bilateral and multilateral agreements, and best practices for human rights in the region. It is hoped that the studies will determine the extent a regional mechanism and national systems may interface. The results and recommendations will be published and made available to ASEAN governments and civil society groups by June 2007.

The study conducted by AHRC will look into the situation of migrant workers in the region and analyze laws and policies on migrant workers at regional and country levels. The AHRC research team will also engage the National Working Groups from countries where there is a heavy transnational movement of migrants, namely Singapore, Thailand, and Indonesia. The Working Group considers the team to be perfectly situated since there will also be dialogues with the Philippine government. The ASEAN chair country has recently declared that it will push for the adoption of an ASEAN declaration on migrant workers, to be followed by the adoption of an ASEAN convention on migrant workers.

AHRC, in addition, is conducting a study on legal frameworks. The study will focus on the extent the constitutional and legal systems of ASEAN countries allow not only the promotion of human rights in their respective countries but also, and more importantly, the monitoring of the human rights situation by an international mechanism through reports, inquiries or complaints. It is hoped the study will also show the extent of the willingness of ASEAN countries to be monitored by a regional human rights mechanism. The study team will give recommendations on measures which may be undertaken to enhance how national and regional systems can complement each other.

The OHRSD team from Mahidol University will take the helm in analyzing infor-



mation necessary for establishing an ASEAN commission on women and children. As part of the study project, OHRSD organized: (1) a consultative meeting with representatives of relevant governmental agencies, NGOs and existing National Human Rights Institutions; and (2) a meeting with experts to get feedback on the study and to solicit recommendations for establishing the commission.

The one-day consultation with experts on the human rights of women and children in relation to a regional human rights

mechanism took place in Bangkok on November 20, 2006. Working Group members shared their expertise with about 22 experts from all ASEAN countries and Timor Leste. Dr. Saisuree Chutikul gave a background on existing international arrangements, such as the Charter on Women and Children, which protect women and children's rights. Professor Vitit Muntarbhorn, Working Group Co-Chairperson, presented an update on the preparatory steps being taken by the Working Group that will lead to the establishment of a regional commission that protect women and children's rights. A lively dialogue followed the presentations and OHRSD Director Sriprapha Petcharamesree commented that these inputs will be crucial for the study project.

The studies commissioned by the Working Group aim to support the establishment of a Commission on Women and Children and to have a separate arrangement with regard to migrant workers. The mandate for creating these mechanisms is enshrined in the Vientiane Action Programme.

Cambodian government...from page 1

Subramaniam attributed the success of the National Human Rights Commission of Malaysia to good projects such as human rights training and the distribution of human rights textbooks.

The success stories of NHRIs are closely linked to how well the Paris Principles are observed. Marianne Haugaard, who represented the Office of the UN High Commissioner for Human Rights (OHCHR), oriented everyone on the Paris Principles. The OHCHR also showed support for the establishment of a Cambodian NHRI by translating the Paris Principles into Khmer and distributing copies of the document during the conference.

As it became obvious that the time to establish an NHRI in Cambodia had come, Cambodian participants grouped together to thresh out their ideas on the main characteristics of a Cambodian NHRI and the steps needed to create this. Ith Rady (Undersecretary, Ministry of Justice), Kem Sokha (Chairperson, CWG), and Sun Channara Wuddh (Deputy Secretary General, CWG) presented the summary of the

proceedings and resolutions to the conference participants.

To put these resolutions into action, the conference participants proposed that the event organizing committee be converted into an NHRI working group. This group will be responsible for lobbying for the NHRI to be included in national law. They also called on important stakeholders such as the king, government, political parties, and key members of civil society to work in solidarity to bring about the NHRI. "If the Cambodian government shows real political will and strong commitment to set up such a credible National Human Rights Commission, the international community will surely support these plans," concluded Dr. Galabru. "The time is ripe for Cambodia's people, civil society, and government to work together to create a truly independent and empowered National Human Rights Commission to realize the vision of an improved human rights situation for all Cambodia's citizens," she further said.

Regional human rights organizations consider prospects for the proposed ASEAN Commission on Women and Children

The Working Group for an ASEAN Human Rights Mechanism (Working Group) sat down with other regional human rights organizations on September 21, 2006 to discuss the developments for the proposed ASEAN commission on women and children. The roundtable gathering, organized by the Asian Regional Resource Center for Human Rights Education and the SEA Coalition to Stop the Use of Child Soldiers, took place in Bangkok, Thailand.

While ASEAN does not see a human rights mechanism being established in the immediate future, it favors a step-by-step approach where sectoral mechanisms are first created. Among the sectors, the creation of a Commission for the protection of the rights of women and children is seen by ASEAN and civil groups as the most promising.

The Working Group believes that the ratification of the Convention on the Rights of a Child and the Convention on the Elimination of All Forms of Discrimination against Women will facilitate an opening for the creation of a n ASEAN Commission. Eventually, this will gradually lead to the founding of a general human rights mechanism.

The Working Group informed the participants about how the organization is engaging ASEAN for the mechanism on women and children. The Working Group commissioned the Office of Human Rights Studies and Social Development (OHRSD) of Mahidol University to conduct a research study entitled "A Study Project Towards an ASEAN Commission on the Protection and Promotion of the Human Rights of Women and Children."

The study covers 10 ASEAN countries and evaluates how compatible their national laws, policies, treaties regarding

women and children are to the creation of a regional mechanism. While the research is still ongoing, an early analysis of the results shows that there are already strong national mechanisms in place.

"The challenge for the creation of the Commission is to harmonize these strong national mechanisms into one," observed Working Group members Sriprapha

The creation of a Commission for the protection of the rights of women and children is seen by ASEAN and civil society groups as the most promising.

Petcharamesree and Varaporn Chamsanit. The two head the research team from the OHRSD in Mahidol University, Thailand.

The regional human rights organizations offered their support to the research but also proposed for the Shariah laws regarding women and children be studied, since the region is largely composed of Islamic societies.

Drawing insights from the Working Group experience, representatives from the regional human rights organizations resolved to further collaborate with each other and engage ASEAN to push for the proposed ASEAN mechanism for women and children.

The organizations will make an effort to engage ASEAN during the ASEAN People's Assembly, ASEAN Summit of Leaders and the ASEAN Civil Society Conference, all slated for early December 2006 in the Philippines.



A regional mechanism will secure the promotion and protection of children's rights.
(Source: Freddy Gemperle © 2006 for <http://www.rockedphilippines.org>)



Irregular migrants are especially vulnerable to abuse (Source: BBC news)

Irregular Migration Conference in Singapore

The Working Group for an ASEAN Human Rights Mechanism (Working Group), represented by Program Officer Maita Chan-Gonzaga, was in attendance during the regional conference in Singapore titled “Current Perspectives and Strategies in Addressing Irregular Migration” held on November 6-7, 2006.

The conference tackled various issues brought about by the increasing flow of undocumented migrants in the region. It also called for a change in the way irregular migration is seen. Reinforcing the Working Group’s stand on migration, Chan-Gonzaga said that irregular migration is a transnational issue which must be addressed by a meaningful kind of regionalism.

The ASEAN must be continuously engaged for a Declaration on migrant workers as this is a window of opportunity for the creation of a regional human rights mechanism that will protect the migrant workers sector.

The promotion and protection of the rights of migrant workers is actually one of the four human rights areas enshrined in the Vientiane Action Programme (VAP). The ASEAN

engaged the Working Group to help implement the VAP during its 10th Summit. Since then, the Working Group has taken steps towards pushing for the promotion of the VAP’s human rights areas. The section on migrant workers, for instance, was further explored by the Working Group during their annual roundtable discussion in December 19-20, 2005 in Indonesia. The Working Group members recommended that all ASEAN member-countries should consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and relevant labor standards.

The conference is the tenth in a series of gatherings organized by the Migrant Forum in Asia. It is considered to be the largest and one of the most authoritative non-government gatherings between experts and advocates of migration in Asia.

This year, it was organized in partnership with the Singapore Trade Union Congress to give participants an opportunity to learn from Singapore’s successful experience in addressing undocumented migration.

NEWS FROM THE REGION

ASEAN parliamentarians explore common legislation for human rights

The Philippines is playing host to two important Asian meetings this year. Apart from the upcoming ASEAN Leaders’ Summit, the Asian Inter-Parliamentary Organization (AIPO) convened in Cebu in September 2006. Some 300 parliamentarians and lawmakers discussed the potential of common laws and initiatives for the region. In a statement, AIPO President Jose De Venecia said that the gathering was expected to strengthen sentiment for political unification in ASEAN by launching the beginnings of a regional parliament to legislate and confirm common action on pertinent issues confronting ASEAN, among them human rights.

Indonesian ministers discuss regional solutions for immigration

ASEAN immigration department and consular affairs heads convened in Jakarta to tackle immigration issues in the region. The high-level meeting took place on November 14, 2006.

In his welcome remarks, Indonesian Legal and Human Rights Affairs Minister Hamid Awaludin said that there is a need to intensify bilateral and multilateral cooperation to deal with challenges being faced in developing relations among Southeast Asian countries, including immigration issues. Basyir Ahmad Barmawi, the director general of the ministry of immigration echoed Awaludin’s position. “This meeting is an initial step for all of us to find a comprehensive solution, especially in immigration issues at the regional level in Southeast Asia,” he said.

Public clamors for human rights mechanism

The *Asia Times Online*, an Internet publication, reports that activists and advocates alike are afraid the ASEAN Charter will not contain a strong human rights framework. According to the online publication: “[T]hey are wary that well-meaning principles and provisions will be useless if the Charter does not provide for effective monitoring and enforcement mechanisms and institutions.” It is hoped that there will be mention of a regional human rights mechanism, as this will give its creation a firmer foothold in ASEAN.



A jubilant Kem Sokha after his release

Kem Sokha

2006 was an eventful year for Cambodia Working Group (CWG) Chairperson and Cambodian Center for Human Rights (CCHR) President Kem Sokha. Controversy, as human rights defenders know, cannot be dodged while doing advocacy work.

Kem has always been known in Cambodia to be a strong human rights supporter. In the past, he headed both the National Assembly and Senate Committees on Human Rights. Since then, he has been involved with LICADHO, a non-governmental organization which aims to build and educate the public about human rights and democracy at the grassroots level. Having been in both sides of the fence, he professes to a Phnom Penh newspaper that he prefers NGO work to politics.

In the beginning of the year, Kem was arrested and detained for allegedly accusing Prime Minister Hun Sen of illegally selling Cambodian land to Vietnam and for hanging slanderous banners at an International Human Rights Day rally which he organized last year. The pre-trial arrest and detention drew strong international condemnation.

Working Group Co-Chairperson Vitit Muntarbhorn and Malaysian Working Group Chairperson Param Kumaraswamy flew to Cambodia to check on Kem's situation and to urge the government to re-

spect the freedom of expression and assembly. Kem was eventually released on royal pardon.

Kem said in a statement: "while the release is welcomed...(we) will continue to do what we are doing to inform the people about human rights, democracy, freedom of expression, and issues of national concern through CCHR's public forums, radio programs and other venues."

Kem fell back into human rights work soon after. He joined the meeting of the Working Group in Bangkok, Thailand, just a few days after his release. Kem, leading the CWG, also played a key role in organizing a conference last September 2006 which pushed for a creation of a national human rights institution in the country.

The event drew no less than Prime Minister Hun Sen and over a hundred human rights supporters from government and civil society in the region. Kem says, of his commitment to human rights: "My mission...is to inform people at the grassroots level of their rights - empower the people and inform them and educate them. We want to change the culture of the people and help them get what they want. People should know that they can control their own lives, that they are the boss. Our people think the leader is the boss - I want to change that."

Two new colleagues join Secretariat

There are two new faces at the Manila secretariat of the Working Group for an ASEAN Human Rights Mechanism (Working Group). **Ms. Joy B. Ponsaran**, the new administrative assistant, will assist the secretariat with the documentation and financial matters of the Working Group. Ms. Ponsaran graduated from the Ateneo de Manila University and is currently completing her Juris Doctor at the Ateneo Law School.



Also joining the team is **Ms. Anne A. Elicaño**. As communications officer, she will take charge of disseminating information on the Working Group's activities and developments to target groups in the region, as well as revitalizing the Working Group's newsletter and website. Ms. Elicaño has a bachelor's degree in marketing communications from the University of Asia and the Pacific.

VERBATIM

"Any human rights instrument or mechanism that seeks to lower international human rights standards and the universality of human rights is highly objectionable. The preferred path for the ASEAN is to emulate those standards...at most, it could proceed even further and help to elevate them."

Dr. Vitit Muntarbhorn, Working Group Co-Chairperson

An ASEAN Regional Mechanism on Human Rights

By **Dato' Seri Syed Hamid Albar**

In 1996, when the Working Group met for the very first time with ASEAN Foreign Ministers on the occasion of the 29th ASEAN Ministerial Meeting (AMM) in Jakarta, the then Foreign Minister of Malaysia, Dato' Abdullah Haji Ahmad Badawi, assured the Working Group that Malaysia, as incoming Chair of the 30th AMM, would be open for dialogue and consultation. He promised that the subject of a mechanism would be tabled in the agenda of the AMM to be hosted by Malaysia. He kept his word. Every year since then, the Working Group has met with ASEAN Senior Officials during the annual Ministerial Meetings.

When I opened the ASEAN Civil Society Conference in Shah Alam, held from 7-9 December last year, on the theme of "Building a Common Future Together," I observed that the limits of the "ASEAN way" of consultation, confidence-building and conflict resolution are presently being tested, and that while it has not been easy for the leaders of ASEAN to publicly address sensitive issues within and between States, we were not giving up hope. Within the Vientiane Action Programme (VAP), ASEAN leaders have agreed that strategies for shaping and sharing norms between ASEAN countries should be outlined in order to contribute to building collective responsibilities and forming a standard or common adherence to norms of good conduct in a democratic, tolerant, participatory and open community, as a means of consolidating and strengthening ASEAN's solidarity, cohesiveness and harmony. Guided by this, we will continue to persuade our associates in a manner that respects national sovereignty and integrity. I also observed then, and I think it bears representing now, that an important milestone is to face the need for such a mechanism head-on.

I believe that the establishment of a mechanism would create a positive ripple effect going through not just this region but expanding in an outward motion, hopefully impacting positively on those who have traditionally viewed ASEAN as an organization worth emulating. ASEAN has been a beacon of hope to other developing countries, shining a light on the viability of regional cooperation among countries, in particular those which share similar particularities as well as concerns. I trust ASEAN's principle of "prosper thy neighbor" is an element that regional groups would do well to replicate, in particular to obviate the possibility of recurrence of failed States within a given region. I believe the mechanism within ASEAN, when established, would be able to render technical assistance to the remaining members to facilitate their speedy entry as part of the arrangement.

The mechanism would be a venue for developing and establishing programmes within ASEAN for mutual support and assistance in the development of strategy for strengthening the rule of law, judiciary systems and legal infrastructure, contributing to effective and efficient civil services and good governance in public and private sectors.

I enjoin you in taking another important step towards realizing the dream of an ASEAN human rights mechanism.

This is an excerpt from the keynote speech of Dato' Seri Syed Hamid Albar for the opening ceremony of the 5th Workshop on an ASEAN Regional Mechanism on Human Rights last June 29, 2006 in Kuala Lumpur. Dato' Seri Syed Hamid Albar is the Foreign Affairs Minister of Malaysia.



Dato' Seri Syed Hamid Albar

FROM THE SECRETARY GENERAL'S DESK

ASEAN is on the verge of adopting a Charter, which will bestow legal personality on ASEAN. Once simply a loosely organized grouping the Charter will strengthen its institutional framework. With the Charter, ASEAN signifies to the world that it has truly come into its own.

But what will be the place of human rights in the Charter? While the term "human rights" is absent in the 1967 declaration creating ASEAN, many functional cooperation programs have since been adopted by ASEAN which deal with various human rights concerns. In 1993, ASEAN foreign ministers further agreed that ASEAN should "consider the establishment of an appropriate regional mechanism on human rights." To date, all ASEAN countries have signed the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child. Human rights provisions have also been adopted in the Hanoi Plan of Action and the Vientiane Action Programme. In short, human rights has become very much part of the ASEAN language. Hence, it is not only right but also a reasonable expectation that the ASEAN Charter should enshrine the promotion and protection of human rights in its provisions, particularly through the establishment of a human rights mechanism.

A caring, sharing community envisioned by ASEAN will not be realized if the transnational promotion and respect of human rights are not added to the equation. More importantly, this advocacy should not be left to the best efforts of civil society alone. We need an intergovernmental commission that will lead to a deeper understanding and more sensitive treatment of human rights issues across the region.

The foundations for a possible regional human rights mechanism are in place. We at the Working Group have always said that it will only be a matter of time when a regional human rights mechanism will be set up. What could be a more auspicious time than now?

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