



HUMAN RIGHTS HERALD

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

Jakarta workshop embraces adoption of "ASEAN Security Community"

Indonesian Working Group co-hosts Jakarta Workshop

The concept of an ASEAN Security Community gained more supporters as participants in the Fourth Workshop for an ASEAN Regional Human Rights Mechanism welcomed the adoption of the Bali Concord II of 2003.

The workshop was held June 12 to 18, 2004 in Jakarta, Indonesia, and had as participants representatives of governments, national human rights agencies, nongovernmental organizations, and academic institutions from Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Thailand, and Vietnam.

Together with the ASEAN Secretariat, the workshop participants agreed that security was a pivotal concern that should be addressed, especially after the recent terror attacks in Bali and Madrid.

The Bali Concord contains the concept of an ASEAN Security Community, which is itself a reflection of progress and political development in ASEAN.

The ASEAN Security Community provides an important conceptual framework for the realization of an ASEAN human rights mechanism that reflects the principle that democracy, development,



(Left to right) ASEAN Secretary-General Ong Keng Yong, Chairperson of the Philippine Commission on Human Rights Dr. Purificacion Valera-Quisumbing, and Indonesian Foreign Ministry Director-General of ASEAN Cooperation Dr. R.M. Marty M. Natalegawa, explain the merits of the ASEAN Security Community during the Jakarta Workshop

and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

In his keynote address at the workshop, Indonesian Foreign Minister Hassan Wirayuda pointed out that ASEAN is "far behind other regions like Europe, the Americas, and even Africa – where there are already established Regional Human Rights systems." Among the conclusions of the workshop, therefore, was the need to consider the possibility of starting with a mechanism involving countries that are

already ready to join such a system.

For more information about the Fourth Workshop, visit www.aseanhrmech.org.

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Connecting ties – The incoming chair of the Senior Officials' Meeting from Lao PDR (left) exchanges pleasantries with Ms. Paulynn Sicam from the Philippine Working Group for an ASEAN Human Rights Mechanism. During the meeting, he signified his intentions of improving the relationship between the Working Group and ASEAN.

ASEAN senior officials consider Joint Working Group

ASEAN Senior Officials expressed their desire to approve the proposal for a Joint Working Group during the dialogue between the Working Group for an ASEAN Human Rights Mechanism (Working Group) and ASEAN Senior Officials on June 28, 2004 in Jakarta, Indonesia.

Composed of representatives of governments, national human rights institutions, and civil society groups, the Joint Working Group will consider all possibilities and advance the initiative for an ASEAN human rights mechanism, and possibly an ASEAN Commission for the Promotion and Protection of the Rights of Women and Children.

The Indonesian Senior Official who chaired the June 28 meeting noted the general sentiment of his colleagues to approve the proposal for a Joint Working Group. The proposal was to be taken up during the Senior Officials' Meeting scheduled that week.

The ASEAN Senior Officials took note of significant developments relating to human rights in the region, particularly the signing of the Declaration on the Elimination of Violence

Against Women, a development in line with the efforts of the Working Group.

The Indonesian Senior Official also revealed that the draft of the ASEAN Ministerial Meeting Joint Communiqué took note of the Working Group's activities.

The road to the mechanism may be long, he said, but there is progress despite the diversity in ASEAN's culture, religion, and in other aspects.

Senior Officials from Indonesia, Cambodia, Lao PDR, Malaysia, Philippines, Singapore, Thailand, and Vietnam attended the meeting. ASEAN Secretary General, Ong Keng Yong and members of the ASEAN Secretariat were also present. Marzuki Darusman, Dr. Budiono Kusumohamidjojo, Seto Harianto, Dato Param Kumaraswamy, Paulynn Sicam, Srirak Plipat, Carlos Medina Jr., and Myrfi Gonzalez composed the Working Group delegation.

The Working Group met with the Senior Officials on the occasion of the 37th ASEAN Ministerial Meeting as part of the efforts toward the establishment of an ASEAN human rights mechanism.

Manila asked to support initiative

The Philippine Working Group for an ASEAN Human Rights Mechanism (PWG) is seeking the support for the establishment of an ASEAN regional mechanism on human rights from the Arroyo administration.

In a meeting convened by the Philippine Alliance of Human Rights Advocates (PAHRA) on June 17, 2004, the PWG submitted the inclusion of the initiative in the Human Rights Agenda (HR Agenda) drafted by the human rights community. In 2002, PAHRA had submitted the agenda to the Office of the President for immediate action. The President's failure to respond to and tackle key issues in the HR agenda prompted the alliance to reconvene for a redrafting.

The eleven key issues discussed in the agenda include: the promotion of human rights, impunity, promotion of people's economic, social, and cultural rights, the repeal of the death penalty law, peace process, promotion and protection of children's rights, electoral reforms, and strengthening of the Commission on Human Rights.

Other nongovernmental organizations present in the meeting pushed for their respective concerns, particularly that of protecting internally displaced persons during armed conflict, migrant workers, indigenous peoples, women, and promoting the right to health and right to food.

The human rights community contextualized and updated each key issue in the HR Agenda in view of the impact of globalization, the war against terrorism, and the Arroyo administration's insubstantial stand on human rights.

The HR Agenda will be presented to the President for discussion in the latter part of the year.

Promoting a human rights culture in Malaysia

The recent Fourth Workshop for an ASEAN Human Rights Mechanism concluded that an essential and ongoing aim within the ASEAN region is to create a “culture of human rights.”

In this regard, the Malaysian Working Group for an ASEAN Human Rights Mechanism (MWG) is an encouraging and leading example of efforts in organizing and conducting a wide variety of training seminars, conferences, and workshops to promote a culture of human rights.

In 2003, in partnership with Education & Research Association For Consumers, Malaysia (ERA Consumer), the MWG conducted nationwide human rights training programs targeting vulnerable groups, such as women and children, involving over 700 participants. Since 1998, over 5,000 individuals have participated in MWG’s human rights education programs.

For the year 2004, the MWG has again planned training programs on human rights, targeting the women and the youth. Eight workshops and national and regional conferences on the topic “Human Rights and Islam: Toward Empowering Muslim Women” are currently in the works.

Human Rights Training for Women

The series of Human Rights Training for Women organized by ERA Consumer revealed that a large percentage of Malaysian women are not familiar with the legal procedures on domestic violence.

Ethnic Malay, Chinese, and Indian women participated in two separate sessions in Petaling Jaya on June 26, 2004, and in Port Dickson on July 4, 2004, where they were acquainted with reporting cases, securing Interim Protection Orders (IPO), and seeking welfare assistance, as well as shelter, relating to domestic violence. The organizers also introduced the participants to groups dealing with women’s issues and offering legal and psy-

chological counseling. The seminar discussed the Syariah Law in depth since many Muslim participants were unaware of the basic elements of the law that are of interest to them, like aspects dealing with marriage and divorce, among others.

Human Rights Training Program for the Youth

The youth are now more aware of their rights under the Federal Constitution.

In the extensive sessions conducted by ERA Consumer on July 3, 2004 in Port Dickson, representatives of youth organizations from Negeri Sembilan, Malacca, Kuala Lumpur, and Selangor taking part in the Human Rights Training Program



Participants in the July 4, 2004 Human Rights Training on the empowerment of Muslim women share their concerns about the Syariah Law.

learned about the protection they can seek from the Federal Constitution and the legal procedures involved in reporting cases of violations.

ERA Consumer also oriented the participants on what to do and where to turn for help in cases of police abuse, which turned out to be a glaring concern among the Malaysian youth.

Thai, Malaysian Working Groups push for International Criminal Court

Steps toward the ratification of the International Criminal Court (ICC) have been made by the Thai and Malaysian Working Groups for an ASEAN Human Rights Mechanism through the organization of seminars on the ICC in their respective countries.

On December 6 and 7, 2003, the Malaysian Working Group (MWG), along with ERA Consumer, held a workshop on the ICC that attracted participants from government offices, the academe, and civil society. Chaired by MWG head Dató Param Cumaraswamy, the workshop was envisioned as a possible launching point for Malaysia’s ratification of the Rome Statute, which provided the creation of the ICC.

Almost two months later, the Thais had their turn with a similar workshop organized by the Thai Working Group and Forum-Asia in Bangkok. The workshop saw some 95 participants – among them government officials, members of Parliament, lawyers, students, and NGO workers – sharing experiences and discussing the obstacles blocking Thailand’s ratification of the ICC. Held on January 30, 2004, the workshop was aimed at providing a clearer understanding of the ICC and speeding up its ratification by Bangkok.

The Bangkok workshop participants pledged to work together even after the event toward Thailand’s ratification of the ICC.



University of the Philippines College of Law Professor Harry Roque, Niza Concepcion of Forum Asia, and Dr. Ziauddin Ahmed of the Coalition on the International Criminal Court during the “Thailand and ICC” seminar organized by the Thai Working Group for an ASEAN Human Rights Mechanism and Forum-Asia Thailand.

“We need a strategy”

A strategy is what the Working Group for an ASEAN Human Rights Mechanism (Working Group) needs to raise the awareness within its network and among its key partners regarding the developments in the initiative to establish a regional mechanism on human rights.

To address this need and consequently attract potential funders, the Working Group Secretariat co-organized a Communications Workshop with the Friedrich Naumann Foundation (FNF) on April 24, 2004 to map out a Communications Strategy. Held in FNF's Manila Office, the Workshop identified actual steps in publicizing the efforts of the Working Group.

In the environmental scanning provided by Paulynn Sicam of the Philippine Working Group and Pennapa Hongthong of The Nation, Thailand, the need to make human rights issues “sexy” to capture media's interest was stressed.

Nonetheless, both journalists pointed out the existence of media outfits within the region that could serve as invaluable allies in propagating the activities and efforts of the Working Group.

The Workshop noted the importance of strengthened coordination among national working groups. In particular, the national working groups would need to regularly update the Secretariat on their activities and on the human rights developments in their respective countries.

Constant communication, updating the website, and reviving the Working Group newsletter, the *Human Rights Herald*, are deemed important to address this challenge.

Along with the website and the newsletter, the Working Group Secretariat also decided to come up with an e-newsletter that would be circulated among the members on its mailing list.

The Secretariat scheduled a separate session for the conceptualization of the e-newsletter in September 2004.

FNF's Resident Representative Dr. Ronald Meinardus raised some vital points in coming up with a communications plan and ensuring its implementation, which were integral to the success of the Working Group.

As a media practitioner, he also stressed the importance of harnessing good media relations to gain the desired publicity and exposure that the Working Group wants to generate.

The Working Group is in the process of implementing its Communications Strategy and is banking on the support and cooperation of the national working groups in realizing its goals and objectives. Shiva Mehrabi, the Working Group's Communications Officer, is the point-person for all communications-related concerns and is in charge of the website and newsletter.

Cambodians hopeful on human rights commission

Amid a perceived political deadlock, the Cambodian Working Group for an ASEAN Human Rights Mechanism (CWG) continuously pushes its advocacy for the establishment of a Cambodian Human Rights Commission (HRC).

In the early part of 2003, the CWG together with other Cambodian NGOs engaged members of the Sam Rainsy Party (SRP) and royalist Funcinpec Party in a series of meetings to discuss the drafting of the Law on Establishing a National Human Rights Commission. Both parties eagerly participated in the dialogues and expressed interest in forming an HRC in the country.

In July of the same year, the Cambodian Human Rights Committee shared a similar enthusiasm for an HRC during the meeting in Phnom Penh with the Regional Working Group for an ASEAN Human Rights Mechanism. It informed the Working Group delegation that an HRC would soon be established in Cambodia.

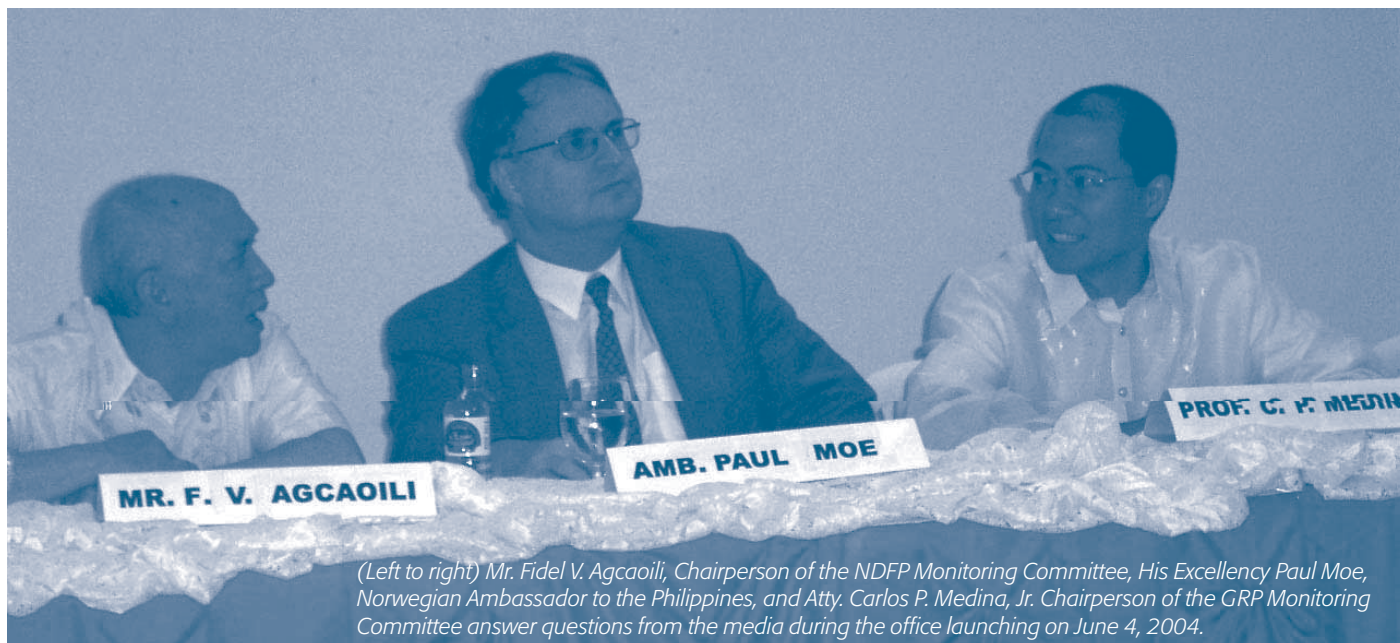
The meeting was held before the Cambodian elections.

On June 30, 2004, the royalist Funcinpec Party, which won 26 seats out of 123 seats in the Assembly, signed the agreement with the ruling party, Cambodian People's Party (CPP). The SRP with 24 seats is now in the opposition.

With the establishment of the commission stalled, the CWG conducted two round-table discussions in January and March 2004. Simulcast over Beehive Radio FM 105, the discussions engaged Cambodian NGOs and the general public on the initiative to establish a national human rights institution and a regional human rights mechanism in ASEAN.



The Working Group Secretariat mapped out the direction of its Communications Strategy to create a sense of ownership of the national working groups and to disseminate the developments on the initiative to the ASEAN community during its Communications Workshop in April 2004 in Manila.



(Left to right) Mr. Fidel V. Agcaoili, Chairperson of the NDFP Monitoring Committee, His Excellency Paul Moe, Norwegian Ambassador to the Philippines, and Atty. Carlos P. Medina, Jr. Chairperson of the GRP Monitoring Committee answer questions from the media during the office launching on June 4, 2004.

Philippines: Respecting Human Rights and International Humanitarian Law amid conflict

The Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) both want just and lasting peace for the Filipino people.

As a product of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) signed on August 7, 1998, the Joint Monitoring Committee (JMC) of the GRP and NDFP was formed and formally introduced to the public during its official launch in Quezon City on June 4, 2004. This affair also served to announce readiness to receive complaints of violations of human rights international humanitarian law principles contained in the Agreement.

The JMC's essential mandate is to monitor the implementation of the CARHRIHL by the Parties and serve as a fact-finding investigative committee for complaints that shall be brought to it pursuant to the Agreement.

A class on its own

What makes the Agreement unique is both state and non-state actors, specifically the Communist Party of the Philippines, the New People's Army, and the

National Democratic Front (CPP/NPA/NDF), jointly monitor their violations of CARHRIHL.

A first in the world, the JMC, as conceived in the CARHRIHL, sets the example for the international community for regulating the conduct of hostilities between a duly constituted government and an insurgent rebel group. If properly observed, it could uphold the standards for humane armed conflict.

Creating a culture of peace

The CARHRIHL is a result of the series of peace talks between the GRP and the CPP/NPA/NDF that commenced in September 1992. Ultimately, it lays the ground for comprehensive agreements on economic, social, and political reforms that will ensure the attainment of just and lasting peace.

The Agreement has also set a definition for peace, which enjoins all Filipinos—the government, the armed forces, police, civil society, NGOs, other sectors and stakeholders, and rebel groups—to maintain an environment where individuals and communities are able to fully develop their potentials and to progress while freely exercising their

rights with due regard for the rights of others, and yet are equally mindful of their responsibilities.

Pushing the cause

The JMC, as an alternative mechanism in addressing violations of human rights and humanitarian law, started accepting complaints on the 4th of June 2004. Most of the cases filed with JMC involve violations of the right to life, such as summary executions and involuntary disappearances. The Secretariats of both parties share the same office and continue to document and process these grievances.

To popularize the CARHRIHL and the JMC, the GRP is implementing education campaigns, which include conducting training seminars for the Armed Forces of the Philippines and the Philippine National Police, and producing instructional materials for the general public.

Plans to raise public awareness on the Agreement and on the mechanism are in the process of conceptualization. Meanwhile, both Parties are optimistic that all efforts will eventually deter violations of human rights and international humanitarian law.

Rights commission's spending upsets Malaysian NGOs

Officials of the Malaysian Commission on Human Rights (Suhakam) highlighted the organization's success in improving awareness of human rights in the last four years, but nongovernmental organizations noticed instead Suhakam's seemingly exorbitant expenditures.

Representatives from NGOs and civil society organizations were among those who attended the July 24, 2004 forum, "National Consultation on Suhakam: After Four Years." Although a variety of topics were taken up, including custodial deaths, many participants zeroed in on Suhakam's spending as detailed in its annual report. Among the amounts that attracted most interest were the 3.2 million Malaysian ringgit Suhakam spent on "professional fees and hospitality" in 2003.

Figures contained in the 2003 annual report of the government's human-rights watchdog also prompted many to call for more transparency in the way the body uses public funds.

"There isn't sufficient transparency in presenting their accounts," said Dato Param Cumaraswamy, chairperson of the Malaysian Working Group for an ASEAN Human Rights Mechanism.

"In 2001, it (the expenditure) was over RM250,000, but in 2003 it shot up tenfold," he noted. "I understand that this includes the remuneration and allowances paid to the commissioners. But how much are those remunerations and allowances is not disclosed. Surely the public is entitled to know. It is the taxpayers' money."



Mr. R.N. Rajah of the Police Watch and Human Rights Committee pointed out Suhakam's failure to open enquiries into the custodial deaths despite its concern on human rights.



Maria Chin Abdullah, the Executive Director of Women's Development Collective, called for greater participation of women in Suhakam.

Suhakam Commissioner Chiam Heng Keng, however, justified the expenses the human-rights body incurred in the past year by pointing out that it had outsourced most of its research and organized more activities such as seminars and dialogues in 2003.

"In previous years, we did not outsource our research work, but we now need more input from others so we have to get people to do the research," she said.

Commissioner Ramon Navaratnam, for his part, said that Suhakam had raised awareness on human rights in the last few years, although he added that there remains a need for collaboration with NGOs to promote these rights. He also said that

NGOs still had a role in leading the public on human-rights issues and applying pressure on Malaysian legislators.

Navaratnam pointed out that as an advisory body, Suhakam could only make recommendations to the government. "If the authorities do not take up our recommendations," he said, "there is nothing we can do."

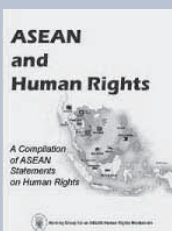
But ERA Consumer President Marimuthu Nadasson said that the Commission needed to be more proactive in its undertakings. He observed, "For the Commission to gain credibility, it should work with its ASEAN counterparts and support NGO initiatives, as well as be vocal on violations that impinge on the rights of the people."

WORKING GROUP PUBLICATIONS

ASEAN and Human Rights

Through the generous support of The Asia Foundation, the Working Group for an ASEAN Human Rights Mechanism has recently released a publication that addresses the question: "To what extent is ASEAN supportive of human rights?"

ASEAN and Human Rights is culled from various documents, action plans, declarations and issuances covering the period from August 1967 to October 2003. The publication shows that civil, political, economic, social, and cultural rights are very much part of ASEAN's concerns. The statements are divided into three categories: Part I covers statements on general human rights principles and issues; Part II classifies statements according to different human rights themes; and



Part III classifies statements according to the vulnerable groups they address. The statements are presented chronologically in each part.

The publication serves as a commemoration of the 10th anniversary of the 1993 Singapore Declaration where ASEAN foreign ministers "agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights." To avail of copies, email Ms. Shiva Mehrabi at smehrabi@aps.ateneo.edu.

The following are publications of the Thai Working Group for an ASEAN Human Rights Mechanism available in its Secretariat in Bangkok. To avail of copies, email Ms. Chananya Kraisor at nan@forumasia.org.

1. International Criminal Court and Thai Society aims to provide a better understanding of the basics on the International Criminal Court (ICC). The publication sheds light on the ICC and

the principles behind it and discusses its impact on the Thai society. Countries that have signed and ratified the ICC are listed in the appendix.

2. In view of disseminating information on human rights, the handbook entitled "**Promotion of National Human Rights Institution**" details the meaning of human rights, human rights as recommended by the Thai Constitution, and the human rights mechanism as mentioned in the Thai Constitution. It also features the Constitution Court, the Administrative Court, the Office of the Ombudsman, and the Office of the National Human Rights Commission of Thailand.

3. The publication "**National Human Rights Education Plan**" is designed to enhance appreciation and understanding of Human Rights Education. The book contains articles on Human Rights Education Plans, Composing the Seminar on Human Rights Education, and a Directory of Resource Persons.

FUNDER'S CORNER

Friedrich Naumann
Foundation

Since the initial meetings in 1995 to discuss the formation of the Regional Working Group for an ASEAN Human Rights Mechanism (Working Group), the Friedrich Naumann Foundation (FNF) has been an invaluable partner. Established in 1958 by the first President of the Federal Republic of Germany, Theodor Heuss, FNF is the Foundation for liberal politics in Germany, and aims to promote the principles of freedom and individual human dignity both in Germany and abroad.

With the constant support of the FNF, the Working Group has blossomed into a fully committed and well-regarded vehicle for the initiative to establish a regional mechanism on human rights in the ASEAN region.

FNF funding over the last four years has made the annual Workshop on the ASEAN Regional Mechanism on Human Rights possible. The first was held first in Jakarta in 2001. Bangkok hosted it in 2002. Manila was the venue in 2003. Jakarta was host to the Workshop again in 2004. These workshops have provided an instrumental and invaluable forum: (1) to discuss the progress of the idea of an ASEAN human rights mechanism; (2) to identify concrete steps that need to be taken in this regard; and (3) to exchange views on issues of common concern across the region with regard to human rights.

The annual workshops are attended by participants from ASEAN governments, national human rights institutions, the academe, and NGOs.

Aside from these annual workshops, FNF has provided support to many of the Working Group's vital activities such as government visits, meetings with ASEAN Senior Officials, and meetings with the ASEAN Secretariat, among others.

Support from FNF further extends to projects of the Philippine National Working Group. Recently, FNF has also been closely collaborating with the Working Group to produce a communications strategy, with the goal of increasing awareness in the region for the initiative. This communications plan includes updating and maintaining a website (which can be visited at www.aseanhrmech.org), producing a monthly newsletter, and issuing press releases.

Dató Param Cumaraswamy

Fearless

**A fearless human rights defender**

Now a celebrated warrior of human rights, Dató Param's main concern is ensuring that human rights would not be sidelined as actions of those who flagrantly imperil human rights and the rule of law are confronted. "By doing so, we would be perceived as no better than these enemies," he explains.

As a leading Malaysian jurist who safeguards human rights and the rule of law, it is apt that Dató Param is also the Vice President of the International Commission of Jurists and Chairman of the Human Rights Committee of the Law Association for Asia and the Pacific.

In his country, Dató Param advances his staunch support for human rights as a member of the International Board of Article 19 and as the Vice-President of Transparency International, Malaysia Chapter. He is also a founding member of the Malaysian Bar Council's Committees on Human Rights and Legal Aid.

Many distinctions

Dató Param's notable work on the judiciary and human rights has earned him countless distinctions and honors, including the 2002 Justice in the World Award from the International Association of Judges and the 1999 International Peace and Justice Award from the Irish American Unity Conference. The Law Society of New Zealand and the Law Society of England and Wales recognized him as an Honorary Member in 1987 and 2003, respectively. The honorary title of "Dató" was bestowed on him in 1989.

Dató Param is a member of the Regional Working Group for an ASEAN Human Rights Mechanism and is the Chairperson of the Malaysian Working Group for an ASEAN Human Rights Mechanism.

The grass was green on Dató Param Cumaraswamy's side of the fence when the International Court of Justice issued a landmark Advisory Opinion in 1999 upholding his immunity from prosecution, being the United Nations (UN) Special Rapporteur on the Independence of Judges and Lawyers. Two Malaysian financial firms had filed a multimillion-dollar defamation suit against him after he openly criticized them for manipulating the Malaysian judicial system. The 1999 ICC opinion reaffirmed the independence and integrity of the thematic mandate holders of the UN Commission on Human Rights.

Pioneering work

Dató Param's pioneering work has laid the foundation for the monitoring of the independence of the judiciary. When the UN appointed him as a Special Rapporteur in 1994, he vowed to raise international consciousness on the guidelines and conventions relating to judicial autonomy, defense counsel and jurors, and treatment of prisoners. He took it upon himself to redefine his mandate as a Special Rapporteur—he was also an educator, a communicator, an advocate for reform, and a sounding board for questions in seminars, meetings, and study tours. Among his missions was to solicit support from a throng of sectors, including heads of state and government, human rights organizations, and bar associations.

True to his word, Dató Param intervened before governments of more than 100 countries and carried out investigations on attacks against the independence of judges and lawyers in almost every region. Without such kind of monitoring, human rights principles cannot be enforced effectively. Realizing his vision and successfully serving his UN mandate for nine years since 1994, he earned international renown and distinction as the fearless crusader for the independence of judges and lawyers.

Obstinate Optimists

by Paulynn Sicam

Human rights advocates are obstinate optimists, and the members of the Regional Working Group for an ASEAN Human Rights Mechanism (Working Group) are no exception.

They have been at it for eight years now, organizing grassroots support, lobbying with governments, and meeting with ASEAN's Senior Officials annually since 1997. On June 28, 2004, they met with ASEAN Senior Officials on the occasion of the 37th ASEAN Ministerial Meeting in Jakarta for still another consultation to push for the establishment of an ASEAN human rights mechanism.



The Working Group came away with a positive assessment of the meeting. They felt that the ministers had opened the door a little wider for more communication and dialogue with the Working Group.

One of the vital points taken up at the meeting was the possibility of continuing communication between the Working Group and the chairperson of ASEAN as a mechanism to keep the dialogue going between the annual formal meetings.

Another issue was the organization by the Working Group of an Eminent Persons' Group to advise them on how to proceed in working with ASEAN on the establishment of a regional human rights mechanism.

Both points were received positively by the ASEAN Senior Officials.

For their part, the Senior Officials announced the signing of the ASEAN Declaration on the Prevention of Violence Against Women in the ASEAN Region, which was welcomed by the Working Group as a positive step toward the realization of a regime of human rights in ASEAN.

The immediate result of this meeting was one paragraph in the Joint Communiqué of the 37th ASEAN ministerial meeting where the Senior Officials "reaffirmed ASEAN's commitment to the protection and promotion of human rights."

Paragraph 30 continues: "In this regard, we noted the ongoing ASEAN efforts and dialogues with the non-governmental Working Group for an ASEAN Human Rights Mechanism, as well as efforts to enhance the exchange of views among different sectors in ASEAN towards the realization of an ASEAN human rights mechanism."

The language of the communiqué is general and ambivalent enough to accommodate differing views among the ten ASEAN member states. But to the Working Group, Paragraph 30 and their encounter with the Senior Officials were notable milestones in ASEAN's slow and deliberate journey towards the establishment of a regional human rights mechanism.

Didn't we say human rights advocates are obstinate optimists?

Paulynn P. Sicam was a Commissioner of the Philippine Commission on Human Rights from 1991 to 1994. Currently, she is the Head of the Peace and Human Rights Desk of the Benigno Aquino Foundation and the Editor-in-Chief of Cyberdyaryo.com, an online news bulletin. She is an active member of the Philippine Working Group for an ASEAN Human Rights Mechanism.

FROM THE EDITOR

It has always been emphasized by ASEAN that process is as important as the end goal of setting up a Regional Mechanism on Human Rights: step-by-step, multi-track, and building-block approach involving governments, national human rights institutions, parliaments, and civil society groups in the ASEAN region.

The Working Group for an ASEAN Human Rights Mechanism (Working Group) has always kept this in mind. And yet, it recognizes that the ASEAN of yesterday is very different from the ASEAN of today.

The ASEAN Community envisioned in the Bali Concord II, which was adopted by the ASEAN Heads of State during their Summit in Bali, Indonesia in 2003, is a testament of what could be ASEAN's dynamism. With its proposal of a component Security Community, human rights issues may no longer be sidelined and may, in fact, be put in the forefront.

We all await what would be unraveled in the ASEAN Security Community Plan of Action where "human rights"—a term previously much avoided—has been bravely mentioned as a "component." A change of wind may be brewing.

HUMAN RIGHTS HERALD

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