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**Second Workshop for an ASEAN Regional
Mechanism on Human Rights
Manila, 14-15 June 2002**

Summary of Proceedings

I. Introduction

1. The Second Workshop for an ASEAN Regional Mechanism on Human Rights was convened in Manila on June 14 and 15, 2002. It was organized and co-hosted by the Philippine Department of Foreign Affairs, the Philippine Commission on Human Rights, and the Working Group for an ASEAN Human Rights Mechanism.
2. The Manila Workshop was a follow up to the Jakarta workshop on the same topic held in Jakarta on July 5 and 6, 2001 hosted by the Department of Foreign Affairs of the Republic of Indonesia, the Indonesian National Human Rights Commission (Komnas Ham) and the National Working Group for an ASEAN Human Rights Mechanism.
3. The Manila Workshop was attended by participants from ASEAN member countries and an observer from East Timor. Also in attendance as guests were representatives of funding agencies, the Friedrich Naumann Foundation, the Asia Foundation and SEAFILD. The list of participants is attached in Annex A.
4. The workshop was opened by former Senator Wigberto Tanada, chairman of the Philippine Working Group, who delivered the keynote address. The participants were officially welcomed by the Hon. Eligio P. Mallari, officer-in-charge of the Philippine Commission on Human Rights. Special messages were delivered by the Hon. Franklin M. Ebdalin, Acting Secretary of Foreign Affairs of the Republic of the Philippines and the Hon. Francis N. Pangilinan, Chairman of the Committee on Justice and Human Rights of the Senate of the Philippines.
5. Parallel meetings were held by four national human rights institutions in Southeast Asia and the Executive Committee of the Working Group for an ASEAN Human Rights Mechanism. The two groups discussed possible areas of cooperation between national human rights institutions and the Working Group.

II. Workshop Sessions

6. The Workshop was divided into five sessions, all of which were conducted in plenary. These were: Human Rights Policies, Practices and Mechanisms in the ASEAN region; Current Initiatives for the Establishment of an ASEAN Human Rights Mechanism; Existing Human Rights Regional Mechanisms in other Regions

and their Applicability in the Southeast Asian Framework; Appropriate Regional Mechanism on Human Rights Within ASEAN; Lessons Learned: Future Directions, Summary and Recommendations. Three special sessions were also organized on Promoting Women's Rights and Children's Rights; Trafficking in Women and Children in Southeast Asia, and Human Rights after September 11.

7. In the First Session, the speaker, Dr. Sriprapha Petcharamesree of the Office of Human Rights Studies, Mahidol University, examined developments in the field of human rights promotion and protection, including existing human rights institutions, procedures, mechanisms within the ASEAN region and relevant domestic human rights legislation and policies. She also provided a background on the discourse on the ASEAN human rights mechanism. Chairing the session was Dr. Purificacion Quisumbing, commissioner of the Philippine Human Rights Commission.
8. In the Second Session, Mr. Marzuki Darusman, co-chairperson of the Working Group for an ASEAN Human Rights Mechanism, in a paper "Towards (Once Again) an ASEAN Human Rights Mechanism: Taking Stock After (Almost) Ten Years", addressed the question of why there is a need to set up a regional human rights system. He also updated participants on the initiatives for the establishment of an ASEAN human rights mechanism and gave a progress report on the developments after the Jakarta workshop last year. The session was chaired by Mr. Phoukhao Phommavongsa, Deputy Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs, Lao People's Democratic Republic, with Dr. Carolina Hernandez of the Institute for Strategic and Development Studies, as discussant.
9. Session Three was a discussion of the experience of Europe in setting up its human rights mechanism by Dr. Herbert Petzold, professor of Public International Law and former registrar of the European Court of Human Rights. Chairperson was Mr. I Gusti Agung Wesaka Puja, Director for Human Rights, Department of Foreign Affairs of Indonesia. The session was followed by a panel discussion on contextualizing regional mechanisms in the Southeast Asian framework. Chaired by Mrs. Kanchana Patarachoke, First Secretary of the Department of International Organizations, Ministry of Foreign Affairs of Thailand, the panel consisted of Dr. Todung Mulya Lubis of the Law School, University of Indonesia; Professor Simon Tay of the Singapore Institute for International Affairs; Dr. Nguyen Quoc Loc of the Institute for Foreign Relations, Ministry of Foreign Affairs of Vietnam; and Commissioner Dominador Calamba II, of the Philippine Commission on Human Rights.
10. Session Four, was divided into two panel discussions on the following topics: "Appropriate ASEAN Human Rights Mechanism—An ASEAN Human Rights Commission?" and "Identifying Guidelines and Practical Strategies for the Establishment of and ASEAN Human Rights Mechanism".

The first panel was chaired by Hon. Alicia C. Ramos, with Senator Wigberto Tanada, chairperson of the Philippine Working Group as resource speaker. It featured the

following panelists: Dr. Hafid Abbas of the Department of Justice and Human Rights of Indonesia, Mr. Sun Channdara Wuddh, assistant director, Center for Social Development in Cambodia; Dr. Daw Myint Kyi of the University of Yangon in Myanmar; and Commissioner Chiam Hengkeng of the Malaysian Human Rights Commission.

The second panel, chaired by Dr. Purificacion Quisumbing, a member of the Philippine Human Rights Commission, had the following resource persons: Prof. Saporinah Sadli, first vice chairperson of the Indonesian Human Rights Commission; Prof. Saneh Chamarik, chairperson of the National Human Rights Commission of Thailand; Ms. Evelyn Serrano of Forum-Asia; Atty. Regina Padilla-Geraldez of the ASEAN Law Association (Philippine Chapter) and Commissioner Mercedes Contreras-Danenberga, of the Philippine Coalition for an International Criminal Court and the Working Group.

11. In the Special Sessions on Southeast Asian Concerns, Hon. Rosalinda Valenton-Tirona, Assistant Secretary of the Philippine Department of Foreign Affairs presented a paper on promoting the human rights of women and children; Mr. Vann Chandara and Mr. Touch Khemarin of the Cambodian Human Rights Committee spoke on the trafficking in women and children in Southeast Asia; and Professor Virginia Dandan, Chairperson of the UN Committee on Economic, Social and Cultural Rights, tackled Human Rights After September 11. Dr. Ne Win of the Myanmar Ministry of Home Affairs and Commissioner Malik G. Marandang of the Philippine Commission on Human Rights served as Session Chairpersons.
12. The fifth session evaluated the strategies and processes for building on current initiatives for the Establishment of an ASEAN Human Rights Mechanism and approved a program of action on this matter. The session was chaired by the Hon. Rosalinda Valenton-Tirona of the Philippine Department of Foreign Affairs.

III. Workshop Recommendations: Suggested Guidelines and Strategies

13. As in Jakarta, it was reaffirmed that an ASEAN Human Rights Commission could be an appropriate mechanism for ASEAN, which should be pursued as an end goal of the peoples and governments of the region. However, it was recognized that it could take time to establish such a mechanism in the short or medium term. It was therefore suggested that the body continue with its step-by-step approach. It was also suggested that a multi-track approach be pursued through interim arrangements and alternative courses of action, all of which should lead towards the eventual establishment of an ASEAN human rights mechanism. The involvement of all ASEAN States in this process, without exception, in accordance with their institutional capacities, is of vital importance.
14. The Workshop emphasized that a regional human rights mechanism for ASEAN is an instrument for the implementation of ASEAN Vision 2020, human rights being an

integral part of its goals as well as a focal point for harmonizing ASEAN collective action in the implementation of international human rights instruments in the ASEAN context.

15. The workshop participants identified elements for a Plan of Action that must be drawn up to further enhance the current initiatives on the establishment of an ASEAN human rights mechanism, which include: human rights education, information exchange and training, enhanced cooperation among NGOs, GOs and academe, and the creation of regional centers for excellence in human rights. The Plan of Action must be sustained, measurable, attainable, realistic, time-bound and flexible in its implementation process. The Draft Agreement would be a part of this plan of action.
16. The Workshop agreed to resolutely pursue the initiative with an eye on periodically measuring the progress made. There was general optimism among the participants that an ASEAN human rights mechanism could be realized within the timeframe of ASEAN Vision 2020.
17. The promotion of the proposed ASEAN human rights mechanism will be pursued at the national and regional levels by appropriate and relevant institutions and organizations.
18. The Workshop recommended a multi-sectoral approach to the creation of an ASEAN human rights mechanism, and identified the following key sectors that must be engaged, such as governments, national human rights institutions, NGOs, universities, ombudsman, truth commissions, parliaments, media and religious communities.
19. The Workshop discussed and took note of the draft agreement on the Establishment of an ASEAN Human Rights Commission proposed by the Working Group and acknowledged that the need for its consideration by the Senior Officials of ASEAN.
20. The Workshop recommended that pending the establishment of the ASEAN Human Rights Commission, an ASEAN Commission for the Promotion and Protection of the Rights of Children and Women be created.
21. Leading to the eventual creation of an ASEAN Human Rights Commission, ASEAN is encouraged to create interim thematic functional cooperative groupings surrounding issues of common concern. Besides the rights of women and children, it is encouraged to focus on the rights of migrant labor, the issue of human trafficking, the problem of terrorism in the aftermath of the September 11 terrorist attack, and the effects of internal conflict on human rights.
22. Realizing the practical need to mobilize the existing human rights infrastructure ASEAN is encouraged to implement the human rights provisions of the Hanoi Plan of Action by creating the appropriate channel for the exchange of information for the promotion and protection of all human rights and fundamental freedoms of all

peoples in accordance with the UN Charter, the Universal Declaration of Human Rights, and the Vienna Declaration and Program of Action.

23. Given the diverse cultures, socio-economic spheres, geographical conditions and historical background of the peoples of ASEAN, it was proposed that an ASEAN Institute for Human Rights be established to facilitate the exchange of information and best practices about human rights.
24. ASEAN is encouraged to establish a focal point within ASEAN, and in every ASEAN country to work together to engage in constructive cooperation towards the establishment of an ASEAN human rights mechanism.
25. ASEAN is encouraged to establish a joint working group composed of governments and civil society and complemented by an ASEAN eminent persons group from different countries to act as a think tank that will look into human rights issues in the region, including the establishment of an ASEAN human rights mechanism.
26. ASEAN is encouraged to pursue activities which complement the aspiration for a regional human rights mechanism, e.g. create and strengthen national human rights institutions, draft national human rights action plans, promote human rights education and poverty reduction.
27. National human rights commissions are encouraged to create an informal network of existing national human rights institutions for an exchange of ideas and resources on human rights education and information, as well as experiences and best practices, as a first step towards the creation of an ASEAN Human Rights Mechanism. Four national institutions in the Philippines, Thailand, Malaysia and Indonesia expressed willingness to look further into establishing an informal, independent non-government network.
28. NHRCs will help promote human rights at the grassroots level to compliment the efforts of the Working Group on the level of the leaders of ASEAN governments. It was pointed out that the people of ASEAN should be involved in the discourse to get ASEAN governments to enforce human rights conventions and instruments that they have already approved and ratified.
29. NHRCs shall prioritize human rights education in order to increase public awareness and understanding of human rights issues.
30. While it considers that the creation of a regional human rights commission as the appropriate mechanism for human rights, the Working Group welcomes all initiatives by governments, National Human rights Institutions, and civil society groups to establish interim arrangements leading towards the ultimate goal of creating an ASEAN Human Rights Mechanism.

31. The Working Group shall continue to liaise, interact and dialogue with ASEAN, national human rights institutions, Asean ISIS, and other civil society groups in pursuit of the ultimate goal of establishing an ASEAN Human Rights Commission.
32. The Working Group shall encourage the creation of national working groups in all ASEAN states, where possible, or seek the designation by States of a focal point in their societies or government whom the Working Group can work with towards its goal of establishing an ASEAN human rights mechanism.
33. The Working Group shall consider the suggestion to craft a preamble establishing the normative foundation for the establishment of a regional human rights mechanism to enhance the Draft Agreement on the Establishment of an ASEAN Human Rights Commission.
34. The Manila Workshop reiterated the importance of the implementation of the Jakarta Workshop. The Manila Workshop also called for increased cooperation on the implementation of the Manila outcome among all concerned, and directed the organizers to present the recommendations of both the Jakarta and the Manila Workshops to the Senior Officials of the ASEAN.

IV. Acknowledgement

The Workshop participants expressed appreciation to the Department of Foreign Affairs of the Philippines, the Philippine Commission on Human Rights and the Working Group for hosting the Manila Workshop; and the Friedrich Naumann Foundation, The Asia Foundation, SEAFILD and the Norwegian Foreign Ministry for their unflagging support to the cause of an ASEAN human rights mechanism. The Workshop likewise welcomed the commitment made by the Thai Foreign Ministry, the Thai National Human Rights Commission and the Working Group to co-host the Third Workshop in Bangkok in 2003.