

**Third Workshop for an ASEAN Regional
Mechanism on Human Rights
Bangkok, 28-29 May 2003**

Summary of Proceedings

I. Introduction

1. The Third Workshop for an ASEAN Regional Mechanism on Human Rights was convened in Bangkok, Thailand, on May 28 and 29, 2003. It was co-organized and co-hosted by the Ministry of Foreign Affairs of the Kingdom of Thailand, the National Human Rights Commission of Thailand, and the Working Group for an ASEAN Human Rights Mechanism.
2. The Bangkok Workshop was a follow-up to the First Workshop (Jakarta, July 5-6, 2001) and the Second Workshop (Manila, June 14-15, 2002), which were likewise co-organized and co-hosted by the foreign ministries and national human rights institutions of Indonesia and the Philippines, respectively, and the Working Group for an ASEAN Human Rights Mechanism.
3. The Bangkok Workshop was attended by participants representing governments, national human rights institutions, non-governmental organizations and academic institutions of Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore and Thailand, including a representative from the ASEAN Secretariat. Also in attendance as guests and observers were representatives of other countries, various international and regional institutions, civil society groups and funding agencies, particularly the Friedrich Naumann Foundation and the Asia Foundation.
4. The Workshop was opened by Mr. Marzuki Darusman, Co-Chairperson of the Working Group for an ASEAN Human Rights Mechanism, who delivered the Welcome Remarks. The keynote address was delivered by H.E. Dr. Sorajak Kasemsuwan, Vice-Minister of the Ministry of Foreign Affairs of Thailand.
5. Prior to the opening of the Workshop, parallel meetings were held by representatives of the national human rights institutions of Thailand, the Philippines, Indonesia and Malaysia, and the Working Group for an ASEAN Human Rights Mechanism. At the end of the Workshop, the two groups met to discuss possible areas of cooperation between national human rights institutions and the Working Group.

II. Workshop Sessions

6. The Workshop was divided into five sessions. These were: (1) Report on Developments and Stocktaking of Efforts Towards the Establishment of the ASEAN

Human Rights Mechanism; (2) Human Rights Policies, Practices and Related Functional Cooperation in ASEAN; (3) Cooperation on Issues of Common Concern in the ASEAN Region; (4) Plenary Discussion on the Draft Concept Paper on the ASEAN Human Rights Mechanism; and (5) Moving Forward: Summarizing and Identifying Practical Steps for Further Cooperation. Under Session Three, there were four parallel sessions on the following topics: (i) The Respect for Human Rights in the Context of the Global Fight Against Terrorism; (ii) Cooperation to Combat Trafficking in Women and Children in the Region; (iii) The Promotion of Human Rights Education in the Regional Context; and (iv) The Realization of Economic, Social and Cultural Rights and the Right to Development for ASEAN Peoples in the Context of Globalization.

7. In the First Session, Mr. Marzuki Darusman, Co-Chairperson of the Working Group for an ASEAN Human Rights Mechanism, said that pending a substantive response from ASEAN on the Working Group's proposal for an ASEAN Human Rights Commission, interim steps must be taken in order to sustain the Working Group's efforts toward the ultimate goal of establishing a regional mechanism. Dr. Carolina Hernandez of the ASEAN-ISIS, explained that the diversity within ASEAN-ISIS has made it difficult for the organization to endorse the proposal for the ASEAN Human Rights Commission. However, she added that ASEAN-ISIS is willing to engage in collaborative efforts with the Working Group. Tan Sri Dato Harun Mahmud Hashim, the Vice-Chairperson of the Malaysian Human Rights Commission (SUHAKAM), expressed the importance of having national human rights institutions in all ASEAN countries. The Session was chaired by Dr. Kek Galabru, the head of LICADHO in Cambodia.
8. In the Second Session, Mr. M.C. Abad of the ASEAN Secretariat discussed the various areas of functional cooperation relating to human rights in ASEAN. Dr. Hafid Abbas of the Ministry of Justice and Human Rights of Indonesia presented possible areas for a multi-track cooperation among various institutions in ASEAN countries and stressed the importance of establishing regional centers of excellence. Prof. Vitit Muntarbhorn, Co-Chairperson of the Working Group, presented a roadmap of concrete steps that could be adopted by the Working Group and ASEAN towards the establishment of an ASEAN Human Rights Mechanism. This Session was chaired by Ms. Paulynn Sicam of the Benigno S. Aquino Foundation, Philippines.
9. The Third Session was divided into four Working Group Sessions. The Working Group on "The Respect for Human Rights in the Context of the Global Fight Against Terrorism" was chaired by Mr. Wilhelm Soriano, Commissioner of the Philippine Commission on Human Rights, with Dr. Chaiwat Sata-Anand of the Peace Information Center, Thammasat University, Thailand, and Mr. Sinapan Samyodorai, President of Think Centre in Singapore, as speakers.

The Working Group on "Cooperation to Combat Trafficking in Women and Children in the Region" was chaired by Mr. Bounteum Khamkheuang, Deputy-Director

General of the Department of Treaties and Legal Affairs of the Ministry of Foreign Affairs of Lao P.D.R. with Mr. Oren Ginzburg of UNICEF as speaker.

The Working Group on “The Promotion of Human Rights Education in the Regional Context” was chaired by Dr. Ne Win of the Ministry of Home Affairs of Myanmar, with Mr. Naren Prasat of UNESCO as speaker.

The Working Group on “The Realization of Economic, Social and Cultural Rights and the Right to Development for ASEAN Peoples in the Context of Globalization” was chaired by Ms. Khunying Ambhorn Meesook, Commissioner of the National Human Rights Commission of Thailand, with Ms. Nicola Bullard of Focus on the Global South as speaker.

The reports of the four parallel sessions were presented at a Plenary by Mr. Budiono Kusumohmidjojo (Indonesian Working Group) for the session on terrorism, Ms. Nanda Hmun (Ministry of Culture of Myanmar) for the session on trafficking in women and children, Ms. Evelyn Serrano (Forum-ASIA) for the session on human rights education, and Mr. Sinapan Samydorai (Think Centre, Singapore) for the session on economic, social and cultural rights and the right to development. The Plenary Session for the Reports of the Working Groups was chaired by Mr. Touch Khemarin of the Cambodian Committee on Human Rights.

10. Session Four was a Plenary Discussion of the Draft Concept Paper on the ASEAN Human Rights Mechanism. The resource persons for this session were Prof. Viti Muntarbhorn and Mr. Marzuki Darusman, Co-Chairpersons of the Working Group for an ASEAN Human Rights Mechanism. The session considered various proposals to further advance the initiative for a regional mechanism, including the points raised in the paper entitled “Roadmap for an ASEAN Human Rights Mechanism” drafted by Prof. Muntarbhorn for the Third Workshop. The Session was chaired by Mr. Wigberto Tañada, Chairperson of the Philippine Working Group.
11. Session Five considered and adopted the summary of conclusions and recommendations of the Third Workshop which were presented by Dr. Sriprapha Petcharamesree (Mahidol University, Thailand) and Mr. Carlos Medina (Secretary General of the Working Group for an ASEAN Human Rights Mechanism) as rapporteurs. The session was chaired by the Mrs. Atchara Suyanan, Director-General of the Department of International Organization, Ministry of Foreign Affairs of the Kingdom of Thailand.
12. Prof. Saneh Chamarik, Chairperson of the National Human Rights Commission of Thailand, gave his closing remarks and formally closed the Workshop.

III. Workshop Conclusions and Recommendations

13. The Workshop reaffirmed its commitment to the establishment of an ASEAN human rights mechanism, but acknowledged the importance of a step-by-step, multi-track and building-block approach. In his keynote speech, H.E. Dr. Sorajak Kasemsuwan, Vice Minister of Foreign Affairs of Thailand, declared, “We all agree in principle that there should be a regional mechanism for human rights in ASEAN”.
14. It was also agreed that a regional mechanism could take many forms and contents to offer a range of options to work on. In the short term, cooperation could focus in the areas of common concerns.
15. The Workshop agreed that as part of the building block approach, there is a need to create a culture of human rights in ASEAN through the construction of a normative framework for human rights as a common value, the diffusion of human rights education to the grass-root level and the creation of channels for exchanges on human rights information and experiences as envisioned in the Hanoi Plan of Action. There is also a need to construct a common legal framework for human rights in ASEAN to create a collective sense of ownership. As a first step, it was recommended that a study of the Constitutions of ASEAN countries be undertaken to identify human rights elements within them.
16. The Workshop recognized that the proposal to set up an ASEAN Human Rights Commission as found in the draft agreement for the Establishment of an ASEAN Human Rights Commission submitted by the Working Group to the ASEAN Foreign Ministers Meeting in 2000, seemed to be premature. It was therefore recommended that interim arrangements be pursued without losing track of the end goal of establishing an ASEAN Human Rights Commission. An ASEAN Commission for the Promotion and Protection of the Rights of Women and Children was proposed as a possible interim arrangement.
17. The Workshop agreed that the proposed Commission on Women and Children should have the following characteristics: independent from governments; intergovernmental based upon the commitment of member states; consistent with international human rights standards while providing “value added” from the region; respect existing national mechanisms; and provide access to member governments and individuals who wish to seek redress against other member governments.
18. The Workshop approved and adopted in its entirety the document entitled “Roadmap for an ASEAN Human Rights Mechanism” prepared by Prof. Vitit Muntarbhorn. . . Five steps are to be taken according to the roadmap:
 - a. A Joint Working Group composed of representatives of governments, national human rights institutions, and civil society, including the Working Group for an ASEAN Human Rights Mechanism and ASEAN-ISIS, will be established in 2004 to review the draft agreement for the Establishment of an ASEAN Human Rights Commission;

- b. An Eminent Persons Group will be established, with the blessings of the ASEAN governments, to complement the joint Working Group, to provide “Think Tank” inputs on the options available, and to submit reports on the issue to the proposed Joint Working Group and the ASEAN Foreign Ministers in 2004. The EPG will be set up by the governments of ASEAN with the participation of civil society in order to ensure broader partnership and access to all key stakeholders;
- c. The Working Group will work towards the establishment of an ASEAN Commission for the Promotion and Protection of the Rights of Women and Children, which is considered a potential entry point towards the eventual establishment of an ASEAN Human Rights Commission;
- d. A more comprehensive ASEAN Human Rights Commission be set up in the framework of the existing ASEAN Vision 2020 based on the pathfinder mentioned.
- e. Other activities for the promotion and protection of human rights in the ASEAN region will be supported to complement the proposed interim mechanism. Those activities are: networking between the national working groups, and between the national human rights commissions, more human rights education and capacity building, and the fostering of good practices in implementing human rights standards regionally, nationally, and locally, with strong civil society participation and people-to-people cooperation.

19. The Workshop took note of other possible arrangements, including the following:

- a. The development of regional centers of excellence following the SEAMEO model within ASEAN as a strategic step towards a more synergetic efforts.
- b. The establishment of the “Council” composed of representatives of relevant ministries accredited by the governments of member states.
- c. Setting up of a special unit to support a human rights data base under the ASEAN Secretariat be set up.

20. The Workshop strongly recommended the adoption of a special Plan of Action for the protection of human rights in the context of the fight against terrorism as well as a special Plan of Action on the trafficking of women and children.

21. The Workshop emphasized the need for cooperation on human rights education among the countries in the region by adopting common strategies, sharing technologies and experience and developing special programs for certain groups, such as the police, military, judges, teachers, lawyers, and other key sectors.

22. The Workshop also recognized the potential of the NHRIs in bridging the gap between ASEAN governments and civil society. It recommended closer cooperation and networking among the national human rights institutions within ASEAN, with a special focus networking on the rights of women and children.
23. The Workshop called for the continuity of involvement and representation by all of its stakeholders in all ASEAN countries.
24. The Workshop decided that the following steps be specifically undertaken:
 - a. request ASEAN-ISIS to review the draft agreement for the establishment of an ASEAN Human Rights Commission submitted by the Working Group to the AMM in 2000 and to work together with the Working Group in preparing a Draft Concept Paper for an ASEAN Human Rights Mechanism for presentation to the AMM;
 - b. work towards the establishment of an Eminent Persons' Group by preparing a list of possible nominees for presentation to the ASEAN-SOM during its meeting in Phnom Penh in June 2003;
 - c. support the coordination and networking activities of the National Human Rights Institutions, and seek their designation of a Focal Point to work with the Working Group;
 - d. form a team to identify and study activities and programs under the Functional Cooperation framework of ASEAN in relation to the initiative and recommend courses of action within the framework;
 - e. expand the basis of activities of the initiative by involving the support of the United Nations and other International Agencies; and
 - f. continue the step-by-step, multi-track approach towards establishing a regional human rights mechanism in line with ASEAN's Vision 2020 and its present and future Plans of Action.

IV. Acknowledgement

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