# Frequently Asked Questions on ASEAN and Human Rights

## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td><strong>SECTION 1: BACKGROUND ON ASEAN</strong></td>
<td></td>
</tr>
<tr>
<td>1. What is the Association of South East Asian Nations (ASEAN)?</td>
<td>1</td>
</tr>
<tr>
<td>2. Why was ASEAN formed?</td>
<td>1</td>
</tr>
<tr>
<td>3. What is meant by the “ASEAN Way”?</td>
<td>2</td>
</tr>
<tr>
<td><strong>SECTION 2: THE ARCHITECTURE OF ASEAN</strong></td>
<td></td>
</tr>
<tr>
<td>4. What are the key decision making bodies within ASEAN?</td>
<td>3</td>
</tr>
<tr>
<td>5. What are the meetings ASEAN holds with governments from outside the region, such as the ASEAN Plus Three, the East Asia Summit, the Post-Ministerial Conference and the ASEAN Regional Forum?</td>
<td>4</td>
</tr>
<tr>
<td>6. What role does the ASEAN Secretariat play?</td>
<td>5</td>
</tr>
<tr>
<td>7. What role does ASEAN’s Secretary-General play?</td>
<td>6</td>
</tr>
<tr>
<td><strong>SECTION 3: THE REFORM OF ASEAN FROM THE 1990s ONWARDS</strong></td>
<td></td>
</tr>
<tr>
<td>8. Why did ASEAN begin a process of reform in the 1990s?</td>
<td>6</td>
</tr>
<tr>
<td>9. What key events affected ASEAN’s process of reform?</td>
<td>7</td>
</tr>
<tr>
<td>10. Why did ASEAN become more engaged in human rights issues during the 1990s?</td>
<td>8</td>
</tr>
<tr>
<td>11. What were the key reform documents for ASEAN which laid out their vision of a regional community?</td>
<td>9</td>
</tr>
<tr>
<td>12. What was seen to be the added value of developing an ASEAN Charter?</td>
<td>10</td>
</tr>
<tr>
<td>13. What does the ASEAN Charter say about human rights?</td>
<td>11</td>
</tr>
</tbody>
</table>
SECTION 4: REGIONAL HUMAN RIGHTS MECHANISMS

14. What are human rights mechanisms, instruments and systems?  
15. Why is it important to have a human rights mechanism at the regional level?

SECTION 5: THE ESTABLISHMENT OF AN ASEAN HUMAN RIGHTS SYSTEM

16. How did ASEAN proceed with the establishment of an ASEAN human rights mechanism?  
17. How were the Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights (AICHR) received by civil society and NHRIs in the region?  
18. What are the key features of AICHR’s TOR?  
19. What work has AICHR done since its establishment?  
20. Where does the establishment of the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) fit in?  
21. How does the ACWC’s TOR compare with AICHR’s?  
22. What is the relationship between AICHR and the ACWC?  
23. What is ASEAN doing with regard to the rights of migrant workers?

SECTION 6: THE ROLE OF OTHER STAKEHOLDERS

24. What role do National Human Rights Institutions play in advocating for a credible and effective regional human rights mechanism?  
25. To what extent does ASEAN engage with civil society?  
26. What is the Working Group for an ASEAN Human Rights Mechanism?  
27. What is the Solidarity for Asian People’s Advocacy (SAPA)?  
28. What is the Southeast Asia Women’s Caucus on ASEAN?  
29. What is the ASEAN Civil Society Conference (ACSC) / ASEAN Peoples’ Forum (APF)?  
30. What is the South-East Asia People’s Center?  
31. What is the Human Rights Resource Center for ASEAN (HRRCA)?
### SECTION 7: THE ENGAGEMENT OF UN AGENCIES

32. What is OHCHR's engagement with the ASEAN human rights system?  
33. What is UNDP’s regional engagement with the ASEAN human rights system?  
34. What is UNIFEM’s engagement with the ASEAN human rights system?  
35. What is the ILO’s engagement with the ASEAN human rights system?  
36. What is UNICEF’s regional engagement with the ASEAN human rights system?

### SECTION 8: USEFUL CONTACTS

37. AICHR Members  
38. ACWC Members  
39. SAPA Task Force on ASEAN and Human Rights: Country and Thematic Focal Points  
40. Southeast Asia Women’s Caucus on ASEAN  
41. Other Key Civil Society Contacts on ASEAN
Introduction

This paper is aimed primarily at UN agencies, hoping to assist them in their engagement with the Association of Southeast Asian Nations (ASEAN) by providing a handy overview of ASEAN in relation to human rights. It has been drafted by a consultant, Mr. Daniel Collinge, based largely on publicly available material and does not reflect the views of the United Nations.

SECTION 1: BACKGROUND ON ASEAN

1. What is the Association of South East Asian Nations (ASEAN)?

The Association of South East Asian Nations, otherwise known as ASEAN, is a regional intergovernmental organisation made up of ten nation-states: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic (Lao PDR), Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

The organisation was founded on 8 August 1967 by Indonesia, Malaysia, Philippines, Singapore and Thailand. Its official aims and purposes included the promotion of regional peace and stability, and the acceleration of economic growth, social progress and cultural development. Brunei Darussalam joined the group in 1984, Vietnam in 1995, Lao PDR and Myanmar in 1997, and Cambodia in 1999. Timor-Leste currently has observer status with ASEAN, and will become a fully fledged member once it meets certain criteria (including trade liberalisation requirements), which is likely to be in 2012.

2. Why was ASEAN formed?

All of the founding countries of ASEAN, apart from Thailand, were newly established sovereign nation-states following the period of decolonisation after World War II. Subsequently, many of these post-colonial governments faced challenges to their legitimacy to rule (challenges which came both from within and outside the country) and governments wanted the freedom to take the action which they deemed as necessary to establish their rule free from external interference. The region was also experiencing inter-territorial disputes, often linked to this issue of legitimacy. In addition, the Cold War further polarised the region with the existence of revolutionary communist governments in Indochina, and also set the stage for Great Power intervention in the region as America and the Soviet Union vied for influence. Subsequently, it was security considerations which were the driving force behind the formation of ASEAN in 1967, and help to explain the determination of states to establish non-intervention and decision by consensus as fundamental norms and principles of the organisation.

Indeed, it is illuminating to compare the establishment of ASEAN with the formation of regional intergovernmental bodies in Western Europe after World War II. Following two World Wars within the space of 20 years, which had devastating consequences for the region, there existed sufficient political
will for states to agree to the surrender of some elements of their national sovereignty in order to help prevent future armed hostilities between the member states. Thus came into being (what is now known as) the European Union. So, while Western Europe was seeking to provide security for states by increasing interdependence through regional integration, South-East Asia was seeking to achieve a similar objective through establishing the norm of non-interference. Indeed, the absence of an analogous ambition for regional integration within South-East Asia at this time can be seen by the fact that the first ever summit of ASEAN leaders did not take place until 1976, over eight years after ASEAN’s formation, and there were only four summits in the first 25 years of ASEAN’s existence.

3. **What is meant by the “ASEAN Way”?**

Deriving from its foundation, ASEAN has developed a means of functioning referred to as the “ASEAN Way”. The key characteristics of the “ASEAN Way” may be summarised as follows:

- Non-interference in the domestic affairs of member states;
- Decision by consensus;
- Avoidance of building institutions or developing legally binding instruments which are rigid and restrict the freedom of member states to act according to their perceived national interest;
- A preference for informality, leading to non-binding declarations and plans of action.

This “ASEAN Way” of conducting business goes some way to explaining why ASEAN’s engagement on human rights has been limited over its 43 year history. 

---

1 For more on the “ASEAN Way”, see “Constructing a Security Community in Southeast Asia” by Amitav Acharya, Routledge Books, 2009
SECTION 2: THE ARCHITECTURE OF ASEAN

4. What are the key decision making bodies within ASEAN?

Major decisions are made by the ministers of the respective governments of ASEAN according to the principle of decision by consensus. As described in point 6, there is no separate group of ASEAN decision makers, such as exists in the European Union. The ASEAN Charter created new organs and structures, in accordance with the three pillars of the planned ASEAN Community (Political-Security, Economic and Socio-Cultural Communities) that were first outlined in the 2003 Bali Concord II (see point 11).

The highest decision making body is the ASEAN Summit, involving the heads of government of each member state, which now meets biannually in the country that holds the Chair of ASEAN (currently Vietnam for 2010).

The first ASEAN Summit of the year takes place around April time, and focuses on issues concerning ASEAN itself (e.g. developments in relation to ASEAN’s human rights bodies, and concerning the roadmap towards an ASEAN community). This is followed by a second ASEAN Summit, which takes place around October time and focuses more on ASEAN’s role and relationships with its partners outside of the region.

The next step down in the ASEAN decision making hierarchy is the annual ASEAN Ministerial Meeting (AMM) held around July, in which all of the foreign ministers of ASEAN come together to deliberate and take decisions. In recent times, important decisions have been taken at the AMM on human rights matters, such as the endorsement in July 2009 of the terms of reference of the ASEAN Intergovernmental Commission on Human Rights (AICHR). Furthermore, AICHR reports directly to the AMM, as occurred for the first time in July 2010 when AICHR’s programmes and activities for 2010-2011 and indicative budget for that period were approved. In the future, AICHR will submit an annual report and other appropriate reports to the AMM for consideration.

The foreign ministers also make up the ASEAN Coordinating Council, which the Charter specifies is responsible for coordinating implementation of decisions made at the ASEAN Summit. In this role, the foreign ministers are responsible for coordinating the work of the three communities of ASEAN, with each pillar reporting to the foreign ministers on the implementation of their workplans.

The ASEAN Charter, in accordance with the creation of the three-pillared ASEAN community, established three ASEAN Community Councils (the ASEAN Political-Security Community Council, the ASEAN Economic Community Council, and the ASEAN Socio-Cultural Community Council) made up of relevant

2 At this meeting, a request was made for AICHR to finalise and submit the indicative budget for the cycle of five years in order to enable the AMM to adopt the Five-Year Work Plan (2010-2015).
Ministers. Each Community Council meets at least twice a year and coordinates and implements decisions from the ASEAN Summit and submits reports and recommendations for consideration at the Summit and to the ASEAN Coordinating Council.

Under the purview of the relevant ASEAN Community Council are the ASEAN Sectoral Ministerial Bodies, which bring together the ministers of specific sectors (for example, all of the labour ministers of all the member countries make up one sectoral ministerial body). These bodies help to implement agreements and decisions from the ASEAN Summit, and submit reports and recommendations to their respective Community Councils. Each ASEAN Sectoral Ministerial Body has under its purview relevant senior officials and subsidiary bodies to assist it in its work.

In a similar vein to the AMM, there are Ministerial Meetings for other sectors, such as the ASEAN Economic Ministers Meetings (42nd meeting held last August) and the ASEAN Labour Ministerial Meetings (21st meeting held last May), where agreements are made and declarations issued on specific areas. Whether the Ministers meet annually or once every two years depends on the extent of their work at the regional level.

At the next level are the ASEAN Senior Officials Meetings, such as the Senior Officials Meeting on Social Welfare and Development (SOMSWD), which involve the top civil servants of the relevant ministries of ASEAN meeting throughout the year on an ad hoc basis.

The ASEAN Charter also established the Committee of Permanent Representatives to ASEAN (CPR), with each member state having a person at the rank of Ambassador based in Jakarta. These representatives collectively support the work of the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies, and coordinate with the ASEAN National Secretariats and the ASEAN Secretariat. Furthermore, the Permanent Representatives facilitate cooperation with external partners, assisting in the Charter’s goal of securing a more united stance at the multilateral level.

The ASEAN Charter tasks the ASEAN Foundation, placed under the Secretary General’s office, to deal directly with civil society organisations and the private sector in order to support ASEAN community-building. Research projects are conducted by the Foundation on the development of an ASEAN community, and funding provided to civil society and the private sector for projects which contribute to the building of a regional community.

5. What are the meetings ASEAN holds with governments from outside of the region, such as the ASEAN Plus Three, the East Asia Summit, the Post-Ministerial Conference and the ASEAN Regional Forum?

ASEAN has developed a number of forums and meetings to coincide with its own meetings in order to engage countries from outside of South-East Asia in economic and security matters.
The **ASEAN Plus Three (APT)** forum aims at expanding cooperation, particularly on economic, trade and financial issues, with North East Asia (China, Japan and South Korea). The forum first met informally in December 1997 and was institutionalised in 1999. For the sake of convenience, the APT is held towards the end of the year’s second ASEAN Summit (around October).

The **East Asia Summit** is a wider grouping which also seeks to support and develop cooperation on economic and trade matters. Members are the ASEAN Plus Three members along with Australia, India and New Zealand. The first East Asia Summit was held in Kuala Lumpur on December 14, 2005. As with the APT, these meetings are held during the year’s second ASEAN Summit.

The **Post-Ministerial Conference (PMC)** takes place during the ASEAN Ministerial Meeting of foreign ministers and is where ASEAN meets with its "Dialogue Partners" to discuss economic and security issues. These dialogue partners are Australia, Canada, China, the European Union, India, Japan, New Zealand, Republic of Korea, the Russian Federation, the United States and the United Nations Development Programme.

The **ASEAN Regional Forum (ARF)**, established in 1994, is a security grouping which is held in conjunction with the PMC. The forum aims to build trust, clarify positions and develop cooperation to enhance peace and security in the Asia-Pacific region through a process of dialogue between foreign ministers. Its members are the ASEAN member states plus Australia, Bangladesh, Canada, China, the European Union, India, Japan, North Korea, South Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, Russia, Sri Lanka, Timor-Leste and the United States.

### 6. What role does the ASEAN Secretariat play?

The regional ASEAN Secretariat, based in Jakarta, has a current staff of around 240. ASEAN has not developed a European Union-style of bureaucracy with supranational decision-making authority; the ASEAN Secretariat remains subordinate to the national secretariats of member states. The rejection of the EU model of a central permanent bureaucracy was evident from the outset when ASEAN’s founding Bangkok Declaration provided for no such body and instead decreed the creation of national secretariats located within the foreign ministries of member states to carry out the work of the Association on behalf of that country and to service various ASEAN ministerial and committee meetings. Indeed, the ASEAN Secretariat in Jakarta was not established until 1977, some 10 years after ASEAN’s founding.

However, ASEAN’s process of reform and pursuit of its vision to create a regional community will lead to a strengthening of the regional secretariat. In March 2009, the Secretary-General of ASEAN announced that, from 15 April 2009, the ASEAN Secretariat would be restructured in accordance with the roadmap for an ASEAN Community: four departments, one for each pillar of the ASEAN Community with a fourth department focusing on community and corporate affairs. Each of the departments is headed by a

---

3 Such as the European Commission, with a staff of about 25,000 civil servants
Deputy Secretary-General. Overseen by the Secretary-General, the departments are “geared towards a shared vision: that by 2015, the ASEAN Secretariat will be the nerve centre of a strong and confident ASEAN Community that is globally respected for acting in full compliance with its Charter and in the best interests of its people.”

7. What role does ASEAN’s Secretary-General play?

The ASEAN Charter, which entered into force in December 2008, has sought to strengthen the role of the Secretary-General, increasing the size of the Office and specifying that she/he would, *inter alia*, “facilitate and monitor progress in the implementation of ASEAN agreements and decisions, and submit an annual report on the work of ASEAN to the ASEAN Summit”.

Regarding the role of the Secretary-General and the ASEAN Secretariat in relation to the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), the TOR of both specify that the Secretary-General of ASEAN may bring relevant issues to the attention of the two bodies. Both TOR also specify that the ASEAN Secretariat shall provide the necessary secretarial support to the two bodies. AICHR’s TOR further specifies that to facilitate the Secretariat’s support to the AICHR, ASEAN member states may second their officials to the ASEAN Secretariat.

The Secretary-General is appointed by the ASEAN Summit for a non-renewable term of five years, selected from amongst nationals of the ASEAN member states and based on alphabetical rotation. The current Secretary-General is Dr. Surin Pitsuwan of Thailand, who assumed his position in January 2008.

SECTION 3: THE REFORM OF ASEAN FROM THE 1990s ONWARDS

8. Why did ASEAN begin a process of reform in the 1990s?

Although ASEAN has remained faithful to its founding norms of non-intervention and decision by consensus, this does not mean that ASEAN is a static organisation that has not needed to reform, evolve and reinterpret its norms in order to remain relevant and able to respond to the demands placed upon it. This can be seen with the new process of community building initiated by ASEAN in the 1990s.

The source of this process of reform and community building can be located with the end of the Cold War (at the beginning of the 1990s). Compared with the environment in 1967 at the time of ASEAN’s founding, when the region was described as a “region of revolt”, the Balkans of the East” or a “region of

---

4 Press release from the ASEAN Secretariat, 25 March 2009
dominoes”, a major shift in the security situation had taken place by the 1990s. By this time, the legitimacy problem experienced by governments in 1967 had lessened considerably, ongoing territorial disputes seemed increasingly unlikely to degenerate into armed conflict between states, and the end of the Cold War on the global stage appeared to lessen the likelihood of military intervention by external powers. In this post-Cold War international climate, the focus for ASEAN moved increasingly away from security concerns and towards economic ones. With the stage set for free market capitalism in an increasingly globalised world, ASEAN became increasingly concerned with creating a competitive economic bloc in the face of stiff competition from other regional organisations such as the EU and NAFTA and developing neighbouring countries such as China and India. In view of the stability of relations between the member states of ASEAN, the security agenda looked increasingly towards how ASEAN could apply its own successful approach to building a security community to the wider region of East Asia and beyond.

9. **What key events affected ASEAN's process of reform?**

The 1997 Asian financial crisis, which started in Thailand in July with the financial collapse of the Thai baht, had a major impact on ASEAN member states. It was left to international institutions such as the IMF to step in and offer rescue packages, which proved to be both unpopular and ineffective. ASEAN realised that it would have to reform itself to enable the region to be more self-sufficient in responding to future transnational financial crises.

The need for a regional intergovernmental organisation that could respond to regional developments was confirmed in the subsequent years, as South-East Asia faced other challenges of a transnational nature in an increasingly globalised world. There were transnational environmental problems with strong regional dimensions, such as the 1997 haze from forest fires in Indonesia, where the health of 70 million people in the region was jeopardised and with an estimated cost of USD 4.5 billion. There was the threat of terrorism, highlighted by the October 2002 Bali bombings which killed over 200 people. There were transnational health concerns, with the SARS epidemic first appearing in November 2002 in China and quickly becoming a regional concern for South-East Asia. And there were natural disasters, such as the Indian Ocean Tsunami on 26 December 2004, which killed at least 200,000 people, making it one of the deadliest natural disasters in modern history. These problems demanded an effective regional response, reconfirming the need for the leaders of South-East Asia to reform and reinvent ASEAN.

---

5 *Supra* note 1, pg. 5.
10. Why did ASEAN become more engaged in human rights issues during the 1990's?

ASEAN's engagement in human rights needs to be placed in the context of ASEAN's process of reform initiated in response to the post-Cold War international environment.

The end of the ideological divide of the Cold War created a new energy and momentum at the global level for the further advancement of human rights, which ASEAN became a part of.

This newfound optimism culminated in the convening of the landmark World Conference on Human Rights, held in Vienna, Austria in June 1993. Representatives of 171 nations participated in this Conference, including all of the ASEAN member states. The subsequent Vienna Declaration and Programme of Action⁶ laid down the framework for the promotion and protection of human rights in the post-Cold War world, and reaffirmed the universality, indivisibility, interdependence and interrelatedness of all human rights for all. Furthermore, it highlighted that “Regional arrangements play a fundamental role in promoting and protecting human rights” and reiterated “the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist.”

The effect of the World Conference on ASEAN was seen the following month (July 1993) at the 26th ASEAN Ministerial Meeting (AMM) in Singapore when it was declared in a Joint Communiqué that, “The Foreign Ministers welcomed the international consensus achieved during the World Conference on Human Rights…and reaffirmed ASEAN’s commitment to and respect for human rights and fundamental freedoms as set out in the Vienna Declaration of 25 June 1993.” Furthermore, the Communiqué declared that “in support of the Vienna Declaration and Programme of Action…ASEAN should also consider the establishment of an appropriate regional mechanism on human rights.”⁷

Major political changes at the national level also influenced initiatives at the regional level. The Philippines saw the fall of the authoritarian Marcos regime in 1986 following the People Power Revolution, mass public protests in Thailand in May 1992 brought about democratic reforms, and popular protests in Indonesia led to the fall of the Suharto regime in 1998 after 32 years of authoritarian rule. Also, the “Asian values” thesis, which in the early 90’s was being promulgated by some high profile politicians as a challenge to “Western” concepts of human rights, had become much less prominent by the late 1990s.

Furthermore, the desire to create an integrated and competitive economic bloc also led to important political reforms at the regional level, leading ASEAN to become increasingly engaged in human rights.

---

⁶ The full text can be found at: http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En

11. What were the key reform documents for ASEAN which laid out their vision of a regional community?

1997 - ASEAN Vision 2020: Marking ASEAN’s 30th anniversary and arriving in the year of the Asian financial crisis, this declaration has become a landmark document for ASEAN, setting the goal of the creation of a “concert” of South-East Asian nations. This document not only mentioned ASEAN’s traditional concerns of peace and security between nations and economic development, but also mentioned the creation of a “community of caring societies” with a “focus on the welfare and dignity of the human person and the good of the community”.8

1998 - The Hanoi Plan of Action (1999-2004): This was the first plan of action which sought to implement the 1997 ASEAN Vision 2020. It included pledges to enhance the exchange of information amongst ASEAN countries in the field of human rights, and to implement two core UN human rights treaties in the region; namely the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).9

2003 – The Declaration of ASEAN Concord II (Bali Concord II): This declaration sought to give a coherent structure and organisation to the ASEAN Vision 2020, mapping out the creation of three pillars for an ASEAN Community: an ASEAN Security Community (ASC), an ASEAN Economic Community (AEC) and an ASEAN Socio-Cultural Community (ASCC), and again referred to the creation of a “community of caring societies”.10

2004 – The Vientiane Action Programme (2004-2010): Following on from the Hanoi Plan of Action, this plan sought to continue with the goal of implementing the ASEAN Vision 2020, including the creation of the three pillars described in the Bali Concord II. The more concrete mentions of human rights dealt with the elaboration of an ASEAN instrument on the protection and promotion of the rights of migrant workers and the establishment of an ASEAN commission on the promotion and protection of the rights of women and children.11

2009 - Roadmap for an ASEAN Community (2009 – 2015): In 2007 ASEAN adopted the ASEAN Economic Community Blueprint and in 2009 adopted the ASEAN Political-Security Community and the ASEAN Socio-Cultural Community Blueprints, which together constitute the Roadmap for an ASEAN Community (2009-2015). This Roadmap consolidated all of the commitments to forge a regional community which had been made by ASEAN since the original ASEAN Vision 2020 in 1997.

8 The full text can be found at: http://www.aseansec.org/1814.htm

9 The full text can be found at: http://www.aseansec.org/687.htm

10 The full text can be found at: http://www.aseansec.org/15159.htm

11 The full text can be found at: http://www.aseansec.org/VAP-10th%20ASEAN%20Summit.pdf
However, prior to the 2009 Roadmap, progress in implementing these plans, programmes and declarations had been slow. Subsequently, member states realised that they would have to compromise on ASEAN’s traditional preference for informality and aversion to institutions and legally binding instruments in order to improve on this record of implementation and to realise the reforms that had been committed to. ASEAN thus began to consider the drafting of a Charter, some 40 years after its founding.

12. What was seen to be the added value of developing an ASEAN Charter?

An ASEAN Charter would give ASEAN a legal personality under international law and help to turn it into more of a rules based organisation, thus assisting with the implementation of its commitments to reform. It would clarify the functions and areas of competence of key ASEAN bodies and their relationship with one another in the overall ASEAN structure, as envisioned in the ASEAN Vision 2020, making it easier to locate who was responsible for implementing particular decisions and making it possible to hold these persons/bodies to account. Furthermore, a Charter would enable ASEAN to assert itself more effectively in the pursuit of its agenda outside of the region, for instance easing the legal process in the making of free trade agreements and enabling ASEAN to acquire the appropriate status for participation in international intergovernmental meetings.

The goal of creating an ASEAN Charter was first officially acknowledged in November 2004 in ASEAN’s Vientiane Action Programme, which stated that, “We recognise the need to strengthen ASEAN and shall work towards the development of an ASEAN Charter.”12 This was followed in December 2005 by the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter, wherein ASEAN’s leaders committed themselves to establishing a Charter “to serve as a legal and institutional framework of ASEAN to support the realisation of its goals and objectives.”13

The declaration stated, inter alia, that the Charter would reaffirm the “Promotion of democracy, human rights and obligations [sic], transparency and good governance and strengthening democratic institutions”,14 and set up an Eminent Persons Group (EPG) to provide practical recommendations on the creation of the Charter.

12 Supra note 11, pg. 4

13 ASEAN Secretariat (2005), Kuala Lumpur Declaration on the Establishment of the ASEAN Charter, available online at: http://www.aseansec.org/18030.htm

14 Ibid
The subsequent EPG report presented in December 2006 recommended that the founding principles and objectives of ASEAN be updated to include “respect for human rights and fundamental freedoms.” Furthermore, the report stated that ASEAN needed to “shed its image of being an elitist organisation” and become a “people-centred organisation” with a strengthening of “the sense of ownership and belonging among its people”.

The leaders of ASEAN subsequently endorsed the EPG report at the 12th ASEAN Summit in Cebu, Philippines in January 2007 with “The Cebu Declaration on the Blueprint of the ASEAN Charter”, and set up a High Level Task Force to begin drafting the Charter to be ready for signature at the 13th ASEAN Summit to be held in Singapore in November 2007. The High Level Task Force (HLTF) met for the first time in February 2007 and began drafting the Charter based on the Leaders’ directives from the 11th and 12th ASEAN Summits, the EPG Report and other key ASEAN documents.

The ASEAN Charter was signed by the leaders of all member states at the 13th ASEAN Summit on 20 November 2007 (coinciding with the 40th anniversary of ASEAN) and entered into force on 15 December 2008 following its ratification by all ASEAN member states.

### 13. What did the ASEAN Charter say about human rights?

Articles 1 and 2 of the ASEAN Charter established the promotion and protection of human rights as a fundamental principle and underlying purpose of ASEAN, opening the way for serious human rights violations to be considered as a serious breach of the Charter. Article 14 of the Charter also committed members to the establishment of a regional human rights “body”.

ASEAN’s founding principles of non-interference and decision by consensus also retained their pre-eminence in the Charter, highlighting that the future role of ASEAN in promoting and protecting human rights was yet to be clearly defined.

---


16 Ibid, pg.7
SECTION 4: REGIONAL HUMAN RIGHTS MECHANISMS

14. What are human rights mechanisms, instruments and systems?

A human rights mechanism is the means through which the promotion and protection of human rights occurs on the ground, and can exist at the national, regional or international level. The term “mechanism” is very broad, and can take many forms.

A human rights commission is one type of human rights mechanism. Although the term “commission” does not tell us what the mechanism can do, it does suggest that the mechanism will not be able to issue legally binding decisions (a court would be needed to play this role). Instead, the commission is usually an advisory body, ideally made up of independent experts performing the following functions:

a) Conducting on-site visits to inspect the human rights situation on the ground within each member state;

b) Investigating, free from outside interference, credible allegations of human rights violations, and making recommendations based on their findings;

c) Consulting with governmental and non-governmental actors and producing thematic studies on human rights issues relevant to the region. Based on these studies, the commission could again issue recommendations for action by governments, be it remedial, legislative or administrative;

d) Promoting human rights through human rights education programmes and public awareness building activities.

The major potential weakness of a commission of this type is that its decisions are not legally binding, meaning governments can ultimately choose to ignore the recommendations that are made. Therefore, the role of civil society is crucial to the efficacy of a commission. By raising awareness among the general population of recommendations made by the commission, more pressure is placed on governments to provide good reasons if recommendations are not taken up.

Existing examples of regional human rights commissions are the Inter-American Commission on Human Rights, established in 1959, and the African Commission on Human and Peoples’ Rights, established in 1986.

A human rights court is another type of human rights mechanism. A court would adjudicate on allegations of human rights violations following the consideration of evidence presented to it, with the decisions being legally binding on states that have agreed to its jurisdiction. Allegations of human rights violations could be received from individuals, groups or states (against other states). Rather than being a replacement for the commission, this mechanism can exist side by side in a complementary relationship, as exists in the Americas and Africa. In these regions, the commission continues with its
important work of monitoring the human rights situation on the ground, collecting evidence regarding allegations of human rights violations, increasing awareness of human rights standards within the member states, and assisting the work of the court by deciding on the admissibility of complaints received. The commission can also help in monitoring the implementation of decisions made by the court. The most well established regional human rights court is the European Court of Human Rights (established in 1950), which exists within the Council of Europe.

A human rights instrument refers to a document that can be non-binding (e.g. declarations) or legally binding (e.g. treaties, conventions, charters) and which lays out the human rights obligations of a state. Examples of regional human rights instruments include the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the American Declaration on the Rights and Duties of Man (1948), and the African Charter on Human and Peoples’ Rights (1981).

The human rights instruments and mechanisms of a region taken together may be referred to as its human rights “system”.

15. **Why is it important to have a human rights mechanism at the regional level?**

Regional human rights mechanisms are an important part of the overall human rights architecture as they:

a) Offer people protection from human rights violations when national mechanisms fail;

b) Act as a check and balance on national processes;

c) Empower people from within the region to claim their universal human rights in a way that is sensitive to local cultural and social preferences (due to the geographical proximity of the mechanism, and the fact it is made up of people from the region);

d) Promote regional peace and security (through the promotion and protection of human rights);

e) Provide regional input to the development of international human rights standards and the improvement of international human rights mechanisms;

f) Assist national governments in the implementation of their international human rights obligations; for example, assisting in the implementation of concluding observations of treaty bodies which national governments are party to, and helping to follow up on recommendations of special procedures;

g) Provide help to national institutions to strengthen their role in the promotion and protection of human rights at the national level; for example, by providing advisory services to national governments in the administration of justice, legislative reform, human rights education and capacity-building of governmental and non-governmental institutions;
h) Help national governments to better address human rights concerns that cross national borders; for example, human rights violations and abuses that come from organised crime (including terrorism, human trafficking, sexual exploitation of migrant workers and children), migration and migrant workers, diseases and pandemics, economic development projects (including dam building and river diversion projects), food security, and environmental issues (including cross boundary pollution and toxic waste dumping).

SECTION 5: THE ESTABLISHMENT OF AN ASEAN HUMAN RIGHTS SYSTEM

16. How did ASEAN proceed with the establishment of an ASEAN human rights mechanism?

Following the commitment to establish a human rights “body” in article 14 of the ASEAN Charter, the Foreign Ministers of ASEAN met from 19 to 20 February 2008 in Singapore and decided to set up a High Level Panel (HLP) to draft the terms of reference (TOR) of the proposed body, specifying its mandate and structure. The HLP met for the first time in Singapore in July 2008, and agreed to hold monthly meetings in each of the ASEAN countries. During the drafting process the HLP met with civil society groups and the four NHRIs, who made written submissions on what a credible TOR should look like.

The final draft of the TOR, which named the “body” the “ASEAN Intergovernmental Commission on Human Rights” (AICHR), was endorsed by ASEAN’s Foreign Ministers on 20 July 2009, during the 42nd ASEAN Ministerial Meeting in Phuket, Thailand. It was left to each member state to decide on their own national selection process, with there being no requirement to consult or consider applications from civil society. Subsequently, only Thailand and Indonesia engaged in an open selection process.

AICHR was finally launched on 23 October 2009 during the 15th ASEAN Summit in Hua Hin, Thailand. The Political Declaration that launched the Commission stated that “the AICHR will be the overarching institution responsible for the promotion and protection of human rights in ASEAN.”

These developments, in turn, reinvigorated the 2004 commitment to establish an ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (see point 20).

---

17 Cha-am Hua Hin Declaration on the Intergovernmental Commission on Human Rights, available online at: http://www.aseansec.org/documents/Declaration-AICHR.pdf
17. **How were the Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights (AICHR) received by civil society and NHRI in the region?**

Criticism of the TOR focused on the lack of independence of the members of the AICHR, who are appointed by and accountable to their member government, and the absence of a clear protection mandate, with most of the mandate concerned with promotion work. ASEAN leaders’ response has been that AICHR must be “credible, realistic and evolutionary” with civil society groups countering that it should be “accountable, independent and effective”.

The Political Declaration that launched the Commission highlighted that “the TOR of the AICHR shall be reviewed every five years after its entry into force to strengthen the mandate and functions of the AICHR in order to further develop mechanisms on both the protection and promotion of human rights”. 18

18. **What are the key features of AICHR’s TOR?**

The purposes of AICHR specified in its TOR include “To promote and protect human rights and fundamental freedoms of the peoples of ASEAN” (1.1) and “To uphold international human rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and international human rights instruments to which ASEAN Member States are parties” (1.6). Paragraph 1.5 also recognises the need to “enhance regional cooperation with a view to complementing national and international efforts on human rights”.

Paragraph 1.4 contains a hint of the “Asian values” challenge to human rights of the early 1990s, when it specifies that a purpose of AICHR is “To promote human rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities”.

Paragraph 2.1 specifies that AICHR shall be guided by the principle of “non-interference in the internal affairs of ASEAN Member States” along with “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice”, which neatly encapsulates the paradoxes inherent in ASEAN’s reform process that AICHR will need to address in its work.

Paragraph 3 establishes AICHR’s status as a consultative intergovernmental body, raising question marks over its ability to develop a protection role whereby it can monitor the human rights situation on the ground, investigate individual complaints and propose remedies and recommendations to member states.

---

18 *Supra* note 17
The mandates and functions outlined in paragraph 4 deal mostly with promotional activities: “To enhance public awareness of human rights among the peoples of ASEAN through education, research and dissemination of information” (4.3), “To promote capacity building for the effective implementation of international human rights treaty obligations undertaken by ASEAN Member States” (4.4) and to encourage ratification of international human rights instruments (4.5).

Nevertheless, there is some potential for the development of a protection mandate, with AICHR mandated “To obtain information from Member States on the promotion and protection of human rights” (4.10) and “To prepare studies on thematic issues of human rights in ASEAN” (4.12).

In terms of the role of other actors in AICHR’s work, paragraphs 4.8 and 4.9 mention engaging in “dialogue and consultation” with civil society organisations, and consulting with “other national, regional and international institutions and entities concerned with the promotion and protection of human rights.”

Regarding composition, the TOR specify that the individual members are “Representatives” who are accountable to the appointing Government (5.2) and may be replaced by them at any time (5.6) prior to the end of their three year term (which may be renewed once). Paragraph 5.7 specifies that each Representative shall act impartially in accordance with the ASEAN Charter and AICHR’s TOR.

Concerning decision making within AICHR, paragraph 6.1 specifies that it will be “based on consultation and consensus”, and its line of reporting shall be to the ASEAN foreign ministers (6.6) who will also approve AICHR’s work plans and budget. Paragraph 8.3 states that AICHR’s annual budget will be funded on an equal sharing basis by ASEAN member states, though additional voluntary contributions from member states may be given to an endowment fund. Paragraph 8.6 specifies that “Funding and other resources from non-ASEAN Member States shall be solely for human rights promotion, capacity building and education”.

Regarding possible amendments to the TOR, paragraph 9.6 states that it shall be reviewed by ASEAN’s foreign ministers five years after its entry into force “with a view to further enhancing the promotion and protection of human rights within ASEAN”, though any member state may submit a request for an amendment of the TOR to the AMM for approval prior to the five year review.

19. What work has AICHR done since its establishment?

The AICHR held an introductory meeting on 24 October 2009 followed by an informal meeting on 18 and 19 December 2009. The first official meeting of the AICHR was held from 28 March to 1 April 2010 in Jakarta, followed by the second official meeting from 28 June to 2 July in Hanoi, with an additional meeting held from 20-24 September 2010 in Kuala Lumpur. During these meetings AICHR discussed its Annual and Five Year Workplans and its Rules of Procedure. During the 43rd AMM, held in Hanoi from 19-20 July, foreign ministers approved AICHR’s programmes and activities for 2010-2011 together with
the indicative budget for that period. Discussions within AICHR on its Rules of Procedure are ongoing. In the second half of 2010, AICHR will begin work on the ASEAN Human Rights Declaration (as mentioned in paragraph 4.2 of its TOR) and on a thematic study on business and human rights, followed in 2011 by a thematic study on migration. Task Forces will be set up to work on these areas, which will consist of some AICHR members along with additional members possibly being brought in (e.g. legal experts to assist with the drafting of the ASEAN Human Rights Declaration).

20. Where does the establishment of the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) fit in?

The commitment to establish an ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), as contained in the 2004 Vientiane Action Programme, preceded the commitment to establish an ASEAN human rights body (as contained in the ASEAN Charter). However, progress toward the implementation of this commitment was slow. In many ways, it was the quick progress made towards the establishment of an ASEAN human rights body from 2008 onwards which reinvigorated the process towards the establishment of the ACWC.

In April 2009, ASEAN set up a working group, consisting of government officials from member states’ national ministries of social welfare and development and women’s affairs, to draft the TOR of the ACWC. In August 2009, the Working Group met with civil society groups during which written submissions were presented on what a credible TOR should look like. On 22 October 2009, the ASEAN Socio-Cultural Community (ASCC) Council endorsed the TOR for the ACWC, the day before the launch of AICHR. Each ASEAN member state then proceeded with appointing two representatives to the Commission, one for women’s rights and one for children’s rights.

The ACWC was inaugurated on 7 April at the start of the 16th ASEAN Summit held in Hanoi, Vietnam. Following its inauguration, an informal meeting of the ACWC was held that same day. The first official meeting of the ACWC is scheduled to take place in Jakarta towards the end of 2010 during which its Rules of Procedure and five-year workplan will be discussed and the Chair appointed (it is not automatically the representative from the country holding the Chair of ASEAN, as is the case with AICHR).

---

19 In March 2010, the Task Force on ASEAN and Human Rights submitted a civil society proposal for the Rules of Procedure to the Chair of AICHR which was subsequently circulated to all AICHR members during their first meeting at the end of March 2010.

20 The Philippines appointments have been delayed due to the presidential elections held on 10 May, 2010.
21. **How does the ACWC’s TOR compare with AICHR’s?**

Although ACWC’s TOR is based on the same format as AICHR’s, there are some noticeable differences.

Mention is made of specific international human rights treaties, namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), with the ACWC given the mandate “To assist, upon request by ASEAN Member States, in preparing for CEDAW and CRC Periodic Reports, the Human Rights Council’s Universal Periodic Review (UPR) and reports for other Treaty Bodies, with specific reference to the rights of women and children in ASEAN” (5.6), and “To assist, upon request by ASEAN Member States, in implementing the Concluding Observations of CEDAW and CRC and other Treaty Bodies related to the rights of women and children” (5.7).

In terms of advocacy work, paragraph 5.4 mandates the ACWC “To advocate on behalf of women and children, especially the most vulnerable and marginalised, and encourage ASEAN Member States to improve the situation”, and has stronger language regarding engagement with civil society, with paragraph 5.14 mandating the ACWC “To support the participation of ASEAN women and children in dialogue and consultation processes in ASEAN related to the promotion and protection of their rights”.

The ACWC also has stronger language in terms of addressing the root causes of human rights violations, with paragraph 5.12 mandating the ACWC “To propose and promote appropriate measures, mechanisms and strategies for the prevention and elimination of all forms of violations of the rights of women and children, including the protection of victims”.

Regarding the appointment of the ACWC representatives, paragraph 6.4 states that “Member States shall conduct, in accordance with the respective internal processes, a transparent, open, participatory and inclusive selection process…” Paragraph 6.11 states that the first Chair and Vice-Chair of the ACWC shall be elected by the appointed representatives as opposed to it rotating with the ASEAN Chair. To help provide continuity in the work of the ACWC, the term of office of representatives is staggered.

Regarding its reporting, paragraph 7.5 specifies that its annual report shall include "accomplishments, challenges and recommendations on the promotion and protection of the rights of women and children" and that it will be submitted to the ASEAN Ministers Meeting on Social Welfare and Development (AMMSWD).

And with regard to funding, paragraph 8.4 makes no specification that funding from non-ASEAN member states is solely for human rights promotion, capacity building and education (as is the case in AICHR’s TOR).
22. What is the relationship between AICHR and the ACWC?

The TOR of AICHR states that “The AICHR is the overarching human rights institution in ASEAN with overall responsibility for the promotion and protection of human rights in ASEAN.” The TOR of the ACWC states that, “The ACWC shall coordinate with AICHR and other relevant ASEAN sectoral bodies dealing with issues pertaining to women and children including consultations on the ultimate alignment between the ACWC and the AICHR as the overarching human rights institution in ASEAN.”

How the two bodies will co-exist and work together in reality has yet to be worked out.

23. What is ASEAN doing with regard to the rights of migrant workers?

ASEAN’s 2004 Vientiane Action Programme committed member states to the elaboration of an ASEAN instrument on the protection and promotion of the rights of migrant workers. In January 2007, ASEAN adopted the Declaration on the Protection and Promotion of the Rights of Migrant Workers and, in July 2007, established an ASEAN Committee to Implement the Declaration (ACMW). ASEAN member states finished nominating the members of the ACMW (from their Ministry of Labour or equivalent) at the end of 2008, and the ACMW met for the first time in April 2009 in Bangkok. This Committee has, in turn, set up a drafting committee to develop an ASEAN instrument on the protection and promotion of the rights of migrant workers. The drafting committee consists of government representatives from two receiving countries (Malaysia, Thailand) and two sending countries (Indonesia, Philippines), with Lao PDR and Vietnam set to appoint further members in 2010. Discussions within the drafting committee are reportedly focused on finding agreement over whether the instrument will be legally binding, will cover undocumented or irregular migrant workers, will cover members of migrant workers’ families, and will cover migrant workers who are not from ASEAN member states.

SECTION 6: THE ENGAGEMENT OF CIVIL SOCIETY AND NHRIs

24. What role do National Human Rights Institutions play in advocating for a credible and effective regional human rights mechanism?

National Human Rights Institutions currently exist in four ASEAN countries, namely the National Human Rights Commission of Indonesia (KOMNAS HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Commission on Human Rights of the Philippines (CHRP), and the National Human Rights Commission of Thailand (NHRCT).

21 Indonesia also has Komnas Perempuan (on violence against women) and Komnas Perlindungan Anak (on children)
On 28 June 2007, these four NHRLs signed a Declaration of Cooperation in Bali, Indonesia, which included a commitment to develop regional strategies for the promotion and protection of human rights “within and among the four national human rights commissions.” This grouping, known as the South East Asia National Human Rights Institution Forum, holds annual meetings to pursue this objective.

The group have specified five areas of common concern, which are the (i) Implementation of economic, social and cultural rights and right to development; (ii) Enhancement of human rights education; (iii) Human rights aspects of trafficking in persons especially women and children; (iv) Protection of the human rights of migrants and migrant workers; and (v) Suppression of terrorism while respecting human rights.

This declaration also opened the way for collective advocacy on regional human rights concerns, which occurred in September 2007 when the four NHRLs along with Timor-Leste issued a statement urging the Myanmar government to observe human rights principles in its handling of protests.

25. To what extent does ASEAN engage with civil society?

ASEAN’s 1986 “Guidelines for ASEAN Relations with NGOs” state that “Approval of application for affiliation of an NGO with ASEAN shall be based primarily upon the assessment of the positive contribution which such an NGO could make to the enhancement, strengthening and realisation of the aims and objectives of ASEAN.” The ASEAN Charter softened this approach somewhat, with article 16 stating that “ASEAN may engage with entities which support the ASEAN Charter, in particular its purposes and principles. These associated entities are listed in Annex 2.” The entities listed remain limited mainly to groups of a technical or business nature, with there remaining much scope for ASEAN to engage with a wider selection of groups, including human rights NGOs, particularly as ASEAN seeks to fulfil its Charter commitment “To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building”.

Signs of increasing interaction with civil society were seen during ASEAN’s process of drafting the ASEAN Charter and the TORs for AICHR and the ACWC, where interfaces were held with civil society groups, and

22 The full text of this declaration can be found on the Indonesian National Human Rights Commission’s website: http://www.komnasram.go.id/portal/?q=node/15

23 The ASEAN Secretariat’s Guidelines for ASEAN Relations with NGOs are available online at: http://www.aseansec.org/6069.htm

24 Gaining “affiliation” status with ASEAN offers improved access to meetings of ASEAN and provides more opportunities to present views and recommendations on policy matters. Affiliated NGOs are also eligible to apply for funding for projects from ASEAN. All applications for affiliation status are made to the Secretary General of ASEAN.
during the annual civil society meetings on ASEAN (see point 29) after which interfaces with ASEAN leaders have been held. However, the experience of civil society groups is that the extent to which they can engage with ASEAN on human rights issues very much depends on the approach of whoever is holding the Chair of ASEAN at that time. It has not been possible, up to this point, to institutionalise civil society engagement with ASEAN, which is why so much attention is being paid to the Rules of Procedure that will be agreed on by AICHR and the ACWC in the coming months.

26. **What is the Working Group for an ASEAN Human Rights Mechanism?**

The Working Group for an ASEAN Human Rights Mechanism was created by the Human Rights Committee of LAWASIA in Manila in 1995 to advocate for follow up on the 1993 Joint Communiqué regarding the creation of an ASEAN intergovernmental human rights mechanism. In 1998, the Working Group was formally recognised by the Foreign Ministers of ASEAN during the Thirty-First ASEAN Ministerial Meeting, with Foreign Ministers noting the importance of continuing dialogue with the Working Group on the issue of setting up a human rights mechanism.

The Working Group is a coalition of national working groups and focal points from ASEAN member states. National working groups have so far been established in Cambodia, Indonesia, Malaysia, Philippines, Singapore and Thailand. These national working groups are composed of representatives from governmental institutions, parliamentary human rights committees, academia, and NGOs. Those countries without national working groups (Brunei Darussalam, Lao PDR, Myanmar and Vietnam) have national focal points, usually based within the foreign ministries of the member countries. These national working groups and focal points come together in periodic regional meetings to decide on recommendations to present to ASEAN.

The stated “primary goal” of the Working Group is “to establish an intergovernmental human rights commission for ASEAN”, though now that AICHR has been launched the Working Group will continue to work for the development of a credible and effective mechanism.

Without underplaying its civil society elements, in many ways this initiative has developed into a “track 2” dialogue process: The Working Group has good access to ASEAN senior ministers, is officially recognised by ASEAN as a dialogue partner, and holds annual meetings with ASEAN senior officials, along with other informal meetings throughout the year. The Working Group has made submissions to senior ASEAN officials, such as the Draft Agreement for the Establishment of the ASEAN Human Rights Commission, and was asked by ASEAN to assist in the implementation of the human rights related

---


26 This can be accessed from the Working Group’s official website at: [http://www.aseanhrmech.org/aboutus.html](http://www.aseanhrmech.org/aboutus.html)
activities in the Vientiane Action Programme. In the ASEAN Charter, the Working Group is officially recognised in annex II as one of the “entities associated with ASEAN”.

27. What is the Solidarity for Asian People’s Advocacy (SAPA)?

The Solidarity for Asian People’s Advocacy (SAPA) is a network of Asian civil society groups operating at the regional and international level. The motivation for its formation was to improve communication, cooperation and coordination between Asian civil society groups in order to enhance their influence on regional inter-governmental structures. The network was formally established at a meeting in Bangkok in February 2006. Strategic decisions on cooperation, coordination and advocacy activities are made at the annual SAPA General Forum (the first of which was held in February 2007 in Bangkok), which is attended by all members of SAPA. The SAPA General Forum elects the members of the Regional Steering Committee (RSC), which coordinates the work of SAPA and deals with governance and procedural issues. Currently over 100 civil society organisations, both national and regional, are members of this network.

The Charter of Principles of SAPA was prepared by the RSC in accordance with the decisions of the SAPA General Forum. This Charter contains basic values, principles and orientations to which the SAPA members subscribe to and promote in their activities. This includes support for a “people-centred regionalism as an alternative to the current process of regional integration and economic globalisation driven by the maximisation of profits and neo-liberal political-economic ideology.” Furthermore, the Charter specifies that “SAPA shares and upholds the values and principles of democracy and rule of law, human and people’s rights, social and economic justice, ecologically sustainable development, cultural diversity, gender equality, peace and people’s security and transformation of conflicts through nonviolent means.”

In order to bring focus and substance to SAPA’s efforts, working groups have been set up in specific areas to share relevant information and news and to coordinate activities, including following up on action plans agreed upon at the SAPA General Forum (a Working Group can be initiated by any member, which must be agreed to by the RSC). Amongst these Working Groups is the SAPA Working Group on ASEAN.

The SAPA Working Group on ASEAN27 was formed during SAPA’s first meeting in February 2006. The initial motivation for its formation came from a desire to engage with ASEAN on the Charter drafting process. The Working Group has sought to influence ASEAN’s process of reform by making submissions

27 The conveners of the meetings of this working group are FORUM-ASIA and SEACA.
to, inter alia, the Eminent Persons Group on the three pillars of an ASEAN community,\(^ {28}\) the High Level Task Force drafting the ASEAN Charter, and the High Level Panel drafting the TOR of AICHR.

In order to bring further focus to its work, thematic task forces have been set up under the SAPA Working Group on ASEAN. The Task Force on ASEAN and Human Rights (TF-AHR), established by some 30 NGOs in August 2007 in Kuala Lumpur during the First Regional Consultation on ASEAN and Human Rights, has set its sights on more sustained and effective engagement with ASEAN to develop an effective human rights system. The Task Force consists of both country and thematic focal points. The Task Force on ASEAN Migrant Workers (TF-AMW) is made up of representatives from trade unions, migrant workers groups and human rights NGOs. Formed in April 2006 in Singapore, aims to help realise the commitment made by ASEAN to develop an ASEAN instrument for the protection and promotion of the rights of migrant workers, as mentioned in the Vientiane Action Programme and the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. Following extensive consultations with representatives from civil society, trade unions, governments and intergovernmental organisations in the region, in 2009 the taskforce released a civil society proposal on an ASEAN framework instrument on the protection and promotion of the rights of migrant workers and submitted a copy to the ASEAN drafting committee.

28. **What is the Southeast Asia Women’s Caucus on ASEAN?**

The Southeast Asia Women’s Caucus on ASEAN (or the Women’s Caucus) is a network of women’s human rights groups that seek to engage with ASEAN to achieve the full realisation of women’s human rights in South-East Asia. The network was formed by the Asia Pacific Forum on Women, Law and Development (APWLD) and International Women’s Rights Action Watch Asia Pacific (IWRAW Asia Pacific) in 2008, and they continue to act as the network’s coordinators.

The Women’s Caucus has worked to facilitate the integration of women’s concerns in the processes surrounding the establishment and development of an ASEAN human rights system, which has included making submissions to the High Level Panel drafting the TOR of AICHR, the Working Group drafting the TOR of the ACWC, and the drafting committee of the ASEAN instrument on the protection and promotion of the rights of migrant workers.

Five priority issues have been identified by the Women’s Caucus as requiring a regional response in order to bring about a change in culture, policy and legislation to advance women’s rights. These are i) violence against women; ii) women’s political participation and citizenship; iii) economic rights; vi) migration, and; v) discriminatory laws, policies and practices. The Women’s Caucus places importance

on the mobilisation of national women’s human rights groups in advocacy with ASEAN. It currently represents women’s human rights groups from all eleven countries in South-East Asia (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor-Leste and Vietnam).

29. What is the ASEAN Civil Society Conference (ACSC) / ASEAN Peoples’ Forum (APF)?

The ASEAN Civil Society Conference (ACSC) / ASEAN Peoples’ Forum (APF) is an annual gathering which brings together civil society organisations from across South-East Asia to discuss issues of concern in the region and to produce recommendations for action for ASEAN’s leaders. The event is organised just prior to the ASEAN Summit in order to bring maximum pressure on the leaders of ASEAN to take account of civil society’s views.

The first ACSC was an initiative of the Malaysian government together with the Center for ASEAN Studies of the Universiti Teknologi MARA (UiTM), organised in December 2005 just prior to the 11th ASEAN Summit held in Kuala Lumpur, Malaysia. The aim of the organisers was to provide a venue for civil society in the region to come together and to engage with ASEAN, with the first ACSC including a 15-minute interface between civil society and ASEAN leaders.

The second ACSC, organised by the SAPA, was held in December 2006 in Cebu, the Philippines, with more than 300 participants from across the region participating. Although the meeting did not receive a similar level of support from the Philippine Government, with no interface taking place with ASEAN’s leaders, the meeting was becoming well established in the CSO calendar.

ACSC III took place from 2-4 November 2007 in Singapore, prior to the 13th ASEAN Summit which was held from 18-22 November. Over 200 participants from civil society organisations and trade unions from across South-East Asia took part.

The next meeting held from 20 to 22 February 2009 in Bangkok was given the dual title of the ACSC IV/ASEAN Peoples’ Forum (APF) at the request of the Thai organisers. The Forum saw over 800 participants from across the region, representing a significant increase from the previous year’s meeting in Singapore. The Secretary-General of ASEAN, Dr. Surin Pitsuwan, and Thailand’s Foreign Minister, Mr. Kasit Piromya, joined the final plenary session of this meeting to engage in a two-hour dialogue with civil society representatives. This was followed by a 30-minute interface that took place between civil society representatives and ASEAN leaders on 28th February in Hua Hin, Thailand, prior to the 14th ASEAN Summit; the first time that such an interface had taken place since 2005.

ACSC V / APF was held in Cha-am Thailand from 18 to 20 October 2009, prior to the 15th ASEAN Summit. The subsequent interface with ASEAN leaders caused considerable controversy when five of the ten representatives selected for the interface by civil society groups were not approved by the relevant member states. Three of the CSO-selected representatives, namely from Thailand, Malaysia and Indonesia, felt that the terms of the interface had been compromised and subsequently withdrew.
The latest meeting, entitled “the ASEAN Peoples’ Forum 6”, took place from 23-26 September 2010 in Hanoi, Vietnam.

30. **What is the South-East Asia People’s Center, based in Jakarta?**

The South East Asia People’s Center (SEAPC), based in Jakarta and hosted by the Human Rights Working Group of Indonesia, is an initiative of civil society aimed at enhancing engagement with official ASEAN bodies and mechanisms on human rights and the building of an ASEAN community. It is a project of the regional NGOs Forum-Asia (Asian Forum for Human Rights and Development) and SEACA (the South East Asian Committee for Advocacy).

SEAPC acts as an information centre on ASEAN for civil society advocacy, provides briefing sessions and capacity building activities for effective civil society engagement with ASEAN, monitors the activities of ASEAN, and lobbies ASEAN directly.

31. **What is the Human Rights Resource Center for ASEAN (HRRCA)?**

The Human Rights Resource Center for ASEAN (HRRCA) is an independent centre which aims to support the work of the AICHR and advance the ASEAN human rights agenda by engaging in research and analysis, and training and capacity building for ASEAN regional bodies and relevant national institutions and organizations. However, it is not yet clear to what extent AICHR and the ACWC will engage with HRRCA, which will largely define the role it eventually plays.

HRRCA is due to be officially launched on 19 October 2010, though its legal existence began in April 2010. The centre is located at the University of Indonesia (Depok Campus) and has an autonomous structure and funding base to help ensure its independence. Initial financial support is anticipated to come from the MacArthur Foundation, USAID, Canadian SEARCH, the Swiss Embassy in Indonesia, the British Embassy in Cambodia, and the War Crimes Studies Center of the University of California, Berkeley.

HRRCA will also have a number of “Partner Institutions” to support its work, which will consist of academic centres and programmes in the region that engage in human rights research and education. Current Partner Institutions where the relationship has been formalized include the University of Malaya, Ateneo University and the National University of Singapore. Partner Institutions where agreement has been reached but not formalized include Mahidol University, Pannasastra University and Singapore Management University. In addition, the HRRCA will have “Affiliated Institutions” associated with it, which will be organizations with a strong record or interest in promoting human rights education and training but that may not have the same level of research resources as Partner Institutions. The hope is that this will help to create a broad-based network of experts that can participate in the
programmes of the HRRCA. The Islamic University of Indonesia will be HRRCA’s first such Affiliated Institution.

The operations of the HRRCA are managed on a day-to-day basis by its Chairman/Director, Mr. Marzuki Darusman, the former Indonesian Attorney General and first head of the National Human Rights Commission of Indonesia. He has a core research staff to take care of regional projects in human rights training, research, and education. A seven member Governing Board, consisting of ASEAN nationals, oversees the work of the centre.

SECTION 7: THE ENGAGEMENT OF UN AGENCIES

32. What is OHCHR’s engagement with the ASEAN human rights system?

Since the beginning of 2006, OHCHR Regional Office for South-East Asia has placed supporting the establishment of an ASEAN human rights system as one of its work priorities. This followed consultation with relevant governmental and non-governmental actors in the region, enabling OHCHR to develop a strategy and implement a series of activities that bring added value to this process. One of the Regional Office’s key approaches has been to bring experiences and lessons learned to South-East Asia from Africa, the Americas and Europe, based on the understanding that these regions have gone through the process of establishing credible and effective regional human rights mechanisms, and that these experiences can help to inform the process within ASEAN.

In this regard, the Regional Office organised a series of workshops to increase awareness of existing regional human rights systems, featuring experts from Africa, the Americas and Europe who shared experiences and best practices. The first of these workshops was organised in Bangkok in February 2007, and was attended by a variety of governmental and non-governmental actors, including the ASEAN Secretariat, the National Human Rights Commission of Thailand, the Working Group for an ASEAN Human Rights Mechanism, and Forum-Asia. In April 2009, the Regional Office collaborated with colleagues from OHCHR Asia-Pacific Unit in organising a workshop on regional human rights mechanisms in Geneva with the members of the High Level Panel (HLP) responsible for drafting the TOR of the ASEAN human rights body. And from 4-5 May 2009, the Regional Office collaborated with the civil society SAPA Task Force on ASEAN and Human Rights and SEARCH in organising a workshop in Jakarta for key civil society groups from the region, bringing experiences on civil society advocacy from Africa, the Americas and Europe.

29 The Regional Office’s partners include the ASEAN Secretariat, the Working Group for an ASEAN Human Rights Mechanism, the SAPA Task Force on ASEAN and Human Rights, the CIDA funded project SEARCH, as well as other UN agencies such as UNIFEM, UNICEF and the ILO.
This approach has complemented the approach taken by OHCHR at the global level. Human Rights Council Resolution A/HRC/RES/12/15 (from its 12th Session in October 2009) requested OHCHR to hold, on a regular basis, a workshop on regional arrangements for the promotion and protection of human rights. The purpose of these workshops is to allow the sharing of information and concrete proposals on the strengthening of cooperation between the UN and regional human rights arrangements and the identification of strategies to overcome obstacles to the promotion and protection of human rights at the regional and international levels. The first of these workshops, which was open to all stakeholders, was convened from 3-4 May 2010 in Geneva.

The Regional Office has provided technical assistance to relevant actors in the region. For instance, in 2008 a non-paper was drafted by the Regional Office entitled “Principles for Regional Human Rights Mechanisms”, which is loosely based on the Paris Principles for NHRIs. This has provided the framework for the Regional Office’s contributions to relevant workshops and conferences, and has been used as a resource by both ASEAN government officials and civil society groups.

The Office has also engaged in public advocacy for a credible and effective regional human rights mechanism for ASEAN. On 22 July 2009 the High Commissioner, Ms. Navanethem Pillay, issued a press release welcoming the endorsement of the TOR for the AICHR. She strongly encouraged ASEAN states to appoint AICHR members who were independent and impartial, and had proven expertise in human rights, through a selection process that would allow for wide consultation and participation by all sections of society; expressed disappointment at the lack of a clear protection mandate; encouraged the full integration of civil society groups in the establishment and development of the ASEAN human rights body; emphasised the benefit of close cooperation with the four NHRIs in the region; and looked forward to continued cooperation between the UN and ASEAN member states in the development of the new regional Commission. On 22 October on the eve of the launch of the AICHR, the Regional Representative for South-East Asia had published across the region an op-ed piece entitled, “ASEAN and human rights: closing the implementation gap”, which highlighted the potential of the AICHR to help close the gap between human rights rhetoric and the reality on the ground in the South-East Asia region.

Upcoming activities will include a workshop, in collaboration with UNDP, with the ASEAN Secretariat on the provision of secretariat support to regional human rights mechanisms. Experts on the development of secretariat support from the regions of Africa, the Americas and Europe will be brought to the ASEAN Secretariat in Jakarta for this activity, which is scheduled to take place towards the end of 2010.

OHCHR has also aimed to assist with improving coordination amongst different actors in the region. By the end of 2009, ASEAN had become a hot topic following the dramatic progress made with the ASEAN Charter, the AICHR, the ACWC, and the ASEAN instrument on the rights of migrant workers. This led to a flood of interest from donors and UN agencies that were keen to support ASEAN in these important endeavours, but were unsure about where to start. Those that had been involved in supporting this process from an earlier time recognised the need for some kind of coordination mechanism in order to ensure that this new found interest led to the best results, and decided to organise a first ASEAN Coordination Meeting in Bangkok in December 2009. Participants were a mixture of representatives
from UN agencies, donor organisations and civil society organisations, and the meeting offered an opportunity to share updates on developments within ASEAN as well as information on activities being planned. Subsequent meetings have been held in February, June and September 2010. (See point 33 for information on the joint UNDP/OHCHR “Regional Dialogue on UN Engagement with the ASEAN Human Rights System”.)

33. What is UNDP’s regional engagement with the ASEAN human rights system?

UNDP Asia Pacific Regional Centre (APRC) aims to respond to current and emerging human development challenges in the Asia Pacific region by advocating for change, connecting people and countries, and providing access to innovative knowledge and high quality services. UNDP APRC as a regional office seeks to engage with regional organizations to support their mandate and capacity and strengthen linkages with national priorities.

UNDP’s mandate in human rights includes the mainstreaming of human rights within development processes and strengthening country’s engagement with the international human rights machinery with a capacity development rather than a monitoring lens.

Regional initiatives in this sector include a partnership with the Asia Pacific Forum of National Human Rights Institutions (APF) and OHCHR’s National Institutions Unit to carry out capacity assessments of National Human Rights Institutions. Capacity assessments are self-assessments facilitated by the partners that help the institution to reflect on its existing and desired capacities and provides practical recommendations to the institution on how to address possible gaps. UNDP through its regional presence and its country offices, has a network of professionals in all areas of governance including lawyers and judges, parliamentarians and anti-corruption bodies that can be leveraged in support of national and regional bodies. (See point 32 for information on the planned OHCHR/UNDP workshop with the ASEAN Secretariat.)

On 6 September 2010, APRC and OHCHR Regional Office for South-East Asia jointly organised a “Regional Dialogue on UN Engagement with the ASEAN Human Rights System” in Bangkok. This was the first occasion that senior UN staff from across the region had come together to consider the emerging ASEAN human rights system and how the UN could engage with and support it at the national and regional level. The resource persons for this dialogue were a mixture of representatives and support staff from AICHR and the ACWC, staff from the ASEAN secretariat in Jakarta, civil servants from national ASEAN Departments, and representatives from national human rights institutions and civil society organisations.

UNDP Regional Programme on Indigenous Peoples’ Rights and Development (RIPP) provides a regional platform for dialogue on indigenous peoples’ rights and development. In 2008 RIPP participated in the “Indigenous Peoples’ Strategy Planning Workshop on the Establishment of an ASEAN Human Rights Body”, organized by Asia Indigenous Peoples Pact (AIPP). This Workshop brought together indigenous peoples’ organizations, leaders and experts from the ASEAN countries to develop advocacy strategies and to engage in the ASEAN process, especially in the establishment of the AICHR. In July 2010 RIPP
participated in the consultations on AICHR involving indigenous peoples’ organisations and other NGOs which decided on the future strategic collective engagement with AICHR in relation to the promotion of indigenous peoples’ issues within ASEAN mechanisms.

UNDP has also previously worked with the ASEAN Secretariat, Cross Sectoral Cooperation Directorate, Health and Communicable Diseases Division, through a Letter of Agreement which supports ASEAN’s 3rd work programme on HIV/AIDS. The focus of the joint work has been to promote migrants right to health care and HIV services through a coordinated and multi-sectoral regional approach in the ASEAN region. This work has supported the involvement of various government groups within ASEAN member states (labour, health and foreign affairs), leading CSOs in the region as well as the UN Family. A joint publication on HIV/AIDS and mobility was launched at the ASEAN Secretariat in 2008 and a high level meeting was convened in 2009. In both events the Deputy Secretary General of ASEAN was present. Currently work is under way to continue the promotion of migrant workers access to health and a second high level meeting is planned at the end of the year.

34. What is UNIFEM’s engagement with the ASEAN human rights system?

Recently, UNIFEM has started implementation of a three year project entitled “Regional Mechanisms to Protect the Human Rights of Women and Girls in Southeast Asia”. The project aims to support the strengthening of the AICHR and the ACWC to protect and promote women’s rights in the region. Three outcomes are envisioned to assist the AICHR and ACWC in fulfilling their mandates, including individual competencies of officials and staff, effective working methods, collective capabilities to interact with civil society, and secretariats with the required knowledge and understanding on gender equality and women’s human rights. With respect to rights holders, the project aims to enhance the capacity of the national and regional women’s groups to engage with AICHR and the ACWC. Under this project, UNIFEM is also helping to raise awareness of the new human rights mechanisms, such as through supporting a road show in Thailand that was launched on 30 August 2010 in Bangkok by AICHR’s representative to Thailand, Dr Sriphrapa.

Regarding advocacy and capacity development for the ASEAN human rights bodies, the main concern for UNIFEM has been to ensure that the bodies are mandated to uphold and implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to which all ASEAN member states are party to. In this regard, UNIFEM has supported research on regional human rights mechanisms in Africa, the Americas and Europe with a focus on their work in advancing women’s rights, which can provide lessons learned for the ASEAN region. A publication reviewing experiences from these regions is upcoming.

UNIFEM provided specific support to the process of establishing the ACWC, which included helping to organise a 2008 meeting of the ASEAN Committee on Women (ACW) and the ASEAN Senior Officials Meeting on Social Welfare and Development (SOMSWD) to relaunch discussions on the ACWC’s establishment. UNIFEM subsequently supported the Working Group drafting the TOR of the ACWC
through providing technical advice on international human rights mechanisms and on the experiences of other regional mechanisms dealing with women’s rights; through technical papers and presentations reviewing CEDAW implementation in the region, which pointed to the thematic areas that need to be addressed and to the kinds of functions the Commission could be tasked with; and through financial support for the Working Group meetings in collaboration with UNICEF.

UNIFEM has supported the advocacy efforts of civil society groups, such as the Southeast Asia Women’s Caucus on ASEAN, including civil society’s submissions on AICHR’s and the ACWC’s TOR, advocacy events at the national level with members of the two bodies, and capacity development workshops. UNIFEM is also working to support advocacy efforts to engender the future ASEAN instrument on the protection and promotion of the rights of migrant workers. In May 2008 UNIFEM organised a regional consultation with more than 60 national government and NGO representatives from the region, which resulted in recommendations for ASEAN on engendering the instrument and highlighted some of the concerns of women migrant workers. UNIFEM has also commissioned independent research on the situation and mobility patterns of women migrant workers in ASEAN and plans to use this to provide inputs to the ASEAN instrument to help ensure that it is gender sensitive and rights based.

UNIFEM has also played a broader role in helping to mainstream women’s human rights in ASEAN. In 2006, the ASEAN Secretariat and UNIFEM signed a Framework for Cooperation to promote and implement the 1988 Declaration of the Advancement of Women and the 2004 Vientiane Action Programme. Under the Framework, ASEAN and UNIFEM have agreed to jointly develop and carry out practical measures to eliminate violence and end discrimination against women in the ASEAN region. This Framework also provides opportunities for the promotion of human rights based approaches through support of the work of the ACW and the SOMSWD. For instance, advocacy on the ASEAN Declaration on Enhancing Social Welfare of ASEAN Women and Children and technical assistance to the ACW in the implementation of the operational plan on the ASEAN Declaration on the Elimination of Violence Against Women is made possible under this framework.

35. **What is the ILO’s engagement with the ASEAN human rights system?**

ILO engagement with ASEAN on human rights related issues is anchored in the promotion of core labour standards, the elimination of the worst forms of child labour, the enhancement of industrial relations, and the protection of migrant workers in the region.

The ILO sees the promotion of the core labour standards as a key part of the advancement of human rights in the region: freedom of association, the right to collective bargaining, abolition of forced or compulsory labour, elimination of child labour, and freedom from discrimination. In this regard, the

30 The Core Labour Standards were codified by the ILO in the 1998 Declaration of Fundamental Rights at Work. All Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact
ILO organized a Training Workshop on the Core Labour Standards in Singapore in September 2008. This workshop was held within the larger framework for cooperation and development of joint programmes and activities that resulted from the ILO/ASEAN Cooperation Agreement, concluded in March 2007.

The elimination of the worst forms of child labour by the global target of 2016 has also featured as an area of ILO – ASEAN cooperation in 2009-2010. With 9 out of the 10 ASEAN nations having ratified ILO Convention No. 182 on the elimination of the worst forms of child labour, and all 10 ASEAN member states having ratified the UN Convention on the Rights of the Child, the ILO/ASEAN cooperation has focused on the development of a “Roadmap” for ASEAN as a regional body and its member states to eliminate the worst forms of child labour by 2016. The Roadmap, currently in draft form, is expected to be finalised for submission and adoption to the ASEAN Labour Ministers by the end of 2010.

The ILO is supporting ASEAN in promoting progressive labour practices, including constructive industrial relations among its member states. Since 2006, the Government of Japan is supporting the ILO’s engagement in this respect. Through this engagement, the ILO assisted ASEAN in developing Guidelines on Good Industrial Relations Practices, formally adopted by the ASEAN Labour Ministers meeting in June 2010. The ILO and ASEAN have organized regional meetings on a range of issues including dispute prevention and resolution, collective bargaining, and the use of consultation mechanisms with employers and unions to deal with the effects of the economic crisis. The ILO also contributes to seminars on tripartism and social dialogue. Singapore hosted such a seminar from 30 November to 1 December 2009, at which the ILO presented on international, regional and national experiences of social dialogue. This year, the ILO has assisted ASEAN in drafting a report on comparative labour law among member states and organised a regional workshop on good practices in labour inspection.

Regarding the protection of migrant workers’ rights in the region, the ILO is supporting the work of the ASEAN Committee responsible for implementing the 2007 Declaration on the Rights of Migrant Workers. For the past three years, the ILO has also provided support to the ASEAN Forum on Migrant Labour. This is now an institutionalized annual event, and is unique in its broad engagement of governments, workers’ and employers’ organizations, and civil society partners from the region.

In the coming year, the ILO has planned a series of regional training workshops on issues including the labour dimensions of trafficking, the regulation of recruitment agencies, and the role of labour attachés and consular officials in protecting migrants’ rights. The ILO and OHCHR will also provide support to an experts’ roundtable to share lessons learned in the drafting of international instruments on migrant workers’ rights, and explore congruence between relevant international standards, the ASEAN Declaration and national legislation. Furthermore, the ILO will facilitate the sharing of information, experiences and good practices through regional meetings as well as an online Community of Practice on Migration and Trafficking.

of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.
As ASEAN member states build up their capacity to manage increased migration flows within and from the region, the ILO stands ready to continue its cooperation and to further strengthen its relationship with the ASEAN Secretariat and several other regional bodies. For example, AICHR has drawn attention to rights abuses carried out against migrant workers, and the specific vulnerability of migrant women highlighted in the ASEAN Social-Cultural Community Blueprint is a principal concern for the ACWC. The ASEAN Trade Union Council (ATUC) and the ASEAN Confederation of Employers (ACE), as well as regional civil society coalitions are also committed to protecting the rights and interests of migrant workers.

36. What is UNICEF’s regional engagement with the ASEAN human rights system?

At the core of UNICEF’s work is the commitment to children’s rights, not only as minimum standards and entitlements for every child, but also as the foundation for the socio-economic development of every society and nation state. UNICEF aims to fulfil their mandate through work with a range of partners and agencies, including regional intergovernmental organisations such as ASEAN.

Along with the UNICEF East Asia and Pacific Regional Office, UNICEF has Country Offices in Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand and Viet Nam, which support ASEAN activities in partnership with national governments, private sector organisations, civil society organisations, families, communities, and children themselves.

UNICEF’s support to ASEAN’s work relating to human rights has included:

- Providing data and analysis to ASEAN member states in relation to the social impact of the global financial crisis on children’s welfare, and on children’s issues in the context of disaster risk reduction and climate change;

- Providing information and analysis of other regional human rights mechanisms relating to children to the drafters of the terms of reference of the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC). This highlighted lessons from the African Charter on the Welfare and Rights of the Child, (ACRWC) and the related Committee of Experts for the Charter;

- Providing analysis to the drafters of the TOR of the ACWC on progress on child rights by ASEAN member states as detailed by the UN Committee on the Rights of the Child’s Concluding Observations. Also, UNICEF Country Offices have supported member states in reporting to the Committee and in implementing the subsequent recommendations;


32
In 2008, UNICEF and the ASEAN Secretariat began discussions on establishing a more formal agreement to help ensure more systematic support. A five-year ASEAN-UNICEF Cooperation Framework across the three ASEAN Communities is currently being processed and covers the following areas:

- Promotion of information sharing, analysis and technical cooperation in the areas of health, education, child protection, social policy, welfare and development;
- Strengthening the capacity and supporting the work of the ACWC;
- Working with the ASEAN Secretariat to support the realisation of the Millennium Development Goals (MDGs) with equity, and benchmarking social protection legislation/policies with other countries outside ASEAN.

SECTION 8: USEFUL CONTACTS

37. **AICHR Members for 2010-2013** (brackets mention some of the members’ current/previous positions; their complete CVs can be accessed at [http://www.aseansec.org/22769.htm](http://www.aseansec.org/22769.htm)):

**Brunei Darussalam**

Hon. Pehin Datu Imam Dato Paduka Seri Ustaz Haji Awang Abdul Hamid Bakal (former Syariah Chief Judge)

**Cambodia**

H.E. Om Yentieng (former member of High Level Panel that drafted the TOR of AICHR, government official, President of the Cambodian Human Rights Committee, Special advisor to the Prime Minister, President of the Anti-Corruption Unit)

**Indonesia**

Mr. Rafendi Djamin (activist, former coordinator of a national NGO coalition for international advocacy in Indonesia called the Human Rights Working Group)

**Lao PDR**

H.E. Boungkeut Sangsomsak (Vice Minister of Foreign Affairs, former Ambassador to Malaysia, Philippines, Singapore and Thailand)

**Malaysia**

Hon. Shafee Abdulla (solicitor including experience litigating on human rights, former SUAHAKAM commissioner)
Myanmar
H.E. Kyaw Tint Swe (former Ambassador of Myanmar to the UN in New York)

Philippines
H.E. Rosario G. Manalo (former Chairperson of the High Level Task Force that drafted the ASEAN Charter, former Ambassador to Belgium and Portugal)

Singapore
Hon. Richard Magnus (former Senior District Judge, Chairman of the Human Stem Cell and Chimera Sub-Committee of the Bio-ethics Advisory Committee)

Thailand
Dr Sriprapha Petcharameesree (former Director of the Office of Human Rights Studies and Social Development at Mahidol University, civil society activist)

Vietnam
H.E. Do Ngoc Son (Chair for 2010, with Indonesia chairing in 2011), (former Ambassador to Thailand and Spain, former Director-General of ASEAN Department in MOFA)

38. **ACWC Members for 2010-2013**

<table>
<thead>
<tr>
<th>No</th>
<th>Country</th>
<th>Representative on Women’s Rights</th>
<th>Representative on Children’s Rights</th>
</tr>
</thead>
</table>
| 1  | Brunei Darussalam| Datin Paduka Hajah Intan bte Haji Mohd Kassim  
Term: 3 years  
Background: former Director of Anti-Corruption Bureau; currently law school lecturer and active in women’s organizations | Datin Hajah Adina Othman  
Term: 4.5 years  
Background: formerly with the Department of Community Services and Development |
| 2  | Cambodia         | Ms. Long Sophally  
Term: 3 years  
Background: Deputy of Ministry of Women’s Affairs, Department of International Affairs | Ms. Khiev Bory  
Term: 4.5 years  
Background: Secretary-General of the National Council for Children |
<table>
<thead>
<tr>
<th>No</th>
<th>Country</th>
<th>Representative on Women’s Rights</th>
<th>Representative on Children’s Rights</th>
</tr>
</thead>
</table>
| 3  | Indonesia | Ms. Rita Serena Kolibonso  
Term: 4.5 years  
Background: NGO worker, Mitra Perempuan - women’s crisis centre focusing on domestic violence | Mr. Ahmad Taufan Damanik  
Term: 3 years  
Background: NGO worker, KKSP - Education and Information Centre for Child Rights |
| 4  | Lao PDR | Ms. Siamphone Sirattanakoul  
Term: 4.5 years  
Background: Head of International and Cooperation Division, Lao Women’s Union | Mr. Leepao Yang  
Term: 3 years  
Background: Deputy Permanent Secretary, Ministry of Labour and Social Welfare |
| 5  | Malaysia | Dato’ Dr. Noorul Ainur Mohd. Nur  
Term: 4.5 years  
Background: Deputy Secretary-General (Policy) of the Women's Ministry | Prof. Datuk Dr. Chiam Heng Keng  
Term: 3 years  
Background: former SUHAKAM commissioner |
| 6  | Myanmar | Dr. Kin Mar Thun  
Term: 3 years  
Background: Secretary General Myanmar Women’s Affairs Federation | U Myint Thein  
Term: 4.5 years  
Background: Director, Department of Social Welfare  
Joint Secretary, National Committee on the Rights of the Child |
| 7  | Philippines | TBC | TBC |
| 8  | Singapore | Dr. Aline Wong  
Term: 4.5 years  
Background: Ministry of Community Development, Youth and Sports Communications and International Relations Division | Mr. Koh Choon Hui  
Term: 3 years  
Background: chairman of Singapore Children's Society, managing director of pharmaceutical company Roche Singapore |
| 9  | Thailand | Ms. Kanda Vajrabhaya  
Term: 4.5 years  
Background: former chairperson of ACWC WG responsible for drafting the TOR, former Deputy Permanent Secretary of the Ministry of Social Development and Human Security | Dr. Saisuree Chutikul  
Term: 3 years  
Background: CEDAW Committee Member, former Cabinet Minister and Senator |
| 10 | Viet Nam | Ms. Cao Thi Thanh Thuy  
Term: TBC  
Background: Deputy Director, | Mr. Dang Hoa Nam  
Term: TBC  
Background: Deputy Director, |
<table>
<thead>
<tr>
<th>No</th>
<th>Country</th>
<th>Representative on Women’s Rights</th>
<th>Representative on Children’s Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Department of International Cooperation, Ministry of Labour, Invalids and Social Affairs</td>
<td>Department of Child Care and Protection, Ministry of Labour, Invalids and Social Affairs</td>
</tr>
</tbody>
</table>

39. **SAPA Task Force on ASEAN and Human Rights: Country and Thematic Focal Points**

**COUNTRY** | **CONTACT**
---|---
Cambodia | Mr. Thun Saray  
Cambodian Human Rights and Development Association (ADHOC)  
No. 1, Street 158, Oukghna Troeung Kang Beng  
Raing Daun Penh, Phnom Penh, Cambodia  
Tel: +855 23 218653, Fax +855 23 21 7229  
E-mail: saray@online.com.kh  
Mobile: +855 (0) 16 880 509

Indonesia | Human Rights Working Group (HRWG)  
Jiwasraya Building, Jl. R.P. Soeroso, No. 41,  
Gondangdia-Menteng, Jakarta Pusat  
Tel: +62 2170733505, Fax: +62 21 314 3058  
E-mail: hrg@hrwg.org, rafendi@hrwg.org  
Mobile: +62 (0) 813 1144 2159

| Malaysia | Mr. Haris Azhar  
The Commission for Disappearances and Victims of Violence (KONTRAS)  
Jl. Borobudur No. 14 Menteng, Jakarta 10320 Indonesia  
Tel: +62 21 392 69 83, Fax: +62 21 6821  
E-mail: haris_azhar@yahoo.com  
Mobile: +62 (0) 812 959 8680

| Philippines | Mr. Moon Hui Tah  
Suara Rakyat Malaysia (SUARAM)  
383, 1st Floor, Jalan 5/59, Petaling Gardens 46000  
Petaling Jaya, Selangor Malaysia  
Tel: +60 3 77 84 3525, Fax: +60 3 7784 3526  
E-mail: tah09sept@gmail.com  
Mobile: +60 (0) 12 720 9981

|     | Mr. Emmanuel Amistad  
Task Force Detainees of the Philippines  
45 Saint Mary Street, Brgy. E. Rodriguez Cubao,  
Quezon City Philippines  
Tel: +63 2 437 8054, Fax: +63 2 911 3643  
E-mail: ecamistad@yahoo.com |
| **Singapore** | **Mr. Sinapan Samydorai**  
Think Centre  
P.O Box 640 Teban Garden Post Office  
Singapore 916002  
Tel/Fax: +65 6425 0709, Mobile: +65 9479 1906  
E-mail: samysd@pacific.net.sg |
|---|---|
| **Thailand** | **Ms. Chalida Tajaroensuk**  
People’s Empowerment Foundation  
1/546 Nuanchan Rd., Klongkum, Bungkum  
Bangkok, 10230 Thailand  
Tel: +66 (0) 2 946 6104, Fax: +66 (0) 2 946 6104  
E-mail: chalida@peoplesempowerment.org  
Mobile: +66 (0) 818 085 622 |
| **Myanmar** | **Mr. Aung Myo Min**  
Human Rights Education Institute of Burma (HREIB)  
GPO Box 485 Chiang Mai 50000 Thailand  
E-mail: myomin@cscoms.com, myominburma@gmail.com, myomin@gmail.com  
Mobile: +66 (0) 8992 5293 |
| **Ms. Anelyn de Luna**  
Altsean-Burma  
PO BOX 296 - Lardprao Post Office,  
10310 Bangkok, Thailand  
Tel: +66 81 850 9008, Fax: +66 2 275 4261  
E-mail: anelyn@altsean.org  
Mobile: +66 (0) 8 16861652 |
| **THEME** | **CONTACT** |
| **Indigenous Peoples** | **Ms. Mary Ann Manja Bayang**  
Indigenous Peoples Rights Monitor  
Rm. 304 NCCP Building, 879 EDSA,  
Quezon City Philippines  
Email: manja_2619@yahoo.com  
Mobile: +63 (0) 917 8829 901 |
| **Child Rights** | **Ms. Irene V. Fonacier-Fellizar**  
Center for the Promotion, Advocacy and Protection of the Rights of the Child  
17 - 17 A Casmer Apartments, Del Pilar corner Don Jose Streets  
San Roque, Cubao, Quezon City 1109 Philippines  
Telephone: +632 9133464/ Telefax: + 632 9117867  
Email: Lunduyan@smartbro.net, kkkandit@yahoo.com |
| People with Disabilities | Ms. Saowalak Thongkuay  
Disabled Peoples' International Asia Pacific Region (DPI-AP)  
29/486 Moo 9 Soi 12 Muangthong Thani  
Bangpood Pakkred, Nontaburi Thailand 11120  
Email: saowalak@dpiap.org, thongkuay@yahoo.com  
Tel: +66 (0) 2 503 4268 Fax: +66 (0) 2 503 4269  
Mobile: +66 (0) 8 6980 6895 |

<table>
<thead>
<tr>
<th>40. Southeast Asia Women’s Caucus on ASEAN</th>
</tr>
</thead>
</table>
| **Asia Pacific Forum on Women, Law and Development (APWLD)** | Ms. Dalina Prasertsri  
189/3 Changklan Road, Amphoe Muang  
Chiang Mai 50100, Thailand  
Email: dalina@apwld.org  
Tel: +66 53 284527, 284856  
Fax: +66 53 280847  
Website: www.apwld.org |
| **International Women’s Rights Action Watch Asia Pacific (IWRAW Asia Pacific)** | 80-B, Jalan Bangsar  
Kuala Lumpur 59200, Malaysia  
Email: iwraw-ap@iwraw-ap.org/iwraw_ap@yahoo.com  
Tel: +603 2282 2255  
Fax: +603 2283 2552  
Website: www.iwraw-ap.org |

<table>
<thead>
<tr>
<th>41. Other key Civil Society Contacts on ASEAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lao PDR</strong></td>
</tr>
<tr>
<td>1. Lao Bar Association, Ms. Manichanh Philahpanh, email: <a href="mailto:manoi_p9@yahoo.com">manoi_p9@yahoo.com</a></td>
</tr>
<tr>
<td>2. Gender and Development Group, Lao PDR, Boutsady Khounnouvong, email: <a href="mailto:boutsady_kh@yahoo.com">boutsady_kh@yahoo.com</a></td>
</tr>
</tbody>
</table>

| **Indonesia** |
| 1. Kalyanamitra (Women’s Human Rights Communication and Information Centre), Ms. Rena Handayani, email: ykm@indo.net.id |
| 2. Yayasan Pemantau Hak Anak (Children’s Human Rights Foundation), Ms. Rinno Arna, email: rinnoarina@yahoo.com |
| 3. Serikat Buruh Migran Indonesia (Indonesian Migrant Worker Union), Mr. Choirul Hadi, email: hadi_sbmi@yahoo.com |
| 4. Sri Wiyanti Eddyono, (former commissioner, National Commission on Violence Against Women (KOMNAS Perempuan)), email: iyiksiom@gmail.com |
| 5. Kamala Chandrakirana (former Chairperson, KOMNAS Perempuan), email: nanakamala@gmail.com |
Malaysia
1. Empower, email: empower05@gmail.com, or Ms. Honey Tan, honeytan@gmail.com
2. Women’s Aid Organisation, email: wao@po.jaring.my, or Ms. Ivy Josiah, ivyjosiah@gmail.com

Myanmar
1. Burma Partnership, Khin Ohmar, email: khinohmar@burmapartnership.org

Philippines
1. Women’s Legal Bureau Philippines, Ms, Jelen Paclarin, email: jelen.paclarin@gmail.com

Singapore
1. Singapore Working Group for an ASEAN Human Rights Mechanism, Ms. Braema Mathiapananam, email: maruahsg@gmail.com

Vietnam
1. Vietnam Lawyers Association, Giao Vu Cong, email: giaovc@yahoo.com

Regional
1. Forum-Asia, Mr. Yap Swee Seng, email: yap@forum-asia.org
2. Working Group for an ASEAN Human Rights Mechanism, Mr. Arpee Santiago, email: rsantiago@aps.ateneo.edu
3. Human Rights Resource Centre for ASEAN, Mr. Marzuki Darusman, email: marzukidarusman@yahoo.com
4. Asia Indigenous Peoples Pact, Ms. Joan Carling, email: secgen@aippfoundation.org
5. South-East Asia People’s Center, Ms. Atnike Nova Sigiro, Jiwasraya Building Lobby Floor, JL. R.P. Soeroso No. 41 Godangdia-Menteng, Jakarta, 10350, Indonesia, tel: +62 21 392 9037/8, email: atnike@forum-asia.org
6. CIDA funded Southeast Asia Regional Cooperation in Human Development (SEARCH), 246 Times Square Building, 12th Floor, Unit 1203, Sukhumwit Road , Klongtoey, Bangkok, 10110, Thailand; tel +66 2 229-5561-3, Mr. Michael Miner (Regional Director) miner.michael2@gmail.com, Ms. Melinda MacDonald (Program Manager) melinda.macdonald2@gmail.com