



SUMMARY REPORT

ASIA-PACIFIC REGIONAL DIALOGUE FOR HUMAN RIGHTS 75

On 11 October 2023, the Asia-Pacific Regional Dialogue for Human Rights 75 took place in Bangkok, Thailand at the UN Conference Centre (UNCC). The event, hosted by the Office of the UN High Commissioner for Human Rights (OHCHR) brought together over 250 participants of whom some 150 took part in-person and over 100 online. Discussions focused on regional human rights mechanisms, looking at progress so far in the region, lessons learned from other areas of the world and how to move forward.

Background

On 10 December 1948, the General Assembly of the UN adopted the Universal Declaration of Human Rights (UDHR). It recognised that the promotion and protection of human rights are at the heart of freedom, justice and peace. The 1993 Vienna World Conference on Human Rights stressed the importance of regional mechanisms and national institutions to the advancement of human rights.

As 2023 marked the 75th anniversary of the UDHR, OHCHR embarked on a year-long Human Rights 75 Initiative to rekindle the spirit, impulse and vitality of the UDHR and renew a worldwide dedication to human rights.

The Asia-Pacific Regional Dialogue was one of five regional dialogues mandated by the Human Rights Council to be held before the High-Level Event in Geneva in December 2023.

The Asia-Pacific Regional Dialogue

Regional human rights mechanisms are a crucial tool to advance the promotion and protection of human rights. To date, Asia and the Pacific is the only region that does not have a region-wide mechanism, although mechanisms have developed in ASEAN at the sub-regional level. With around two-thirds of the world's population inhabiting this region and the diverse and complex challenges it faces, regional cooperation for human rights should be a priority for all.

With this in mind, the Asia-Pacific Regional Dialogue brought together Member States, Regional Inter-Governmental Organizations, National Human Rights Institutions, UN agencies and entities, Special Procedures Mandate Holders, civil society organizations, youth organizations, academia, and more to accelerate the conversation on regional collaboration to advance human rights and take further steps towards a regional human rights mechanism in the spirit of the UDHR.

The recording, summary report, background paper, written submissions and other records of the Regional Dialogue are available at <https://bangkok.ohchr.org/aprd-hr75/>.

The Asia-Pacific Regional Dialogue in numbers

The Regional Dialogue brought together 253 participants, of whom 147 were in-person and 106 were online, including representatives of 33 Member States, 11 Regional Inter-Governmental Organizations, 5 National Human Rights Institutions, 5 Special Procedures mandates, 17 UN offices, 50 civil society organizations, 10 youth organizations and networks, and 7 academic institutions.

Opening Session

The Regional Dialogue opened with a video message from the UN High Commissioner for Human Rights, Volker Türk.

“The Asia-Pacific is the only region that does not benefit from such a regional system. Yet, it hosts almost two-thirds of the global population. Its vastness and rich diversity, along with the complexity of the challenges it faces, makes a human rights system for the Asia-Pacific more necessary now than ever.

Taking this step would yield enormous dividends for tackling the numerous economic, social and political issues confronting the region, including the unprecedented impact of the climate emergency and the digital revolution. The question, surely, must be - if not now, when?”

His words were followed by a welcome address by H.E. Russ Jalichandra, Advisor to the Deputy Minister of Foreign Affairs of the Kingdom of Thailand, who highlighted the role of the ASEAN Intergovernmental Commission on Human Rights (AICHR) as a sub-regional mechanism that promotes human rights in the region and advocated for the importance of the Sustainable Development Goals (SDGs) to realise just, peaceful and inclusive societies for all.

Next were reflections by the three Asia-Pacific members of the Human Rights 75 Youth Advisory Group, Kaeden Watts, Safayet Zamil Nowshan and Venus Aves, who emphasised the need and urgency of acting on the promises of the UDHR, in particular when it comes to the rights of youth, Indigenous Peoples and people from the LGBTIQ+ community.

Session 1: Setting the scene – the evolution of a regional human rights architecture and where we are now

The first session of the Regional Dialogue focused on the current situation regarding regional human rights mechanisms in the Asia-Pacific region, as well as the concrete benefits that a robust human rights mechanism could bring to the region.

The session was moderated by Ray Paolo (Arpee) J. Santiago, Executive Director of the Ateneo Human Rights Center at Ateneo de Manila University and Secretary-General of the Working Group for an ASEAN Human Rights Mechanism, who started off by outlining some key elements that comprise a regional human rights mechanism.

The first speaker was H.E. Sihasak Phuangkitkeow, Vice Minister for Foreign Affairs of the Kingdom of Thailand, who joined the session online. He reflected on his experience as Chair of the High-Level Panel responsible for drafting the Terms of Reference (ToR) for establishing the AICHR. He acknowledged that AICHR has both come a long way, while there is still room for improvement, seeing the originally stipulated review of AICHR's ToR as an opportune moment to do so.

Next, Doo-hwan Song, Chairperson of the National Human Rights Commission of Korea (NHRCK) and Chairperson of the Asia Pacific Forum of National Human Rights Institutions (APF), delivered a video message in which he highlighted the opportunity that regional collaboration between and with National Human Rights Institutions (NHRIs) could offer when it comes to the establishment of a regional human rights mechanism in the Asia-Pacific region.

Following, Gayoon Baek, Deputy Director of the NHRCK, further elaborated on the opportunity provided by cooperation among NHRIs in the region to bridge the gap when it comes to addressing human rights violations, particularly in those places whereas of yet no regional mechanisms exist.

Henri Tiphagne, Executive Director of People's Watch and one of the key drivers of the Regional Initiative for a South Asian Human Rights Mechanism (RISAHRM), talked about the important role civil society organizations play in promoting regional cooperation on human rights, especially in regions such as South Asia where the establishment of a regional human rights mechanism has been challenging. In this, special priority should be given to the involvement of young people and grassroots people's movements.

Finally, Neomai Maravuakula, Team Leader on Governance & Institutional Strengthening of the Human Rights and Social Development Division of the Pacific Community (SPC), highlighted the challenges of establishing a regional human rights mechanism in the Pacific and emphasised that whatever body is erected will need to be tailor-made to the specific needs and realities of the region, including the need for a more concrete and practical narrative to convince Member States of its relevance.

Session 2: Lessons learned and good practices from regional mechanisms

The second session of the Regional Dialogue focused on lessons learned and good practices from other regions. It particularly attempted to distil specific milestones and key steps that other institutions experienced along the way that might inspire similar initiatives in the Asia-Pacific region, as well as examples and pitfalls to learn from.

Moderator Yuyun Wahyuningrum, Chair and Representative of Indonesia to AICHR, took the opportunity to initiate the conversation by reflecting on some of the opportunities and challenges she had seen in her time with AICHR, including needing to navigate the different views of the relevance of a regional human rights mechanism of Member States and their impact on the ability of AICHR to fulfil its mandate.

Following, Asila Wardak, Commissioner of the Independent Permanent Human Rights Commission (IPHRC) of the Organisation of Islamic Cooperation, shared some of the key elements, trials and tribulations of the setting up and functioning of the IPHRC, noting that the mainstreaming of human rights in governance and development was one of its key functions. Fundamental elements to

ensure the effectiveness of a regional human rights body involve regional inclusiveness, independence, justiciability and follow-up mechanisms.

María Claudia Pulido, Assistant Executive Secretary for Monitoring, Promotion and Technical Cooperation at the Inter-American Commission on Human Rights, reflected on some of the challenges the Commission has faced, in particular related to lack of enforcement abilities and precautionary measures. She also expanded on the good practice of building solid partnerships with a range of different allies, including the UN, Member States and civil society on both a national and regional level.

Pauliine Koskelo, Judge at the European Court of Human Rights, joined online and introduced the importance in the European system of ensuring that safeguards provided on an international or regional level are grounded in national foundations. While enforcement mechanisms are now applied on an individual level, allowing for legally binding judgements, this has also led to, in combination with other issues, an overload of the court and thus a loss of effectiveness. She also related the need to prioritise judicial supervision, advisory mechanisms and effective monitoring mechanisms.

Finally, Litha Musyimi-Ogana, Commissioner of the African Commission on Human and Peoples' Rights, spoke about the need for regional human rights mechanisms to be grounded in the priorities and needs of the people it represents. Such systems will also grow and develop based on the socio-political developments in the region it represents and challenges it faces, including armed conflicts, coups and democratisation processes. It is also essential that regional human rights mechanisms therefore are open to all individual people and communities that face human rights violations.

Session 3: Envisaging the way forward for Asia-Pacific regional cooperation on human rights

The third session of the Regional Dialogue looked to the future and attempted to identify concrete possibilities to move ahead with the promotion and protection of human rights through regional cooperation.

Angkhana Neelapaijit, Member of the Working Group on Enforced or Involuntary Disappearances, moderated the session and started off by listing some of the human rights challenges in the region that might benefit from a full-fledged, functioning regional human rights mechanism.

Professor Emeritus Vitit Muntarbhorn, Special Rapporteur on the situation of human rights in Cambodia, reflected through a video message on the opportunities provided by transnational challenges across the region, such as climate change to advance regional collaboration on human rights, in particular where there seems to be a shared impetus for action based on international conventions ratified by Member States, as well as the need to build on existing national and sub-regional human rights bodies.

Dr. Fiona Hukula, Gender Specialist for the Governance and Engagement Team at the Pacific Islands Forum (PIF), reflected on the opening provided by the 2019 endorsement by PIF leaders of the development of the 2050 Strategy for the Blue Pacific Continent, which reinforces commitments to work together as a collective to advance Pacific regionalism. Ensuring accountability on commitments made is a crucial element of making further progress.

Ismail Mamdhooh, Director of Social Affairs for the South Asian Association for Regional Cooperation (SAARC), talked about the SAARC Social Charter as an entry-point to further regional collaboration on human rights in South Asia. He specifically highlighted the need to prioritise youth and the inclusion of young people, while also looking for opportunities to establish formal systems for the protection of human rights.

In his video message, Professor Surya Deva, Special Rapporteur on the right to development, highlighted three key points: the right to development, defined in the broadest of terms, as a common interest that could provide an entry point for regional collaboration for human rights; the need to prioritise progress on the SDGs for the same purpose; and to start at the sub-regional level when it comes to establishing or expanding the needed bodies.

Professor Kaoru Obata, Professor of International Law at the Graduate School of Law of Nagoya University, expanded on the challenges related to establishing a regional human rights mechanism in the Asia-Pacific region. The exchange of best practices on human rights protection could prove to be more relevant than attempts at formulating a common interpretation of universal standards. Complementarity should be strived for over subsidiarity, while both informal and formal networks should be concurrently explored, with both allowing for the voices of peoples and grassroots communities.

Finally, Priya Gopalan, Chair-Rapporteur of the Working Group on Arbitrary Detention, emphasised the need for transparency in the processes and mechanisms for human rights in the region. She also echoed the need for a convergence of relevant actors, including civil societies and grassroots communities to come together to create momentum, among others, to address principles of non-interference in the region, as well as strengthening accountability on a national level.

Session 4: Reflections and recommendations

In the final session, participants were invited to deliver statements and recommendations reflecting on regional human rights mechanisms, propose concrete forward-looking actions, and express commitments in the form of pledges either related to the topic of the Regional Dialogue or the Human Rights 75 Initiative overall. The session was moderated by Ian Fry, Special Rapporteur on the promotion and protection of human rights in the context of climate change.

Commitments touched on rebuilding regional cooperation on human rights and among stakeholders; support for the strengthening of sub-regional, regional and cross-regional cooperation, including on the revitalisation of discussions on regional mechanisms; the importance of bringing a new generation of youth voices into regional human rights discussions, and creation of spaces for children's advocacy; and for strengthened networking and learning among CSOs.

Closing session

In the closing session, Cynthia Veliko, South-East Asia Regional Representative of OHCHR and Thomas Hunecke, Pacific Deputy Regional Representative of OHCHR, presented a summary of the key takeaways and recommendations of the day, looking particularly at recommendations and suggestions that OHCHR can take forward in the future.

Jitvipa Benjasil, Director of the Social Division of the Department of International Organizations at the Ministry of Foreign Affairs of the Kingdom of Thailand, delivered closing reflections highlighting the need to ensure efforts are tailored to the needs of a given region, noting the importance of continued conversations and dialogues to ensure the needed political will, and the constructive role that NHRIs, civil society organizations, children and youth can play in such efforts.

Finally, Rory Mungoven, Chief of Asia Pacific Section of OHCHR, closed the Regional Dialogue by highlighting that the lively discussions underscored that the conversation on the establishment of regional human rights mechanisms in the Asia-Pacific region is very much alive, and said OHCHR would take these reflections further in future initiatives at the regional and global level.

Key takeaways and recommendations

- The 75th anniversary of the UDHR provides an important moment to take stock, reflect and renew efforts in Asia and the Pacific towards developing a regional human rights architecture that brings together different government and non-government stakeholders, building upon the lessons learned and experiences from other regional mechanisms such as those in Africa, the Americas and Europe, while at the same time being representative of the diverse peoples of Asia and the Pacific. These efforts must take into account the particular viewpoints of women, children, youth and Indigenous Peoples, among others, and address the needs and expectations of all communities in the region.
- A regional human rights body would bring all provisions of the UDHR “closer to home” for peoples of Asia and the Pacific, and it would provide a platform to address human rights violations, including systemic and widespread ones. Regional human rights mechanisms provide for an additional layer of human rights protection and, through adjudication, enable regional integration of human rights.
- There are a new generation of challenges that are being left for younger generations to address in the future, including technology, environmental degradation and armed conflict. Some of these provide an opportunity for regional human rights collaboration, including but not limited to business and human rights, climate change, the situation of human rights defenders and environmental human rights defenders, indigenous rights, LGBTIQ+ rights, poverty and conflict. The right to development can be utilised as a common thread bringing Asia and the Pacific region together towards building a consensus on regional human rights cooperation. The right to a clean, healthy and sustainable environment provides for another opportunity to build a regional human rights accountability system to enforce this right.
- Building a consensus that would reflect the diversity across Asia and the Pacific, including languages, cultures, values and principles, may prove to be challenging. However, this could be overcome through a building bloc approach in the sub-regions, focusing on local entry points and opportunities. Such systems could build on the existing human rights cooperation mechanisms, as well as place further focus on mainstreaming human rights in existing Regional Inter-Governmental Organizations.

- A key point stressed regarding the way forward for ASEAN Member States is the review of the terms of reference of the AICHR. This is a key opportunity to move forward in South-East Asia, taking into account the steps already taken by the body, and learning from the many best practices shared by other mechanisms and their experiences. The importance of transparency of these mechanisms was also highlighted as key elements to ensure their success. Parallels were drawn between the Universal Periodic Review (UPR) and strengthening the dialogue between States and AICHR, going beyond thematic discussions.
- Experience shows the importance of regional human rights systems including comprehensive human rights protection mandates, including a focus on prevention, in addition to a promotion mandate. Mechanisms should be credible and able to deliver tangible protection and redress to people. A regional human rights mechanism can bridge the gap between national and international human rights protection systems, and provide for effective human rights protection at the sub-regional and regional levels and make available remedies that may not be provided for or be effectively accessible at the national or international levels.
- In the absence of a regional human rights mechanism, other institutional initiatives across the region seek to bridge human rights protection gaps, such as associations and collaboration of NHRIs both bilaterally and multilaterally, and amongst the Constitutional Courts in the region.
- Particular lessons from other regions to take into consideration include the importance of effective civil society engagement; political will; comprehensive and clear mandates; adoption of a regional perspective on human and peoples' rights; respect for regional jurisprudence on human rights; complementarity of different institutions; and a strategic combination of political cooperation, judicial supervision, advisory mechanisms and effective monitoring mechanisms.
- As for lessons learned from experiences of other regions, it is important to highlight the critical need for political will and that it is an evolving process. Political will can be initiated through a group of like-minded States, where certain human rights protection measures began as optional and later became mandatory as they became increasingly accepted in the region.
- Regional mechanisms should enable meaningful participation by stakeholders, in particular by human rights defenders and civil society organizations. Against the challenge of shrinking civic space, attacks and intimidation against human rights defenders, a regional mechanism should take up the challenge and ensure effective participation and protection. Civil society has a key role to play in this process of strengthening a regional approach, to create the momentum to continue moving forward. The discussion on regional human rights protection therefore requires creating an enabling environment for civil society participation.
- International and regional human rights protection systems can be crucial catalysts and safeguards and can be effective through a bottom-up approach, including through critical peoples' movements, as well as national ownership. The application of regional and international norms requires enforcement and effective remedy at the domestic level, including through the courts and NHRIs. Multifaceted cooperation and interaction between State and civil society stakeholders is crucial.