

CONCLUSIONS AND AGREEMENTS

4th CONSULTATIVE MEETING AND CONFERENCE OF THE ASEAN FOUR NATIONAL HUMAN RIGHTS INSTITUTIONS

Manila, Philippines
January 29-31, 2008

The fourth annual meeting of the Human Rights Commissions of Indonesia, Malaysia, Philippines, and Thailand held in Manila, Philippines on January 29-31, 2008 was an open meeting entitled, “4th Consultative Meeting and Conference of the ASEAN Four National Human Rights Institutions.”

Thirty (30) delegates from the four NHRIs consisting of a chairperson, a deputy chairperson, commissioners, and senior level technical officers participated in the three-day activity. More than twenty (20) representatives of international and national Non-Governmental Organizations, Philippine government agencies and international funding agencies also attended the conference as observers and guests.

The meeting covered five session themes as follows: Visioning the ASEAN Four NHRIs; Role of the ASEAN Four in the Regional Bodies; Next Steps and Advocacies to pursue the establishment of the ASEAN Human Rights Body; Developments in the Cooperation Framework; and Establishing NHRIs in ASEAN. In addition to the Lead Discussants from among the four NHRIs, three external resource persons presented technical papers as trigger for discussions. A separate session of Senior Level Officers was held in between Sessions 2 and 3 for a technical discussion on the open issues in Session 1.

The four NHRIs as represented by their heads of delegations and as body agreed to:

1. Adopt “ASEAN NHRI Forum” as the official name by which the four human rights commissions under the Cooperation Agreement shall be known. The same name shall be used in their subsequent annual meetings and shall reflect two key methods of engagement of the body: consultation and cooperation. The ASEAN NHRI Forum is still an informal or loose organization but is envisioned to grow and develop along the spirit of the Bali Declaration of Cooperation and considering the developments in the ASEAN sub region. Each Commission should designate a focal point or focal person for the “ASEAN NHRI Forum” to ensure continuity and consistency of representation, follow-up, and implementation of agreements within the commissions. The Forum shall conduct technical meetings and workshops in between the Annual Meetings.
2. Propose to the ASEAN Secretariat the creation of an ASEAN Human Rights Commission (AHRC) to perform protection, promotion, and monitoring functions. The elements of the proposed Terms of Reference for the AHRC as discussed at the meeting shall be further enhanced by the individual NHRIs and finalized as a joint proposal at a technical working group meeting.
3. Participate in the forthcoming ASEAN Ministerial Meeting in July 2008 to present the ASEAN NHRI Forum’s proposed Terms of Reference of the ASEAN Human Rights Commission. Individually, the NHRIs shall call on their respective Ministers/ Governments, and collectively on the ASEAN Secretariat for their active engagement in the various processes of the creation of the ASEAN Human Rights body. The ASEAN NHRI Forum shall work with the Regional Working Group for an ASEAN Human Rights Mechanism in the pursuit of this objective.
4. Implement jointly ten priority projects under the Framework of Cooperation. The projects identified and the focal points (NHRI) are as follows:

Malaysia: *Research on Migrant Workers to cover issues and problems of sending and receiving countries; Advocacy for Review of National Legislation on Migrant Workers*

Indonesia: *Recommend State Members of ASEAN to conclude a legally binding sub-regional instrument to combat terrorism; Exchange of Information on measures taken, including national legislation on and/measures to combat terrorism while respecting human rights*

Philippines: *Documentation of Best Practices in Human rights Education as basis for the Development of a ASEAN Human Rights Training Program; Development of a common website and other systems of communication exchange; Development of Anti-trafficking Information materials through either a workshop or meeting of NHRIs*

Thailand: *Staff Exchange/Capacity Building (combined with human rights education); Conduct Regular discussions among NHRIs to share best practices in addressing ESCR issues; Conduct comprehensive research on ESCR issues*

Each NHRI shall develop the details of the project including budget and possible sources of funds (such as the European Commission) and circulate the project proposals to the other NHRIs within two months or not later than March 31, 2008. Comments should be given within two weeks or not later than April 15, 2008.

5. Conduct a follow-up meeting in the third or last week of April 2008 in Cebu, Philippines. This will be a technical working group meeting to finalize the proposed TOR for the ASEAN Human Rights Commission and the ten joint projects prioritized for implementation. Each commission shall determine its own representatives to this technical meeting or workshop. The Philippines will host the follow-up meeting with funding support under the European Commission-assisted Project.
6. Observe transparency in all undertakings and in reference to securing funding assistance for projects in the name of the ASEAN NHRI Forum. The Human Rights Commissions of Indonesia, Malaysia, and Thailand shall review the Grant Contract signed by the CHRP and the EC for the project “Enhancing the Role of NHRIs in the Development of an ASEAN Human Rights Mechanism”. Each Commission will make its own decision to apply the EC-assisted project funds in the joint projects and activities and participation in the ASEAN NHRI Forum Meetings.
7. Keep alive the initiative on the creation of the Cambodian human rights Commission by inviting representatives from both the government and non-government organizations in the succeeding meetings of the ASEAN NHRI Forum.
8. Inclusion of the terms of engagement with the United Nations and its human rights bodies and other related institutions such as the Asia Pacific Forum (APF), the International Coordinating Committee (ICC), the Human Rights Council (HRC), the Office of the High Commissioner for Human Rights (OHCHR) among others, in the agenda of the next regular meetings of the ASEAN NHRI Forum.
9. Continue the order of rotation of chairmanship as practiced in the past meetings, for the next regular meeting, thus, Thailand will be the next host, after which, the ASEAN method of using the alphabetical order of nations will be followed. The fifth annual meeting is scheduled in October or November this year.