

**SUBREGIONAL COOPERATION
BETWEEN
NATIONAL HUMAN RIGHTS INSTITUTIONS
OF INDONESIA, MALAYSIA, PHILIPPINES AND THAILAND***

* Prepared by the Human Rights National Commission of Indonesia, Chair of the Third Consultation Meeting of ASEAN NHRIs, Bali, Indonesia, submitted by the Human Rights National Commission of Indonesia, the Human Rights Commission of Malaysia, the Commission on Human Rights of the Philippines and the National Human Rights Commission of Thailand to the Twelfth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions (APF-12), Sydney, Australia, 24-27 September 2007 under agenda item “Regional Cooperation between National Human Rights Institutions”.

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I. INTRODUCTION

1. The Vienna Declaration and Programme of Action (VDPA), adopted by the World Conference on Human Rights (WCHR), held in Vienna, Austria from 14 through 25 June 1993, states, *inter alia*, that it “reiterates the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection on human rights where they do not exist”.²

2. In line with the reiteration made by the VDPA referred to in paragraph 1 above, at the subregional level, *i.e.*, in the Southeast Asian subregion, the Association of the Southeast Asian Nations (ASEAN) which was established in 1967, stated in the Joint Communiqué of the 26th ASEAN Ministerial Meeting held in Singapore from 23 through 24 July 1993 that their Foreign Ministers “agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights”.

3. For ASEAN, the decision to establish a subregional mechanism on human rights was a political decision of important significance as it was for the first time that ASEAN, since its establishment in 1967, or twenty-six years earlier agreed to the need of establishing a human rights mechanism for the promotion and protection of human rights, in line with VDPA.

II. FOLLOW UP

4. Elements of the civil society in ASEAN member countries, who were concerned with the advisability of a subregional cooperation in the promotion and protection of human rights in the Southeast Asian subregion, welcome the decision taken by the Governments of ASEAN member countries taken in their meeting in Singapore in 1993 mentioned in paragraph 2 above. Concerned individuals in Indonesia, Malaysia, Philippines and Thailand established in 1996 a subregional group

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² See VDPA Chapter I para 37, second subpara.

called “*Working Group for an ASEAN Human Rights Mechanism*” with the purpose of supporting and contributing to the efforts of the Governments of the ASEAN member countries in the realization of the decision taken in Singapore in 1993 for the establishment of an appropriate subregional mechanism for the promotion and protection of human rights. In this context the Working Group held regular consultations with the Governments of ASEAN member countries, in particular prior to the holding of the annual ASEAN Ministerial Meetings (AMMs). Since 2001 the Working Group has been co-organizing with the Ministry of Foreign Affairs of the host country concerned, annual workshops called “*Workshop on Human Rights ASEAN Regional Mechanism*” (Jakarta, Indonesia, 2001; Manila, Philippines, 2002; Bangkok, Thailand, 2003; Jakarta, Indonesia, 2004; Kuala Lumpur, Malaysia, 2006; and Manila, Philippines, 2007). The Kuala Lumpur Workshop (2006) acknowledges six possible forms for the proposed mechanism, namely, the establishment of: (a) a commission; (b) a commission and a court; (c) a court or a commission; (d) an institutions (NHRIs) in ASEAN member countries which do not have it as yet; and (f) networking and/or promotion of activities without any mechanism.

5. On the part of the Governments of ASEAN member countries, since 1998, or five years after their “historic” decision in 1993 to establish an ASEAN human rights mechanism, they have been reviewing periodically the development towards its realization, at their annual AMMs without, however, agreeing on the form of such mechanism or, at least, possible forms of the proposed mechanism for consideration. Another “historic” development which may be noted on the commitment of ASEAN member countries to institutionalize their cooperation for the promotion and protection of human rights in the subregion, was the Action Programme for 2004-2010, adopted at the Tenth ASEAN Summit held in Vientiane, Lao People’s Democratic Republic on 29 November 2004. This Action Programme, officially called “*Vientiane Action Programme (VAP) 2004-2010*” includes seven point programmes for the promotion of human rights in ASEAN member countries, namely: (a) completion of stock-taking of existing human rights mechanisms and equivalent bodies, including sectoral bodies promoting the rights of women and children; (b) formulation and adoption of a memorandum of understanding to establish network among existing human rights mechanisms; (c) formulation of work programme of the network; (d) promotion of education and awareness on human rights; (e) establishment of a network of cooperation among existing human rights mechanism; (f) elaboration of an ASEAN instrument on the protection and promotion of the rights of migrant workers; and (g) establishment of an ASEAN commission on the promotion and protection of the rights of women and children.

6. The follow-up on the VAP, specifically with respect to the action programmes relating to the promotion and protection of human rights, two roundtable discussions called, respectively, “*Roundtable Discussion on the ASEAN Human Rights Mechanism: Follow Up of the Vientiane Action Programme (VAP) of ASEAN 2004-2010*”, held in Bali, Indonesia in 2005 and “*Roundtable Discussion on Human Rights in ASEAN: Challenges and Opportunities for Human Rights in a Caring and Sharing Community*”, held in Jakarta, Indonesia in 2006. These roundtable discussions were organized by the Ministry of

Foreign Affairs of Indonesia in cooperation with Working Group for an ASEAN Human Rights Mechanism. As regards the proposed establishment of an ASEAN Human Rights Mechanism *per se* the First Roundtable Discussion (2005) states that it “recognized the need to strengthen efforts to set up an ASEAN human rights mechanism and the need for follow-through activities on the mechanism initiative, while working at the same time for the establishment of mechanisms to deal with as a matter of priority, specific issues of common concern such as the promotion and protection of the rights of children, women and migrant workers”. The First Roundtable Discussion states further that it “recognize the advantage of considering an initiative involving those countries which are already prepared to subscribe to a regional mechanism on human rights to start that process while continuing the dialogues with a universal view participating within ASEAN”. One year later, in 2006, the Second Roundtable Discussion states that it “reaffirms the need to have a human rights mechanism in the region which should have the Universal Declaration of Human Rights as minimum standards. The mechanism, however, should not be a mere replication of what other regional groups have in place but should take into account the regional particularities”, and “further reaffirms the commitment of all stakeholders to the establishment of a regional human rights mechanism through a step-by-step, multi-track and building-block approach involving governments, *national human rights institutions*, and civil society groups in the ASEAN region”. The Second Roundtable Discussion further states that it “acknowledges the importance of all ASEAN member countries jointly subscribe to the regional mechanism at the same time. However, it also recognizes the merits of the proposal first advanced by Malaysia that an ASEAN human rights mechanism can be established with the initial involvement of member countries which are already prepared to do so, while allowing others to join subsequently”. The Second Roundtable Discussion finally states that it “encourages ASEAN to implement, within the timeframe, the human rights program areas of the Vientiane Action Programme (2004-2010), particularly the establishment of an ASEAN commission on the promotion and protection of the rights of women and children, and the elaboration of an instrument on migrant workers”.

III. NHRIs INITIATIVES

7. The four national human rights institutions existing in ASEAN member countries, namely the Human Rights National Commission (Komnas HAM) of Indonesia, 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), which were established, respectively, in 1993, 1999, 1987 and 2001, strongly support the idea of the establishment of an appropriate ASEAN human rights mechanism. They therefore, participated in most of the Workshops on ASEAN Human Rights Mechanism held in 2001, 2002, 2003, 2004, 2006 and 2007 referred to in paragraph 4 above, as well as in the two Roundtable Discussions on Human Rights Mechanism held in 2005 and 2006 referred to in paragraph 6 above, where the four NHRIs advocated to the acceleration of the establishment of ASEAN human rights mechanism as well as possible forms of such

mechanism that might be considered by the Governments of ASEAN member countries.

8. For five years since ASEAN decided to consider the establishment of an appropriate subregional human rights mechanism taken by the AMM in Singapore in 1993 the subject was not taken up by the AMMs in 1994, 1995, 1996 and 1997. Only in 1998 that the ASEAN AMM took up again the subject. However, the AMM did not go further than merely reaffirming ASEAN's commitment to consider the establishment of an appropriate subregional mechanism on human rights. The AMMs of 1999, 2000, 2001, 2002 and 2003 repeated what was started in the 1998 AMM, in spite of the various recommendations made by the Workshops for an ASEAN Regional Mechanism on Human Rights held in 2001, 2002 and 2003.

9. It was evident from the situation described in paragraph 8 above that the realization of the intention of the ASEAN member states to establish a subregional human rights mechanism will clearly require a long period of time. It was in the light of this reality that the representative of the Indonesian National Human Rights Commission, in his speech delivered at the Fourth Workshop for an ASEAN Regional Mechanism on Human Rights, held in Jakarta in June 2004, proposed that while efforts continued to be made by the Governments of the ASEAN member countries to establish such mechanism, the national human rights institutions existing in the ASEAN member countries, namely the Human Rights National Commission of Indonesia, the Human Rights Commission of Malaysia, the Commission on Human Rights of the Philippines and the National Human Rights Commission of Thailand, promote and develop cooperation among them to discuss concrete human rights issues of common concern. In an informal subsequent meeting held among the delegation of these four NHRIs, it was agreed that a formal meeting of the four NHRIs to discuss the subject would be convened in Bangkok, Thailand for this purpose, the Indonesian Human Rights National Commission was requested to prepare a terms of reference for the first planned formal meeting and to identify human rights issues of common concern to all the four NHRIs for which cooperation between them could be promoted and developed.

10. The first formal meeting of the four NHRIs, called officially "The First Meeting of the ASEAN National Human Rights Institutions Consultation Mechanism", was convened in Bangkok, Thailand in October 2004 which agreed to the following:

- (a) Human rights issues considered as being of common concern to the four NHRIs are:
 - (i) Implementation of economic, social and cultural rights and right to development;
 - (ii) Enhancement of human rights education;
 - (iii) Human rights aspects of trafficking of persons, especially women and children;
 - (iv) Protection of the human rights of migrants and migrant workers;

- (v) Suppression of terrorism while respecting human rights;
- (b) Assignment to every NHRI to prepare a working paper or working papers on the five human rights issues identified in (a) above together with suggestions on areas and forms of cooperation that might be promoted and developed between the four NHRIs. The respective NHRI and its respective working paper or working papers to be prepared among the four NHRIs are as follows:
- (i) National Human Rights Commission of Thailand: (A) Enhancement of human rights educations; and (B) Working paper on implementation of economic, social and cultural rights and right to development;
 - (ii) Commission on Human Rights of the Philippines: (A) Enhancement of human rights educations; and (B) Human rights aspects of trafficking of persons, especially women and children;
 - (iii) Human Rights Commission of Malaysia: Protection of the human rights of migrant and migrant workers; and
 - (iv) Human Rights National Commission of Indonesia: Suppression of terrorism while respecting human rights.
- (c) According to the assigned topics, each NHRI were to conduct a draft paper according to the framework of study as follows:
- (i) The study should cover at least two elements i.e.:
 - definition of the issue;
 - the situation within the country, if possible, of the region by aiming at the possible sub-regional cooperation;
 - (ii) The study should be aware of sensitivity and to explore possible cooperation;
 - (iii) The study should take a holistic well-balanced approach, not over-emphasizing only one aspect of the problem;
 - (iv) The study must be relevant to the regional context.
- (d) Discussion of the five working papers referred to in (b) at the next (second) meeting of the four NHRIs.

11. The Second Meeting of the four NHRIs was held in Kuala Lumpur, Malaysia in March 2006 where the five working papers referred to in paragraph 10 were discussed. It was agreed that the recommendations on cooperation programmes contained therein would be further considered in more details during the third meeting of the four NHRIs.

12. During the Kuala Lumpur meeting, the Commission on Human Rights of the Philippines submitted a draft general framework instrument of cooperation among the four NHRIs under a format of a memorandum of understanding (MoU). It was agreed that while the content of the draft instrument were acceptable in principle by the delegations, it was also agreed that the instrument would be made under the form and

title of “declaration” and the four NHRIs would refer the suggested instrument to their respective competent decision-making organ of the institution. The instrument in the format and under the title of “Declaration” together with its contents as drafted by the Commission on Human Rights of the Philippines with some minor changes proposed by the other three NHRIs were subsequently agreed upon by the four NHRIs. It was also agreed that the framework cooperation declaration would be signed during the third meeting of the four NHRIs scheduled to be held in Bali, Indonesia.

13. The Third Meeting, held in Bali, Indonesia in June 2007, agreed to the following:

- (a) Listing forms and areas of cooperation on the five human rights themes referred to in paragraph 10 above and the follow-up actions that have to be taken by the four NHRIs, either individually or jointly;
- (b) Submission of a joint position paper on human rights aspects that should be referred to the ASEAN Charter which was being drafted;
- (c) Adoption and signing of the Declaration of Cooperation; and
- (d) Convening the Fourth Meeting in the Philippines in January/February 2008.

A. LISTING OF FORMS AND AREAS OF COOPERATION

14. With regard to the listing of forms and areas of cooperation among the four NHRIs that may be undertaken on the five human rights themes referred to in paragraph 10 above, Third Meeting in 2007 took note and/or agreed to the following:

- (a) Lists of activities that may be carried out by the four NHRIs, either individually or jointly, with the following number of each of the five human rights themes mentioned above:
 - (i) Implementation of economic, social and cultural rights: 5 activities;
 - (ii) Enhancement of human rights education: 21 activities;
 - (iii) Human rights aspects of trafficking of persons, especially women and children: 26 activities;
 - (iv) Protection of the human rights of migrant and migrant workers: 25 activities;
 - (v) Suppression of terrorism while respecting human rights: 4 activities;
- (b) Regrouping of the overall lists into the following categories:
 - (i) Activities which should or could be carried out either individually or jointly (to be established by the Human Rights National Commission of Indonesia);
 - (ii) Mode(s) of funding (individually, jointly and/or through external resources), setting of timeframes for implementation (on-going, short-term, medium-term and/or long-term) and the setting of priorities for activities listed according to the timeframes of their implementation to be established, for each of these categories by:

- (A) National Human Rights Commission of Thailand for the themes “Enhancement of human rights education” and “Implementation of economic, social and cultural rights”;
- (B) Commission on Human Rights of the Philippines for the themes “Enhancement of human rights education” and “Human rights aspects of trafficking in persons, especially women and children”;
- (C) Commission on Human Rights of Malaysia for the theme “Protection of human rights of migrant and migrant workers”;
- (D) Human Rights National Commission of Indonesia for the theme “Suppression of terrorism while respecting human rights”.

B. SUBMISSION OF A JOINT POSITION PAPER ON HUMAN RIGHTS ASPECTS THAT SHOULD BE REFERRED TO IN THE ASEAN CHARTER WHICH WAS BEING DRAFTED

15. To be recalled that:

- (a) In 2005, the ASEAN member countries agreed that the non-legally binding instrument on the establishment of ASEAN, namely, “The ASEAN Declaration (Bangkok Declaration)”, made in Bangkok, Thailand on 8 August 1967 be replaced by a legally-binding instrument, *i.e.*, “ASEAN Charter”;
- (b) To follow-up on this decision, a group of eminent persons called “Eminent Persons Group” (EPG) was constituted in 2006 with the task of drawing up the blue print for the ASEAN Charter;
- (c) Upon the completion of the blue print for the ASEAN Charter in 2006, the ASEAN member countries decided to establish a group for the drafting of the ASEAN Charter called “High Level Task Force [for the Drafting of the ASEAN Charter]” (HLTF) tasked to draft the ASEAN Charter for submission to the ASEAN AMM in July 2007 for further approval by the ASEAN Summit scheduled for November 2007.

16. The holding of the Third Meeting of the ASEAN National Human Rights Institutions (Bali, Indonesia, 25-28 June 2007) coincided with the meeting of the HLTF referred to in paragraph 15(c) above, which also took place in Bali, Indonesia. The four NHRIs considered, therefore, that they should avail themselves of the opportunity to meet the HLTF in order to convey the common position of the four NHRIs to the HLTF on human rights aspects that should, in the view of the four NHRIs, be stipulated in the ASEAN Charter that was being drafted by the HLTF.

17. It was against the above background that the representatives of the four NHRIs met the HLTF on 27 June 2007 to submit to the latter a seven-point position contained in the document called “Position Paper of the National Human Rights

Institutions of Indonesia, Malaysia, Philippines and Thailand on Human Rights Aspects of the ASEAN Charter”. The Position Paper contains, *inter alia*, the following points:

- (a) Urging the HLTF to ensure that the principles and objectives of the ASEAN Charter should include the respect of human rights and fundamental freedoms (point 4);
 - (b) Urging that the ASEAN Charter includes a provision on the importance of the role of NHRIs in the promotion of respect for human rights and fundamental freedoms and should therefore be engaged in the realization of such principles (point 5);
 - (c) Urging that the ASEAN Charter includes a provision on the importance of the establishment of NHRIs in Member States of ASEAN which have not done so;
 - (d) Emphasizing the importance of the establishment of an ASEAN human rights mechanism and therefore appealing for support on these matters by the Eminent Persons Group through the HLTF (point 7).
18. Copy of the full text of the Position Paper is in *ANNEX I* to this document.

C. ADOPTION AND SIGNING OF THE DECLARATION OF COOPERATION

19. The text of the [draft] Declaration, which had been earlier agreed upon by the four NHRIs (see: paragraph 12 above) had to be reviewed and updated in view of new developments, particularly the drafting of the ASEAN Charter and the efforts made by the HLTF to formulate acceptable provision(s) relating to human rights in general and on ASEAN human rights mechanism in particular.

20. The Declaration is intended to serve as a general reference document for the promotion and enhancement of cooperation between the four NHRIs as well as with other NHRIs that might be established in ASEAN member countries that do not have one in addressing human rights issues of common interest and concern. It would be a policy document and would contain provisions of a general nature which manifest and affirm the intention and commitment of the four NHRIs to work together for the promotion and protection of human rights and fundamental freedoms in general and in the Southeast Asian region in particular in the form of cooperation in addressing human rights problems of common interest and concern and within the mandate and competence of every NHRI under its respective national legislation.

21. It was with that spirit that the four NHRIs agreed to lay down the cornerstones as foundation of cooperation between themselves and between other NHRIs that might be established in the future in the Southeast Asian subregion to address concrete human rights issues of common concern in the form of a declaration called “Declaration of Cooperation” which was adopted by consensus by the National

Human Rights Commission of Indonesia, the Human Rights Commission of Malaysia, the Commission on Human Rights of the Philippines and the National Human Rights Commission of Thailand at the conclusion of their Third Meeting of the ASEAN National Human Rights Institutions' Consultation Mechanism, Bali, Indonesia, 25-28 June 2007 and signed by the four NHRIs on 28 June 2007.

22. Through this Declaration the four NHRIs declare their intentions and commitments:

- (a) To do whatever possible to carry out jointly, either on bilateral or multilateral basis, programmes and activities in areas of human rights identified and agreed upon at the meetings (operative paragraph 1);
- (b) To develop gradually regional strategies within and among the four NHRIs, including advising their respective Governments to take the necessary steps to establish an appropriate ASEAN human rights mechanism and/or any organ in the ASEAN Charter (operative paragraph 2);
- (c) To further enhance the formalization of the cooperation while continuing to discuss the more specific terms of references (operative paragraph 3);
- (d) To meet regularly, at least once a year, with the host to be rotated on alphabetical basis or as otherwise agreed upon (operative paragraph 4);
- (e) To welcome and be open to considering any cooperation or joint efforts with other like-minded organizations, be they governmental or non-governmental or academic institutions, to pursue the commitments of the four NHRIs to promote respect for and protection of human rights in their respective countries, in the region and in the international community (operative paragraph 5).

23. Copy of the full text of the Declaration of Cooperation is in *ANNEX II* to this document.

D. CONVENING OF THE FOURTH MEETING OF THE FOUR NHRIs

24. The Third Meeting agreed to hold the Fourth Meeting in the Philippines in January/February 2008 to take stock the progress of cooperation since the conclusion of the Third Meeting and to considered further actions.

IV. COOPERATION AMONG THE FOUR NHRIs AND THE PROPOSED ASEAN HUMAN RIGHTS MECHANISM

25. Even though the ASEAN Charter, which is expected to be approved by the ASEAN Summit in November 2007, does, eventually, contains stipulations on ASEAN human rights mechanism, much time would be still required for the ASEAN member countries to consider the various possible subregional body or bodies that would be established as well as its or their composition and terms of reference.

26. Additionally, it should be borne in mind that, most likely, such a subregional body or bodies would be a subregional inter-governmental institution or institutions. Being inter-governmental institution or institutions, it is to be expected that such an institution or institutions would address human rights issues from governmental perspectives. Naturally, another variant would be possible such as making such a subregional body or bodies an independent institution or institutions with independent experts as its or their members and which could take decisions or make recommendations independently from governments' pressures of influences. Noting, however, the reluctance of many, if not most, Governments of ASEAN member countries to the idea of having an ASEAN human rights mechanism, the latter variant would seem unlikely to be opted by the ASEAN member countries. Even at the national plan, many, if not most, ASEAN member countries did not show interest, to say the least, of having a national human rights mechanism, such as the establishment of a national human rights institution. As may be noted that, in spite of the fact that ASEAN has existed since 1967, that its membership has increased from its original five in 1967 to ten since 1999 and that establishment of national human rights institutions was encouraged by the 1993 World Conference on Human Rights considering the important and constructive role of such institutions for the promotion and protection of human rights,³ today, in 2007, or forty years since the establishment of ASEAN, or fourteen years since the World Conference on Human Rights, or eight years since the membership of ASEAN has increased to ten States, only four ASEAN member countries that have each a NHRI (Indonesia, Malaysia, Philippines and Thailand). To these may be added the fact that, even though the ASEAN Secretariat has existed since 1976 and in spite of the fact that human rights have gained an increasing importance in the relations among nations at the international, inter-regional, regional and subregional levels, it has not until today, a special unit which deals with the promotion and protection of human rights.

27. The situation described in paragraph 24 above is not in line with the day-to-day human rights problems faced by and/or dealt with by the NHRIs which are of concrete nature, such as violations of human rights and/or fundamental freedoms, need to create or enhance human rights awareness to stakeholders, necessity to enhance human rights education to law enforcement officials and importance of subregional cooperation among NHRIs existing in the subregional concerned in addressing human rights themes of common concern, particularly those which are of transboundary or transnational nature, naturally, within the limits of their competence.

28. In the light of the circumstances described in the preceding paragraphs, NHRIs existing in the ASEAN member countries, being state-established auxiliary institutions empowered by law to carry out, *inter alia*, monitoring activities on the fulfilment of human rights and fundamental freedoms and the violations thereof become indispensable state-established instruments for these purposes. The cooperation between NHRIs in the subregion constitutes a significant mechanism in the

³ See: VDPA 1993, Chapter I, para 36.

promotion and protection of human rights and fundamental freedoms while subregional inter-state mechanism is still in the making. Once a subregional inter-state mechanism is established, the operation of such mechanism and the cooperation among the NHRIs in the subregion will be functioning in parallel and will be mutually supportive and complementary, thus strengthening national and subregional endeavours in ensuring the promotion and protection of human rights and fundamental freedoms in the subregion concerned.

V. COOPERATION AMONG THE FOUR NHRIs AND THE COOPERATION BETWEEN NHRIs IN THE ASIA-PACIFIC REGION

29. A regional organization which promote the cooperation between NHRIs in the region concerned is of significant importance as an organizational forum for exchange of information, sharing experiences, enhancement of networking, researches and studies of human rights issues of interest to all its member NHRIs, capacity-building of both members and staff of member NHRIs and enhancement of public awareness and education on human rights and fundamental freedoms. In other words, such a regional organization of NHRIs, having a large number of member NHRIs and covering a large geographical areas, is an extremely useful forum for the promotion and development of cooperation between NHRIs in the region concerned in the fields of research, study, education, training and dissemination of information on human rights and fundamental freedoms.

30. While cooperation in the fields of research, study, education, training and dissemination of information on human rights and fundamental freedoms have been and should continue to be promoted at both regional and international levels in addition to the same activities carried out at the national and/or subregional levels, monitoring of concrete violations of human rights and fundamental freedoms can only be conducted in the most efficient and effective manner of the NHRIs concerned at their respective national level or by the cooperation of NHRIs in the subregion concerned if the subject matter is of concern to all NHRIs in the subregion concerned or through bilateral cooperation, irrespective of whether they are located in the same subregion or otherwise.

31. Additionally, the priorities to be set in the promotion and protection of human rights and fundamental freedoms may differ from one subregion to another. Similarly, human rights issues which are considered as of common concern may also differ from one subregion to another. Consequently, it would be only appropriate, and even necessary, that NHRIs in the subregion could cooperate in addressing such priorities and such problems of common concern, in order to ensure that efficient and effective appropriate actions could be taken.

32. Bearing in mind the conditions described in paragraphs 28-31 above and considering their won practical experiences in handling specific human rights issues

involving some or all NHRIs in the subregion of Southeast Asia, decided that cooperation among them should be promoted and enhanced with a view to ensuring that human rights issues of common concern could be dealt with in a more speedy, efficient and effective way.

33. It is clear from the foregoing that subregional and regional cooperation between NHRIs are mutually complementing, supporting and reinforcing the efforts made by all the NHRIs concerned in the discharge of their mandate to ensure the promotion and protection of human rights and fundamental freedoms at all levels.

VI. COOPERATION AMONG THE FOUR NHRIs AND THE COOPERATION OF NHRIs AT THE INTERNATIONAL LEVEL

34. The organization of all NHRIs at the international level is the International Coordinating Committee of National Human Rights Institutions (ICC), which organizes, among others, international conferences of the ICC members Periodic meetings of all NHRIs in the world, organized bi-annually by the ICC and the Office of the High Commissioner for Human Rights (OHCHR), of which, the latest, or the eighth, was the one held in Santa Cruz, Bolivia in October 2006. Every bi-annual meeting discussed specific human rights issues and concludes by issuing a declaration stating the general position of the participants and calling for implementation, as appropriate, by NHRIs at their respective national level. The bi-annual meetings did not institute any mechanism which may monitor the implementation of their decisions at the national level.

35. The bi-annual meetings constitute, indeed, useful forums of exchange of information and experiences between participating NHRIs. The bi-annual meetings do not draw up specific programmes for implementation by individual NHRIs for the coming two year following the conclusion of the bi-annual meeting concerned, and, naturally, there is no mechanism to take stock of achievements by the NHRIs during the two-year period preceding the subsequent bi-annual meeting.

36. It was clear from paragraph 33 to 34 above that, while such bi-annual meetings are useful forum for exchange of information and views among all NHRIs in the world, they are not, however, forums for concrete cooperation for specific actions for the promotion and protection of human rights and fundamental freedoms.

37. In view of paragraphs 33-35 above and considering that there are a significant number of subregional inter-state subregional organizations and the existence of NHRIs, under whatever names in such subregions, the bi-annual meeting would also serve as information forums for participating NHRIs of subregional cooperation that might have been developing or that might be in the process of promotion and development. The four NHRIs in Southeast Asian subregion could, therefore, share their experiences in enhancing their cooperation at the subregional level.

VII. CONCLUDING NOTES

38. In the light of the foregoing paragraphs the following concluding notes may be made:

- (a) The success of NHRIs' endeavours in discharging their responsibilities for the promotion and protection of human rights and fundamental freedoms at the national level would, essentially, depend on the activities of the NHRIs themselves and other relevant conditions for such endeavours;
- (b) There are, however, certain aspects of human rights and fundamental freedoms that of interest to and of common concern of NHRIs of countries in the subregions, particularly those which are of transboundary or transnational nature, which could be addressed in a more efficient and effective manner through cooperation between the NHRIs of the subregion concerned;
- (c) Considering (b) above, for certain subregions, cooperation between the NHRIs in the subregions concerned, in the dealing with specific human rights issues of common concern would not only be useful but necessary;
- (d) In the context of the Southeast Asian subregion, the cooperation among the four NHRIs in this subregion would be supportive to the continued undertaking of the Governments ASEAN member countries to establish an appropriate ASEAN human rights mechanism;
- (e) The cooperation activities conducted by the NHRIs in a specific subregion in the Asia-Pacific region, including those in Southeast Asian subregion, would be complementary and supportive to the endeavours for the promotion and protection of human rights and fundamental freedoms at the regional level, considering that, *firstly*, not all activities for such endeavours could be undertaken at the regional level and, *secondly*, there are specific aspects of human rights and fundamental freedoms, in view of their transboundary nature and their impact to all or most of the countries of the subregion concerned, that should be handled by the NHRIs of such subregion;
- (f) As cooperation between NHRIs of a certain subregion or subregions in addressing concrete issues of human rights and fundamental freedoms of common concern to the subregion concerned, such subregional cooperation would, in fact, constitute a realization of international cooperation which refer, usually, to cooperation of a general nature on specific aspects of human rights and fundamental freedoms, the realization of which would depend on individual NHRIs, either by acting individually at the national level or through cooperation between NHRIs in a certain subregion at the subregional level.

39. In view of the preceding paragraph, subregional cooperation between NHRIs in the Asia-Pacific region should be encouraged and supported.