

OHCHR REGIONAL OFFICE FOR SOUTH-EAST ASIA

UNDP ASIA-PACIFIC REGIONAL CENTRE

**WORKSHOP REPORT: “STRENGTHENING OF SECRETARIAT SUPPORT
FOR THE ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN
RIGHTS”**

JAKARTA, 30 NOVEMBER TO 1 DECEMBER 2010

I. INTRODUCTION

From 30 November to 1 December 2010, OHCHR Regional Office for South-East Asia and UNDP Asia-Pacific Regional Centre (APRC) jointly organised a workshop on the strengthening of secretariat support for the ASEAN Intergovernmental Commission on Human Rights (AICHR). The two-day workshop was held on the premises of the ASEAN Secretariat in Jakarta, Indonesia.

The workshop had the following three objectives:

- i) To provide the AICHR secretariat staff at the national and regional level with an understanding of the process gone through in other regions regarding the development of adequate systems of secretariat support for regional human rights mechanisms;
- ii) To come up with some initial recommendations on the development of an adequate system of secretariat support for AICHR;
- iii) To raise awareness regarding the kind of support that could be offered by UNDP and OHCHR to ASEAN in the development of a credible and effective ASEAN human rights system.

The workshop provided OHCHR and UNDP with a better understanding of the capacity challenges that AICHR currently faces at the secretariat level and the potential role that UNDP and OHCHR can play in helping ASEAN overcome these challenges. The recommendations from the workshop to strengthen secretariat support for AICHR dealt with human resources development; knowledge production, sharing and dissemination; coordination and communication; and financial resources.

The participants for the workshop were persons involved in the provision of secretariat support for AICHR at the national level (from respective national governments) and the regional level (from the ASEAN Secretariat in Jakarta). (*See Annex 3 of this report for the full participants' list.*)

The resource person on the European human rights system was Professor Andrew Drzemczewski from the Council of Europe in Strasbourg, who is the Head of the Secretariat,

Committee on Legal Affairs and Human Rights of the Parliamentary Assembly. The resource person on the Americas human rights system was Professor Charles Moyer, who currently works for the Inter-American Institute of Human Rights and was previously the Secretary of the Inter-American Court of Human Rights in Costa Rica and prior to this was the Executive Secretary of the Inter-American Commission on Human Rights in Washington D.C. There was no resource person present for the African system due to a last minute cancellation. The resource person on capacity development was Ms. Heidi Han from UNDP Asia-Pacific Regional Centre. Assisting with the facilitation of the workshop were Mr. Homayoun Alizadeh (OHCHR, South-East Asia Regional Office), Ms. Sabina Lauber (OHCHR, Headquarters in Geneva), Ms. Emilia Mugnai and Mr. Daniel Collinge (both from the UNDP Asia-Pacific Regional Centre).

Day one of the workshop focused on the following areas:

- i) Gaining feedback from the participants on their expectations for the workshop;
- ii) Providing an overview of the development of secretariat support for the human rights systems in the Americas and Europe;
- iii) Locating some key reference points regarding the experiences in Americas and Europe and the challenges faced by AICHR (in terms of the provision of adequate secretariat support).

Day two of the workshop focused on the following areas:

- iv) Identifying capacity challenges of secretariat support to AICHR using UNDP's approach to capacity development and formulating possible strategies to address them in the short, medium and long term;
- v) Clarifying the potential roles of OHCHR and UNDP in supporting the development of an ASEAN human rights system. (*See Annex 2 for full agenda.*)

II. SUMMARY OF THE WORKSHOP

Day One

II.1 Opening of the workshop and survey of participants

Opening remarks were provided by Mr. Bagas Hapsoro, Deputy Secretary-General of ASEAN, and by Mr. Homayoun Alizadeh, OHCHR Regional Representative for South-East Asia. Mr. Hapsoro referred to the high expectations that now surrounded the ASEAN Intergovernmental Commission on Human Rights (AICHR) in the promotion and protection of human rights for the people of South-East Asia. He emphasised that secretariat support for AICHR must be strengthened in order to ensure that it is able to successfully implement the activities that have been listed in its five-year workplan and thus become a credible and respected human rights body. This would include adding more staff to support AICHR within the ASEAN Secretariat and also building the capacity of staff at the national and regional level. Mr. Homayoun Alizadeh, in his opening remarks, stressed the importance of a collaborative approach to developing a credible ASEAN human rights system. He highlighted that human rights was now recognised as the third pillar of the UN alongside peace/security and development, and, furthermore, that human rights was a cross-cutting issue which touched upon all aspects of daily life. Mr. Alizadeh ended his remarks by highlighting the role of the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) in working with AICHR to address the human rights challenges faced by South-East Asia.

Following the opening remarks, participants were asked to discuss in groups their expectations from the workshop and the facilitators clarified the objectives of the workshop.

The expectations mentioned by the participants included a desire to:

- Learn from other regions about the process gone through to establish secretariat support for regional human rights mechanisms in order to inform the process of strengthening secretariat support for AICHR;
- Learn how the secretariats of other regional human rights systems engage in tasks such as the promotion and protection of human rights, awareness raising on human rights, human rights education, technical assistance and capacity building, and budget management and fund raising (at the national and regional level);
- Learn about the overall functioning of other regional human rights systems and how they impact on the human rights situation;
- Learn how regional human rights mechanisms associate with other bodies within their regional intergovernmental organisations;
- Identify the strengths and weaknesses of the current system of secretariat support to AICHR and develop strategies on how to address weaknesses and build on strengths.

II.2 Presentations on the ASEAN Secretariat, ASEAN Intergovernmental Commission on Human Rights (AICHR) TOR and five-year workplan

Mr. Henry Gultom, Assistant Director of Administration, HRD, Administration, Protocol and Conference Services Division, ASEAN Secretariat, opened this session with a presentation on how secretariat support is provided within ASEAN and on the general structure of the ASEAN Secretariat. He began by giving an overview of the process of reform within ASEAN, which was directed towards the creation of an ASEAN community by 2015. He described the new organisational structure of the ASEAN Secretariat, with departments created in accordance with the three pillars of the ASEAN community (political security, economic and socio-cultural) along with a Community and Corporate Affairs Department. It was under this latter department that secretariat support for AICHR was based. Highlighting the interconnectedness of all of the departments, Mr. Gultom informed the workshop that in 2011 a Connectivity Division would be created within the ASEAN Secretariat. Regarding human resources, an additional 28 staff would be recruited in 2011, which would take ASEAN Secretariat staff levels up to 288. This increase would include an additional three staff members for the human rights work of the Secretariat.

Ms. Leena Ghosh, Assistant Director on the Promotion and Protection of Human Rights, ASEAN Secretariat, next gave a presentation on the provision of secretariat support to AICHR at the regional level. She described her first five months of being the focal point for AICHR at the ASEAN Secretariat as a matter of “fighting fires as they come” in terms of having to deal with tasks on a day-to-day basis with limited time for strategising. She emphasised the need for AICHR to develop dedicated secretariat support for AICHR, whose work would include research and producing papers for deliberation by AICHR as well as more traditional secretariat work such as keeping minutes, organising meetings and coordinating work within the regional secretariat and amongst the national secretariats. Ms. Ghosh emphasised that in order to be a credible human rights mechanism, AICHR would need to be provided with adequate secretariat support.

Ms. Ghosh informed the workshop that each official meeting of AICHR would include an agenda item on the strengthening of secretariat support for AICHR. Meetings would also consider concept papers prepared by the ASEAN Secretariat, which would include proposed activities with outside parties. In terms of the proposals put before AICHR, they needed to be in line with the spirit and vision of AICHR and its workplan.

Ms. Ghosh described how the ASEAN Secretariat also needed to become a resource centre that would be able to share relevant materials with AICHR members, as was done recently with the circulation of the report of the Special Representative of the Secretary General on human rights and transnational corporations and other business enterprises. Furthermore, it would need to develop its role in coordinating and in mainstreaming human rights in all of the various divisions of the ASEAN Secretariat. It would need to develop its role in coordinating with the national administrations, where the actual implementation of AICHR's workplan took place, as well as with other ASEAN human rights mechanisms; namely, the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Committee to Implement the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). On the point of national secretariat support, Ms. Ghosh highlighted the issues of staff turnover (with staff members rotating to work in other departments) and knowledge retention.

The main challenge faced by the ASEAN Secretariat in terms of secretariat support to AICHR was described as human resources. Ms. Ghosh explained that currently there were only two persons providing this support, and that eventually a separate unit would need to be set up. Although the Committee of Permanent Representatives (CPR) had agreed to employ two more persons under Ms. Ghosh, these persons would not be able to start until July 2011. This was a matter of concern, due to the fact that the process of drafting an ASEAN Human Rights Declaration would start in early 2011, which would require extensive secretariat support.

Another major challenge linked to the provision of human resources was that of funding, which was described as being insufficient. For instance, regarding the urgent task of developing a website for AICHR (which would be linked to the national websites), only USD 10,000 had been set aside, which would be insufficient to cover the cost of purchasing a server and employing dedicated staff to maintain the website. Regarding the receipt of funds from outside donors for promotional human rights work, Ms. Ghosh explained that a simple rules-based procedure to expedite this process was yet to be drawn up.

Regarding the approval of projects with AICHR, a rigorous process of approval was described which included consideration by a Project Appraisal Committee as well as the Committee of Permanent Representatives. Ms. Ghosh advised that project proposals should be results based proposals whereby the impact towards the building of an ASEAN Community could be easily located. In this regard, training on project and results based management for relevant staff within ASEAN member states would be important.

The role of national secretariats to the work of AICHR was described in the final presentation of this session by **Ms. Nguyen Nga Thu** from the **ASEAN Department of Vietnam's Ministry of Foreign Affairs**. Ms. Nguyen Nga Thu described how the workload, in terms of secretariat support provided to AICHR at the national level, increased dramatically upon assumption of the Chairpersonship of ASEAN (which also means the assumption of the Chair of AICHR). It was described how the national secretariat needed to ensure that communication and consultation took place with all AICHR representatives in order to obtain the required consensus for decision making. She emphasised that at the national level, as at the regional level, work involving AICHR was cross-sectoral. Substantive human rights issues required input from a variety of departments, ministries and institutions at the national level, which took time and effort. The speaker described how holding the Chair of AICHR also required substantial secretariat support to deal with the logistical burden of arranging the multitude of meetings within the country. In terms of record keeping and documentation, the speaker emphasised the important role of national secretariat staff in this regard. She mentioned that while email communication had improved the flow of information, it had also posed new challenges regarding proper record keeping of correspondence. The informal style of email communication also meant that the protocols needed for reference to more senior

government ministers were not always met. In the subsequent question and answer session, the challenge of retaining information and ensuring institutional memory in the era of email was highlighted, and the need to develop a proper system of archiving within the ASEAN Secretariat emphasised.

II.3 Secretariat support to the Americas and European regional human rights systems

After lunch, Professor Charles Moyer gave a presentation on the America's regional human rights system. The main points from the presentation and the subsequent question and answer session were as follows:

- A regional intergovernmental organisation for the Americas was first created in 1890 as primarily a trade organisation.
- The Organization of American States (OAS) was established in May 1948. At this meeting, the 21 member states adopted the American Declaration of the Rights and Duties of Man, the world's first general human rights instrument.
- The Inter-American Commission was created in 1959 at an OAS Meeting of Foreign Ministers, which was convoked due to political upheavals in the region.
- The scope of the Commission's activity was originally restricted by the principle of non-intervention, which is enshrined in Article 18 of the OAS Charter.
- It was decided that the Inter-American Commission would have only seven members, rather than a representative from each member state in order that the Commissioners would be independent (as they were not representing an individual member state).
- The Inter-American Commission met for the first time in October 1960. Its work consisted of exchanging information with governments and making proposals for measures of cooperation.
- The Commission immediately began to receive complaints alleging violations of human rights, but it was not authorized by the OAS political bodies to take individual decisions on these complaints. Nevertheless, it decided that it could not comply with its mandate by ignoring the complaints.
- During the first two decades of the Inter-American Commission's existence (1959-1979), when the hemisphere was still dominated by dictatorships, the Commission's primary work focused on carrying out on-site visits and producing country reports based on these visits. This still forms an important part of the Commission's work, with civil society providing vital information.
- Reports are always sent to the Government concerned for their observations before they are made public.
- In 1969, the OAS member states adopted the American Convention on Human Rights, a legally binding instrument that provided for an Inter-American Human Rights Court.
- The entry into force of the American Convention in 1978, which allowed the creation of the Court, has led the Commission to focus its work on the processing of individual complaints and litigating these cases before the Inter-American Court.
- The Commission continues to conduct on-site visits and presents an Annual Report to the OAS General Assembly on its work.
- The Inter-American Court exercises contentious jurisdiction over cases that have been brought first to the Commission for decision and then presented to the Court by either a state party to the Convention, or by the Commission itself, for binding legal adjudication. The Court is empowered to declare that a member state has violated an individual's human rights in a binding legal judgment that provides for reparations for the violation. The Court also has the competence to issue advisory opinions. In addition, the Court is empowered to issue provisional measures, a kind of injunction,

to protect the individual from irreparable harm until it has time to issue a judgment on the case.

- The OAS has been rather lax in enforcing compliance with the judgments of the Court.
- The Inter-American Institute of Human Rights was created as an independent international academic institution by the Inter-American Court in 1980 with the purpose of promoting and educating on human rights. It receives its funding from governments, foundations and international agencies.
- NGOs do not have to be accredited to appear before the Commission or to participate in hearings before the Court. The OAS, however, now accredits NGOs for its General Assemblies.

After the break, Professor Andrew Drzemczewski gave a presentation on the European human rights system. The main points from the presentation and the subsequent question and answer session were as follows:

- The regional arrangements for protecting human rights in Europe are extensive, involving the Council of Europe, the European Union and, to a lesser extent, the Organisation for Security and Cooperation in Europe.
- The principle of subsidiarity to national mechanisms remains fundamental.
- The most developed of these arrangements exist in the Council of Europe, with mechanisms including the European Court of Human Rights (1,625 judgments in 2009), the European Committee for the Prevention of Torture, the Commissioner for Human Rights, the European Social Charter (with a collective complaints mechanism), and the Parliamentary Assembly, composed of national parliamentarians, which has a potentially strong monitoring function.
- Under the European Human Rights Convention, the individual complaints mechanism and the Court's jurisdiction were optional before becoming obligatory with the entry into force of Protocol 11 in 1998. The Committee of (Foreign) Ministers, the Organisation's executive organ, has a key role in supervising the implementation of the Court's judgments (over 8,600 cases pending before it at the end of 2009).
- Individual complaints can only be considered following the exhaustion of domestic remedies. 95% of cases are found to be inadmissible on these grounds.
- The Court's budget has grown from 35 million euros in 2003 to 57 million euros in 2009. In 2003 the Court's budget was 19% and is now in the region of 26% of the Organisation's budget (382 permanent posts in the Court in 2004, now over 630 out of a total of 1,523 in the Council of Europe in 2004 and 1,764 in 2009).
- The Directorate General of Human Rights and Legal Affairs, which provides essential logistical support for most human rights monitoring/supervisory mechanisms, has just under 200 staff members (its predecessor, the Directorate of Human Rights, had just over 30 staff members back in 1990).
- All secretariat staff, who are civil servants, take an oath along the lines that they will not take instructions from national governments. A key to maintaining the autonomy of the secretariat staff is the provision of "jobs for life" for selected candidates following competitive examination, which enables them to stand firm in the face of political pressure if and when the need arises. National governments have nothing to do with the recruitment process. Internal rules specify that the secretariat's functions are not merely material and administrative, but also include creative tasks, co-ordination and participation in committee work. This is an important part of having a strong secretariat.
- The Secretary General presents the Organisation's Ordinary Budget for approval by the Committee of Ministers; there is a certain budgetary autonomy therein for the European Court and the Parliamentary Assembly. The budget is supplemented by

voluntary contributions by states and there are also important Joint Programmes with the EU.

- The 1948 General Agreement on Privileges and Immunities and its protocols cater for certain privileges and immunities for judges, parliamentarians and officials of the Council of Europe, with the Secretary General being assimilated to a 'head of mission' for the purposes of the 1961 Vienna Convention on Diplomatic Immunities.
- The Parliamentary Assembly, a statutory body of the Council of Europe composed of national parliamentarians from the 47 member states, plays important human rights awareness-raising ("naming and shaming") and statutory functions, including the election of Judges to the Court and the Human Rights Commissioner.
- The support provided by interns and study visitors can often be of a very high calibre; they can provide significant logistical support to staff within the Council of Europe.
- NGOs possess special 'participatory status' (formerly 'consultative status') in the Council of Europe and several human rights NGOs have observer status in key intergovernmental bodies. There is also a European Convention, of 1986, on the Recognition of the Legal Status of International NGOs.
- NGOs have played an important role in the functioning of the European system, assisting individuals to bring complaints, "third party interventions" before the Court, helping to develop human rights standards, and disseminating information on human rights standards and how best to implement them.
- The Strasbourg-based International Institute of Human Rights (<http://www.iidh.org>) undertakes, since 1969, important teaching and professional training activities, including an annual four-week intensive training session.

Following each of the presentations, participants broke up into groups to discuss some of the key take-aways from the European and the Americas experiences which could be related to the ASEAN experience. These points were written down and posted on the wall to enable participants to refer to these on day two of the workshop when they considered the strengths and weaknesses of the current system of secretariat support to AICHR and came up with recommendations on how to strengthen this secretariat support.

From the Americas presentation, the key take-aways picked out by the groups included the important role played by NGOs in the work of the regional system, the ability for all NGOs to engage with the Inter-American Commission and Court (no accreditation needed), the important role played by expert staff within the secretariat (including lawyers) in supporting the work of the Inter-American Commission, the conduct of studies by commissioners themselves with the help of lawyers, the evolution of protection mechanisms, the existence of rapporteurs to work on specific human rights issues with the support of secretariat staff, the growth in the secretariat staff over time and how this came about, the development of sustainable budgets for the secretariat, the use of interns to supplement staff capacity, and the role of the Inter-American Institute of Human Rights as a kind of think tank for the Inter-American Commission.

From the Europe presentation, the key take-aways picked out by the groups included the use of interns and secondments to support secretariat staff, the security of tenure for staff members and the privileges and immunities granted to officials and the positive impact this has on the independence and impartiality of the secretariat, the role of the Committee of Ministers in overseeing implementation of decisions and managing the budget, the importance of budgetary autonomy, the voluntary contributions made by member states, and the existence of a regional human rights court.

Day Two

II.4 Using UNDP's Approach to Capacity Development to Strengthen ASEAN Secretariat Support to AICHR

Following a recap of day one of the workshop, Ms. Heidi Han from the UNDP Capacity Development team introduced participants to UNDP's approach to capacity development and the capacity assessment framework, with reference to the capacity challenges mentioned during the presentations and discussions on the first day. The purpose of the framework was to enable the secretariat staff to systematically identify priority capacity challenges impeding AICHR from implementing its mandate and workplans. Participants also analysed why the challenges persist in order to formulate strategies to strengthen secretariat support to AICHR. The following questions served as the basis for the group discussions:

- What are the strengths of the secretariat support (both regional and national) to AICHR? (Mapping strengths of secretariat support to AICHR enables capacity development strategies to be anchored in existing capacities and to build upon past achievements.)
- What are the key capacity challenges of the secretariat support (both regional and national) to AICHR? (The priority capacity challenges deal with human resource development; knowledge management (production, sharing, and dissemination); coordination and communication; and financial resource management.)
- Why do these key capacity challenges persist? (Analysing "why" will help to ensure that the formulated strategies address the actual weaknesses or capacity gaps.)
- What are some ways to address these key capacity challenges? (Taking into consideration national contexts leads to realistic and achievable strategies to address the capacity challenges.)

The recommendations from these group discussions formed the basis of the last action planning session of the workshop entitled, "The way forward for the development of adequate secretariat support for AICHR" (see II.6).

II.5 Presentation by OHCHR and UNDP on possible support that can be provided to the ASEAN Secretariat in its capacity development initiatives

Prior to the final session, Mr. Homayoun Alizadeh and Ms. Emilia Mugnai gave an overview of the respective mandates and work areas of OHCHR and UNDP which could be of relevance to supporting the emerging ASEAN human rights system.

Mr. Alizadeh highlighted that OHCHR was the focal point for human rights within the UN system with a mandate from the General Assembly to promote and protect all human rights for all. This included providing advisory services and technical assistance to support respect for international human rights standards. With regard to support for AICHR, this could include bringing international experts to the region for human rights training, or providing relevant human rights materials and other resources as required.

Mr. Alizadeh outlined how OHCHR South-East Asia Regional Office had been engaged in supporting the emerging ASEAN human rights system since 2006. This engagement had included bringing to the region experiences and lessons learned on the establishment of regional human rights mechanisms from Africa, the Americas and Europe; the provision of technical assistance on the necessary elements of a regional human rights mechanism; study tours for key government officials, such as the visit to OHCHR Geneva Office by members of the High Level Panel drafting the TOR of AICHR; and workshops for relevant government officials, NGOs and NHRIs. He emphasised that, both through its field presences in the region and

though its headquarters in Geneva, OHCHR remained committed to supporting the development of a credible and effective ASEAN human rights system.

Ms Emilia Mugnai highlighted the mandate of UNDP to support human development with a view to eradicating poverty and achieving equitable and sustained economic growth. As part of its focus on human development, UNDP's mandate in governance was to support capable, responsive and inclusive institutions of governance; facilitate inclusive participation in democratic processes; and ground development work in international principles of human rights, gender equality and anticorruption.

Ms Mugnai provided some examples of APRC's work in governance and human rights, which included i) supporting the development of the institutional capacity of NHRIs (with OHCHR and the Asia Pacific Forum of National Human Rights Institutions); ii) Developing and supporting knowledge networks, communities of practice and web platforms to support knowledge sharing; iii) Training on the Human Rights Based Approach to access to justice; iv) Producing thematic studies and methodological toolkits (e.g. the Regional Human Development Report); v) Organising regional dialogues (e.g. on rights of indigenous peoples); and vi) Encouraging countries to engage with the international and regional human rights machinery.

Ms Mugnai highlighted UNDP's long standing partnership with ASEAN since the 1970s and outlined current initiatives of cooperation between ASEAN and UNDP. For instance, since 1993 UNDP APRC had worked closely with the ASEAN Secretariat, Cross Sectoral Cooperation Directorate, Health and Communicable Diseases Division to support ASEAN's work programme on HIV/AIDS. The focus of this support had been to promote migrants' right to health care in relation to HIV. APRC had also partnered with ASEAN in supporting the implementation of the ASEAN MDG Roadmap and partnering on the MDG Acceleration Framework, as well as working with the ASEAN Secretariat on national disaster risk reduction programming.

With regard to support to AICHR, in September 2010 APRC had co-organised with OHCHR a "Regional Dialogue on UN Engagement with the ASEAN Human Rights System". This was first time 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. One of the possible areas of engagement discussed was to support the strengthening of secretariat support to AICHR, which this workshop was the first step towards.

Finally, Ms Mugnai highlighted that, through its regional networks of experts and country office presences, UNDP stood ready to support AICHR and the ASEAN Secretariat in areas such as AICHR's thematic studies; technical support in mainstreaming human rights in the work of ASEAN, including in relation to HIV, migration, MDGs and development; institutional capacity development support to the ASEAN Secretariat, national secretariats and AICHR; knowledge sharing between ASEAN countries; assisting in accessing UNDP's regional and global resources of experts and materials; providing access to relevant experiences from other regional human rights systems; organising dialogues/consultations at the regional/national level on specific themes to support the implementation of AICHR's workplan, bringing together government officials, civil society and other actors (e.g. for the development of thematic studies, regional human rights instruments, raising awareness of AICHR); and involving AICHR and ACWC in UN country level activities, with particular focus on activities which will help to develop linkages between the regional and international human rights systems.

II.6 The Way Forward for the Development of Adequate Secretariat Support for AICHR

During this session, the recommendations from the group discussions earlier in the day (see II.4) were placed into a capacity development matrix specifying short, medium and long term strategies/activities to address the capacity gaps in secretariat support to AICHR, and dealt with human resources development; knowledge production, sharing and dissemination; coordination and communication; and financial resources. *(See Annex 1 of this report for the matrix of recommendations.)*

These recommendations will help to inform internal discussions within ASEAN on how to strengthen the secretariat support to AICHR and will be considered during the next AICHR meeting in early 2011. The recommendations will also inform the future strategies of UNDP and OHCHR in supporting the emerging ASEAN human rights system, which will be formulated following further consultations with AICHR and the ASEAN Secretariat.

II.7 Closing remarks

In his closing remarks, Mr. Homayoun Alizadeh thanked everybody for their enthusiastic participation in the discussions over the past two days, which had resulted in some concrete suggestions on the way forward in strengthening secretariat support for AICHR. He emphasised the vital role that the secretariat staff will play in the historic efforts of ASEAN to develop a regional human rights system, and expressed his hope that the initial contacts made and discussions had over the course of the past two-days would help to develop a fruitful relationship of support between the AICHR secretariat staff and OHCHR and UNDP.

III. FEEDBACK FROM THE WORKSHOP

Eleven evaluation forms were received from the participants. The average rating for the workshop was 3.5 out of 4 (1 = not at all useful, 4 = useful). From the comments provided in the evaluation forms, participants found the following aspects of the workshop useful:

- The discussions in the working groups which considered the strengths and weaknesses of the current system of secretariat support to AICHR and strategies to address the weaknesses;
- The relevant experiences provided on secretariat support from other regions;
- Coming away with recommendations on how to develop secretariat support for AICHR;
- The development of contacts and the building of confidence between staff supporting the work of AICHR, which will help to enhance future cooperation.

Participants felt that the following aspects of the workshop could have been done better:

- The presentations on the other regional human rights systems could have been more focused on the development of secretariat support, how secretariat support operates in these regions, and how specific challenges regarding secretariat support were overcome;
- Two-days was too short for the amount of material covered in the workshop;
- Some of the recommendations produced by the working groups repeated existing AICHR workplan activities.

Regarding recommendations for next steps, participants made the following suggestions:

- The need for follow-up workshops to consider progress on the workshop's recommendations;
 - Hold regular workshops and trainings on the development of secretariat support and on other areas such as human rights;
 - Develop cooperation and communication with the international community, including the UN;
 - Distribute materials from the workshop to all participants.
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Annex 1: Recommendations from the Group Discussions on Ways to Strengthen Secretariat Support to AICHR

| Quick Impact (< 1 year) | Medium (2- 3 yrs) | Long Term (>3 years) |
|--|---|---|
| Strengthening Secretariat Support to AICHR - Human Resources Development | | |
| <ul style="list-style-type: none"> • Develop job descriptions which include AICHR support as one of the core functions for national secretariat staff to ensure AICHR is a priority (<i>National Secretariats</i>) • Support staff training (including identifying civil service training institutions, academic institutions, UN agencies, graduate courses) and organise in-country/international exposure trips on such areas as human rights, research and analysis, monitoring and evaluation, results based management and strategic planning (<i>ASEC and National Secretariats</i>) • Develop Partnership Strategy with UN agencies on strengthening staffs' human rights knowledge (<i>ASEC and National Secretariats</i>) | <ul style="list-style-type: none"> • Assess the capacities of ASEAN Secretariat support to AICHR • Develop long-term human resource development strategy which includes staff development plan (technical and functional capacity development) and training needs assessment (<i>ASEC and National Secretariats</i>) • Develop training materials, including a training manual on human rights, for AICHR national and regional staff (<i>ASEC and National Secretariats</i>) • Identify e-trainings on human rights for relevant secretariat staff at the national and regional level (<i>ASEC and National Secretariats</i>) • Develop plan to recruit more staff in | <ul style="list-style-type: none"> • Allocate and secure regular funds for staff development (<i>ASEC and National Secretariats</i>) • Recruit more staff in ASEC with a view to creating a dedicated AICHR Secretariat • Develop and implement a gender mainstreaming strategy for ASEC and National Secretariats |

| | | |
|---|--|--|
| <p><i>Secretariats</i></p> <ul style="list-style-type: none"> • Identify pool of human rights experts who can engage with AICHR and ASEC on capacity development on human rights (<i>ASEC and National Secretariats</i>) • Develop standard induction booklet/CD ROM on AICHR and human rights for officers at the national level (<i>ASEC</i>) | <p>ASEC (engaging with Ex-Com -> CPR) with a view to creating a dedicated AICHR Secretariat</p> <ul style="list-style-type: none"> • Conduct Training of Trainers (ToT) on human rights using the developed training manual and e-training (<i>ASEC</i>) | |
|---|--|--|

| Quick Impact (< 1 year) | Medium (2- 3 yrs) | Long Term (>3 years) |
|--|--|--|
| Strengthening Secretariat Support to AICHR - Knowledge Production, Knowledge Sharing, Knowledge Dissemination | | |
| <ul style="list-style-type: none"> • Develop Thematic Studies Manual which includes collation of standard templates, guidelines, and Terms of Reference (TOR) to engage with human rights experts (<i>ASEC</i>) • Map out existing resources (including UN publications, relevant e-networks) and possible partners to support AICHR’s thematic studies and other work plan activities which includes training institutions, academic institutions, relevant UN agencies, and experts (<i>ASEC and National Secretariats</i>) • Map out possible partners at the national level (e.g. CSOs, NHRIs, UN agencies, academic institutions, media outlets) to support AICHR representatives’ roadshows on human rights | <ul style="list-style-type: none"> • Develop knowledge management strategy for AICHR and ASEC • Plan and prepare ASEC participation in human rights workshops, events, and conferences (exposure to human rights issues). Inform AICHR of the available human rights workshops (<i>ASEC</i>) • Participate in ASEAN sectoral meetings to 1. Raise awareness on AICHR’s role and mandate; 2. Strengthen coordination with ASEAN bodies; 3. Ensure knowledge sharing and knowledge dissemination (<i>ASEC and National Secretariats</i>) • Produce and disseminate public posters, awareness raising material on human rights issues with the assistance of partners identified in | <ul style="list-style-type: none"> • Implement knowledge management strategy for AICHR and ASEC (<i>ASEC and National Secretariats</i>) • Maintain internal database of relevant reports, documents and guidelines (<i>ASEC and National Secretariats</i>) |

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| <p><i>(National Secretariats)</i></p> <ul style="list-style-type: none"> • Identify focal points from other regional human rights systems (e.g. Africa, the Americas, Europe) for peer learning and information sharing on secretariat functions (<i>ASEC</i>) • Develop human rights events calendar, including events by member states and UN agencies (<i>ASEC and National Secretariats</i>) • Development and maintenance of regional/national website for AICHR (<i>ASEC and National Secretariats</i>) | <p>quick impact strategy (<i>ASEC and National Secretariats</i>)</p> <ul style="list-style-type: none"> • Promote exchanges among staff working to support AICHR at the national level (e.g. twinning schemes, workshops, exchanges etc) to regularize knowledge sharing and learning among colleagues in different countries and benefit from best practices and lessons learned (<i>National Secretariats</i>) • Compile a list of training institutions, academic institutions, human rights experts and other relevant actors that AICHR can refer to for their awareness raising activities • Develop internal manual for annual reporting which includes a standard template for annual report writing, and writing guidelines (<i>ASEC</i>) | |
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| Quick Impact (< 1 year) | Medium (2- 3 yrs) | Long Term (>3 years) |
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| Strengthening Secretariat Support to AICHR - Coordination and communication | | |
| <ul style="list-style-type: none"> • Clarify roles and responsibilities (e.g. clear job descriptions at the national level) to support AICHR (<i>National Secretariats</i>) • Organise meetings between individual AICHR representatives and national agencies/institutions mandated to do human rights promotion and protection work as well as CSOs, UN agencies and academic institutions in order to share information and coordinate activities | <ul style="list-style-type: none"> • Develop coordination and communication mechanisms and procedures between national secretariat, ASEAN Secretariat and AICHR (<i>ASEC and National Secretariats</i>) • Enhance communication and coordination with ASEAN Sectoral Bodies through regular meetings and the establishment of protocol for regular information sharing (<i>ASEC</i>) | <ul style="list-style-type: none"> • Operationalize coordination and communication mechanism and monitor and evaluate impact of mechanism (<i>ASEC and National Secretariats</i>) • Involve and engage with higher levels of government to prioritize AICHR in national level work plans and mainstream human rights (<i>National Secretariats</i>) • Develop intranet space or web-space for national secretariats and ASEC to communicate, share and respond to inquiries, update each other, etc. (<i>ASEC and National Secretariats</i>) |

| Quick Impact (< 1 year) | Medium (2- 3 yrs) | Long Term (>3 years) |
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| Strengthening Secretariat Support to AICHR – Financial resources | | |
| <ul style="list-style-type: none"> Map out possible donors to support AICHR’s promotion of human rights (<i>ASEC and National Secretariats</i>) | <ul style="list-style-type: none"> Develop partnership strategy which includes mapping possible stakeholders in implementing certain activities contained in AICHR’s work plan (<i>ASEC and National Secretariats</i>) Develop fundraising and resource mobilization plan which includes engagement plan for development partners (e.g. UN) (<i>ASEC and National Secretariats</i>) | <ul style="list-style-type: none"> Establish a mechanism to support the governance of multi-donor programmes. The mechanism is a means of managing donor interest in a way which minimizes transaction costs and maximizes results (<i>ASEC</i>) |

Annex 2: Workshop agenda

Workshop on Secretariat Support for AICHR, 30 Nov – 1 Dec 2010

| Day 1 | |
|---------------|---|
| 9.00 – 9.30 | <p>Opening and Welcome</p> <ul style="list-style-type: none"> - Deputy Secretary-General of ASEAN, Mr. Bagas Hapsoro - OHCHR Regional Representative for South-East Asia, Mr. Homayoun Alizadeh |
| 9.30 – 9.45 | Introduction of resource persons and participants, and aims of the Workshop |
| 9.45 – 10.30 | <p>Survey of participants</p> <ul style="list-style-type: none"> - What are your expectations from the Workshop? - What areas would you like to receive support in with regard to your work with AICHR? - What would you most like to learn from the other regional experiences? |
| 10.30 – 10.45 | Break |
| 10.45 – 12.00 | <p>Presentations on the ASEAN Secretariat, AICHR's TOR and five-year workplan:</p> <ul style="list-style-type: none"> - Mr. Henry Gultom, Assistant Director of Administration, HRD, Administration, Protocol and Conference Services Division, ASEAN Secretariat - Ms. Leena Ghosh, Assistant Director on the Promotion and Protection of Human Rights, ASEAN Secretariat - Ms. Nguyen Nga Thu, ASEAN Department, Vietnam's Ministry of Foreign Affairs |
| 12.00 – 13.15 | Lunch |
| 13.15 – 14.30 | <p>Secretariat support to the Americas' regional human rights mechanisms</p> <ul style="list-style-type: none"> - Presentation by Professor Charles Moyer¹ (25 min) - Question and answer (15 min) - Discussion within groups on key take aways from the Americas' experience that apply to secretariat support for AICHR (15 min) - Groups post key take aways onto board (10 min) - Facilitator and the Americas expert review the board (10 min) |

¹ **Professor Charles Moyer** is currently the Director of Administration and Finances at the Inter-American Institute of Human Rights. Previously, he was the Secretary of the Inter-American Court of Human Rights in Costa Rica and served as the chief administrative officer of the Court. Prior to this, he served as the Executive Secretary of the Inter-American Commission on Human Rights in Washington D.C. and was responsible for the day to day functioning of the secretariat. Professor Moyer has also worked as an Adjunct Professor at Washington College of Law on the International Protection of Human Rights and is a member of the State Bar of California.

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| 14.30 – 14.45 | Break |
| 14.45 – 16.00 | <p>Secretariat support to Europe’s regional human rights mechanisms</p> <ul style="list-style-type: none"> - Presentation by Professor Andrew Drzemczewski² (25 min) - Question and answer (15 min) - Discussion within groups on key take aways from Europe’s experience that apply to secretariat support for AICHR (15 min) - Groups post key take aways onto board (10 min) - Facilitator and the Europe expert review the board (10 min) |
| 16.00 – 16.40 | <p>Review of day one</p> <ul style="list-style-type: none"> - Each group presents two or three key take aways from the day (30 min) - Wrap up and look forward to day two (10 min) |

| Day 2 | |
|------------------|--|
| 9.00 – 9.15 | Recap of day one and outline of day two |
| 9.15 – 10.15 | <p>Presentation on capacity assessment framework and case studies</p> <ul style="list-style-type: none"> - Instructions for forthcoming group sessions are provided |
| 10.15 – 10.30 | Break |
| 10.30 – 12.00 | <p>Groups identify and discuss the capacity areas that require strengthening with regard to the ASEAN Secretariat support to AICHR and develop preliminary ideas on how to address them</p> <ul style="list-style-type: none"> - Groups will be assisted by resource persons from the three regions along with OHCHR and UNDP - Each group to identify rapporteur and presenter - Each group will discuss the following issues: <ul style="list-style-type: none"> - What are the strengths of the secretariat support (both regional and national) to AICHR? - What are the key capacity challenges of the secretariat support (both regional and national) to AICHR? (Identify minimum of three key challenges) - Why do these key capacity challenges persist? - What are some ways to address these key capacity challenges? |
| 12.00 – | Lunch |

² **Professor Andrew Drzemczewski** works for the Council of Europe in Strasbourg and is the Head of the Secretariat, Committee on Legal Affairs and Human Rights of the Parliamentary Assembly. He was previously responsible for the launch of the Committee of Ministers’ monitoring procedures (compliance with commitments accepted by member States), and was secretary to the informal working party on Protocol No. 11 of the European Convention on Human Rights, having previously been a key staff member involved in the drafting of the said Protocol. Professor Drzemczewski also works as a Legal Correspondent for *The Times* newspaper, and is a Visiting Professor at Strasbourg University’s Faculty of Law.

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| 13.15 | |
| 13.15 – 14.45 | <p>Groups present back to plenary followed by discussion</p> <ul style="list-style-type: none"> - 15 minutes per group for presentations - Key messages of the presentation should focus on the four main issues above - Q/A for clarification |
| 14.45 – 15.00 | Break |
| 15.00 – 15.30 | Presentation by OHCHR and UNDP on possible support that can be provided to the ASEAN Secretariat in its capacity development initiatives |
| 15.30 – 16.30 | Discussion on the way forward for the development of adequate secretariat support for AICHR |
| 16.30 – 16.45 | <p>Closing remarks</p> <ul style="list-style-type: none"> - OHCHR Regional Representative for South-East Asia, Mr. Homayoun Alizadeh |

Annex 3: List of Participants

| No. | Full name | Contact information |
|------------------|-----------------------------------|--|
| Cambodia | | |
| 1. | Mr. Panhha Orn | Assistant to Cambodia Representative to AICHR Cambodia Human Rights Committee No.3, St. VI.13 Tuol Kork Village, Sangkat Tuol Sangke, Khan Russey Keo, Phnom Penh panhha_orn@yahoo.com Tel. +855 23 882065, Fax. +855 23 882065 |
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| Indonesia | | |
| 3. | Mr. Ernesto Simanungkalit | Directorate General of ASEAN Cooperation, Ministry of Foreign Affairs Jl. Pejambon no. 6 Jakarta simanungkalitbintang@gmail.com Tel. 350 9052, Fax: 350 9053 |
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| Malaysia | | |
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| Myanmar | | |
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| Thailand | | |
| 17. | Mr. Chombhala Chareonying | Deputy Permanent Representative/Minister of the Permanent Mission of Thailand to ASEAN |

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| 23. | Mr. Charles Moyer | <p>Inter-American Institute of Human Rights Apartado 10081 – 1000 San Jose, Costa Rica cmoyer@iidh.ed.cr</p> |

| | OHCHR | Contact information |
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| 24. | Mr. Homayoun Alizadeh | <p>Regional Representative for South-East Asia Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for South-East Asia ESCAP, UN Secretariat Building 6th Floor, Block A Rajdamnern Nok Avenue, Bangkok 10200, Thailand Tel: +662 288 1496, Fax: +662 288 3009 Alizadeh@un.org</p> |
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