**SUMMARY REPORT**

**AICHR Cross-Sectoral Dialogue on the Effective Implementation of ASEAN Commitments on Human Rights of Women and Children**

Nusantara Room, ASEAN Secretariat, Jakarta, Indonesia
25 August 2023, 09:00 AM – 12:30 PM, Hybrid

**INTRODUCTION**

1. The AICHR Cross-Sectoral Dialogue on the Effective Implementation of ASEAN Commitments on Human Rights of Women and Children was organised by the ASEAN Intergovernmental Commission on Human Rights (AICHR) Indonesia which aimed to (a) take stock of the experiences and challenges in protecting the rights of women and children in ASEAN; (b) study ASEAN’s commitments and initiatives in protecting the rights of women and children in the region; and (c) explore the possibility of establishing a mechanism for inter-sectoral cooperation to strengthen the protection framework for women and children in ASEAN. The **Program** appears as **ANNEX 1**.
2. This project is part of the AICHR 2018 Priority Programme. The concept note was adopted on 18 July 2019. Due to COVID-19, this event could not be implemented immediately.
3. The activity collected and documented initiatives of the ASEAN Sectoral Bodies and Entities in upholding the rights of women and children in the ASEAN Community. The complete **List of Participants** appears as **ANNEX 2.**

**OPENING SESSION**

1. **H.E. Wahyuningrum**, Chair and Representative of Indonesia to the AICHR, presented the context, aims, and objectives of the dialogue. She emphasised the importance of exchanging experiences and ideas on how to best integrate the rights of women and children in the work of different ASEAN Sectoral Bodies (ASBs). While AICHR already discussed some of the recommendations set forth in the study, it intends to follow up on the need to elaborate on the coverage (i.e., from ‘girls’ to ‘children’) and the roles of other bodies in the ASEAN community.

**SESSION #1: OVERVIEW OF THE AICHR STUDY ON HUMAN RIGHTS PROTECTION MECHANISMS FOR WOMEN & GIRLS IN THE SOUTHEAST ASIAN REGION: AN EXPLORATORY STRATEGY PAPER FOR THE AICHR: ANALYSIS, FINDINGS, AND RECOMMENDATIONS**

1. **H.E. Prof. Dr. Aishah Bidin**, the Representative of Malaysia to AICHR, chaired this session. She provided the context of ASEAN with respect to the promotion and protection of women's and children’s rights in the region and its available instruments and initiatives vis-a-vis international commitments. H.E. Prof. Dr. Bidin highlighted the distinction between recognition and operationalisation of such rights. While ASEAN Member States (AMS) have signed conventions pertinent to the rights of women and children, their practices on the ground may not be reflective of such commitments. She noted the methodology employed by the study which involved civil society organisations in the Philippines and other multi-sectoral consultations across the region.
2. **H.E. Hans Mohaimin Lim Siriban**, the Representative of the Philippines to AICHR, delivered the overview of the AICHR study on human rights protection mechanisms for women and girls in the Southeast Asian region. The paper is a product of a 2015 regional workshop organised by AICHR Philippines. The said activity culminated in a strategy paper that provides conceptual guidance on how AICHR can improve its protection mandate and engage relevant stakeholders, particularly in advancing the welfare of women and children. The paper recognises the key role of AICHR in the promotion and protection of women’s and girls’ rights amidst criticisms of duplication or overlapping of functions with other sectoral bodies. The paper argues that AICHR’s leadership can help better operationalise commonly held international and regional declarations and concretise its commitment. It also discusses shared contexts and women’s rights issues in Southeast Asia which give important insights on what AICHR must address. The paper also explored the human rights protection mechanisms in the region and notes that AICHR’s promotion and protection mandates have to be sensitive to regional contexts and state particularities. It must learn to navigate regional responsibility vis-a-vis state sovereignty and non-interference.
3. He also explained that the paper also proposed specific human rights mechanisms: (a) AICHR Working Group on Women and Girls’ Human Rights (AWG WGHR); (b) Special Procedure, AICHR Rapporteur on Women and Girls’ Human Rights; (c) Special Procedure, Independent Experts; (d) ASEAN Inter-Sectoral Bodies Technical Working Group on Women and Girls’ Human Rights; and (e) ASEAN Protocol on the Promotion and Protection of the Human Rights of Women and Girls. The study concludes with the following points: (a) creating protection human rights mechanisms for women and girls must complement rather than duplicate efforts that operationalise international treaty obligations; (b) strategically use CEDAW GRs and the Ha Noi Declaration on the enhancement of welfare and development of ASEAN Women and Children to frame women and girls’ rights in various efforts toward ASEAN Community-Building; (c) in light of the ASEAN way of ‘constructive engagement,’ optimise AMS peer learning and review without ‘naming and shaming’ the object of engagement; and(d) strategically maximise the dialogue-based process and act as a conduit/bridge between civil society organisations (CSOs) and AMS on women’s human rights, particularly, in light of creating human rights protection mechanisms. In its Special Meeting on 2-5 August 2015 in Kuala Lumpur, Malaysia, AICHR discussed the recommendations of the exploratory paper. AICHR sought to develop possible mechanisms for cooperation on the *AICHR Working Group on Human Rights of Women and Girls and ASEAN Intersectoral Bodies Technical Working Group* on the Human Rights of Women and Girls. H.E. Siriban emphasised that the dialogue wanted to elaborate on and also expand the coverage of protection mechanisms from ‘girls’ to ‘children’.
4. After the presentation, the floor was opened for questions, comments, and input from the participants. The representative of the ASEAN Commission on the Promotion and Protection of the Rights of Women (ACWC) sought more information on the recommendation of creating a working group considering that their office had already established several working groups as well. She further asked how AICHR and ACWC can complement each other’s structures and systems in order to avoid duplication.
5. The representative of the ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) noted that the study does not include the outcomes of the recent AICHR consultation on violent extremism and the gender dimension of violence.
6. H.E. Siriban, the representative of the AICHR Philippines, responded that the context of the paper is 2015. As observed, the study references older declarations and systems. There is no intention to miss out on recent developments within sectoral bodies such as ACWC and emerging issues in human rights.
7. The representative of AICHR Malaysia raised the challenges in the protection mandate and how it can be reconciled considering the present set-up of AICHR. The organisation currently is not vested with expressed powers, such as handling complaints or the conduct of an investigation, which are supposedly necessary steps in ensuring protection.
8. H.E. Siriban agreed that the AICHR, by design, is constrained in its protection mandate. AICHR has institutional mechanisms that define how it functions. But also highlighted that the ASEAN, as an institution, looks at AICHR with an evolutionary approach. For now, most activities are leaning toward the promotion mandate. AICHR recognises this fact and hence pursues initiatives that examine how it can improve its protection mandate. H.E. Siriban noted AICHR’s study under Cambodia’s chairmanship as an example. The study explored how it can strengthen, elaborate, and expand its protection mandate. Copies of the study were relayed to the foreign ministers of the AMS to collect their views and recommendations. H.E. Siriban also noted that the AICHR views the implementation of human rights through the ASEAN Sectoral Bodies. He emphasised continuing the habit of dialogue.
9. H.E. Wahyuningrum, Chair and Representative of Indonesia to AICHR, also raised her views and input. Considering the previous set-up and the existence of Sectoral Bodies that tackle the issue, the AICHR preferred the recommendation of creating the ASEAN Intersectoral Bodies Technical Working Group on the Human Rights of Women and Girls. It is crucial to remember that the context of the study is years ago. Thus, dialogue is important now. What are the ASBs doing in order to promote the rights of women and children? What can be done in order to coordinate work? With regard to the topic of violent extremism, H.E. Wahyuningrum posited that perhaps it was not a major agenda of the ASEAN then, which is why it was not considered in the study. She also further expressed that she interprets 4.10 of AICHR’s Terms of Reference as the basis of its protection mandate but recognised that not all representatives agree.
10. H.E. Prof. Dr. Aishah Bidin, the Representative of Malaysia to AICHR, indicated the significance of understanding the historical context of the issue at hand and articulated the necessity for AICHR to build on existing mechanisms in developing ASEAN norms and standards on human rights.

**SESSION #2: ASEAN CROSS-SECTORAL INITIATIVES RELATED TO THE RIGHTS OF WOMEN AND CHILDREN: PROGRESSES, CHALLENGES/BARRIERS, AND WAYS FORWARD IN IMPLEMENTING ARTICLE 4 OF THE ASEAN HUMAN RIGHTS DECLARATION (AHRD)**

1. **H.E. Wahyuningrum**, Chair and Representative of Indonesia to the AICHR, chaired this session. The session was allotted for the Sectoral Bodies to share their activities and efforts relevant to the rights of women and children. Before the presentations, she shared the experiences and practices of the Inter-American Commission on Human Rights which collects reports and data on the state of women from each member-state. She also clarified that the body does not comment, assess, or evaluate the reports submitted, but only facilitates its submission and consolidation. In contrast, AICHR currently does not have access to reports written by member-states.
2. The first sharing for this session was given by **H.E. Datuk Dr. Maziah Binti Che Yusoff**, the Chair of the ASEAN Senior Official Meeting on Social Welfare and Development (SOMSWD) and the Vice-Chair of the ASEAN Committee on Women (ACW). She began by expressing SOMSWD’s confirmation of the commitment of the ASEAN to promote the rights and welfare of persons with disabilities. She notes that the paradigm of disability inclusion has been incorporated into all pillars of the ASEAN community. Disability rights are also a priority under the Indonesian Chairmanship and the aim of providing effective social services, especially for vulnerable groups. H.E. Yusoff indicated that SOMSWD conducts activities that contribute to the realisation of the ASEAN Socio-Cultural Community (ASSC) Blueprint 2025. The body has pioneered a regional policy framework that lays down guiding parameters for national policies. It has also made the rights of vulnerable groups, such as children with disabilities, a priority in its efforts and initiatives. H.E. Yusoff also shared about ACW’s active contributions to research through analytical studies that seek to identify and understand the challenges that women face in the ASEAN region. She cited ACW’s publication entitled ASEAN Gender Outlook which found that women in the region face multiple disadvantages in their social, economic, and political life.
3. The second speaker was **Mr. Nay Win**, the Chair of the ASEAN Senior Officials Meeting on Youth (SOMY). He talked about the ASEAN Work Plan on Youth 2021-2025 as SOMY’s contribution to the promotion and protection of women and children in the region. He cited the significance of raising awareness of ASEAN values and strengthening the ASEAN identity. SOMY implements different interactive and empowering initiatives such as leadership and exchange programs, technical assistance, training of trainers (ToTs), and capacity development workshops, particularly on education and job preparedness. Mr. Win also emphasised that it is crucial to help prepare young people to successfully face contemporary challenges such as the COVID-19 pandemic and the immense technological advancements of today. He ended his sharing with a recommendation to coordinate efforts using evidence-based strategies in order to effectively integrate human rights into the youth sector in the ASEAN region.
4. **Mr. Nugroho** represented the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). He began his sharing with pertinent data on the status and conditions of migrant workers. Women, in particular, face numerous challenges such as a lack of familiarity with (a) the local language in their country of destination and (b) knowledge of public services. Women also often experience discrimination from service providers and even confront violence. Due to the economic dependency of their families, women often fear seeking legal regress as this might affect their income or work. Children in countries of origin often struggle due to limited parental affection and attention and also face social concerns like stigmatisation, bullying, and school disengagement. Children in destination countries, on the other hand, often do not have the proper documents which constrains their access to education and other social services. They often rely on informal networks such as study groups organised by community-based and non-government organisations. To help address these issues, the ACMW formulated a work plan and implemented corresponding programs, projects, and activities. Mr. Nugroho mentioned some initiatives in line with the Work Plan. Vietnam led a study on the laws and policies for women migrant workers in ASEAN member states. Indonesia also hosted a workshop on the fulfilment of access to education for children of migrant workers. Mr. Nugroho recommended (a) enhancing collaboration, particularly in the area of data collection; (b) mainstreaming issues of women migrant workers and their children into regional cross-sectoral agendas; and (c) encouraging vital collaboration among all stakeholders at bilateral and regional levels.
5. H.E. Ratchada Jayagupta, the representative of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) Thailand posed a question asking whether or not ACMW has developed a specific regional mechanism to address violence against migrant workers or to protect migrant workers in distress.
6. The representative of the AICHR Philippines sought further information on the ASEAN Gender Outlook mentioned by the ASEAN Committee on Women (ACW) in their presentation. H.E. Siriban asked whether the report was a form of country submission or a product of the office itself. He also inquired about the process of information collection and the frequency of publication. In response, the representative from ACW clarified that the ASEAN Gender Outlook was a one-off initiative under its Work Plan and was published in 2021. ACW is currently working with UN Women in order to expand it to ASEAN Gender Outlook 2.0. She further clarified that the report was based on existing primary and secondary data and no country reports were received. After the report was drafted, it was sent to ASEAN Member States for concurrence.
7. The fourth speaker was **H.E. Dr. Ratchada Jayagupta** of the ACWC Thailand. She enumerated the different accomplishments of ACWC that contribute to the implementation of Article 4 of the ASEAN Human Rights Declaration. ACWC has established itself as a highly specialised and credible ASEAN body and has led and co-led key ASEAN regional frameworks (e.g., ASEAN RPA on EVAW, EVAC, COEA, CCCM, ASEAN RPA on WPS & AGMSF). It also delivers key outputs on advocacy, collaboration, mainstreaming, and capacity-building. ACWC also plays a significant role in setting the policy agenda of ASEAN on women's and children’s rights. It has pioneered action research that contributed to evidence-based policy and program development and steered development cooperation with ASEAN’s partners. It also raised increased awareness of the necessity of promoting and protecting the rights of women and children by expanding its public outreach. In terms of opportunities and challenges, ACWC identifies the following: the necessity to properly manage and develop the ASEAN database, sharing and utilisation of successful experiences, the sensitivity of some thematic issues that affect consensus among ASEAN Member States, and the identification of gaps and spaces for cooperation with other ASEAN Sectoral Bodies for resource mobilisation. ACWC addressed these recommendations to AICHR to better integrate with the work of ACWC: (a) provide resourceful insights, reflections, recommendations, good and best practices, and lessons learned assisting and support the implementation of planned key outputs and advise strategic approaches/milestones in delivering the expected outcome of the key outputs especially the ones that AICHR is co-leading with ACWC; (b) collaborate in ensuring coherence of and gender and human rights mainstreaming in any regional recommendations, frameworks, and high-level commitments; and (c) mutually support each other's efforts and engagement in international human rights forums, workshops, training, dialogues, meetings as well as any relevant research studies and project components and expand each other’s network to assist in the mobilisation of support.
8. **H.E. Yanti Kusumawardhani**, the Chair of ACWC posed an additional recommendation on making the dialogue across ASEAN Sectoral Bodies regular in order to discuss achievements, progress, and updates. The dialogue can be annual or biannual. From these discussions, we are able to identify opportunities for collaboration and increase our resources. It also helps ensure that the instruments developed by ACWC are truly beneficial for other Sectoral Bodies.
9. The fifth speaker was **CAPT. (Navy) Hanurany Tambunan**, a representative of the ASEAN Defence Senior Official Meeting (ADSOM). She noted the two avenues available within ADSOM for dialogue and decision-making in the area of defence and security cooperation: the ASEAN Defence Ministers' Meeting (ADMM) and the ASEAN Defence Ministers' Meeting + 8 (ADMM Plus), a platform for ASEAN and its eight Dialogue Partners which are Australia, China, India, Japan, New Zealand, Republic of Korea, Russia and the United States. Capt. Tambunan talked about the Joint Statement by the ASEAN Defence Ministers’ Meeting Plus on Women, Peace, and Security as the primary contribution of ADSOM to the promotion and protection of women's and children’s rights. She highlighted the following recommendations for future collaborations: (a) sharing of experiences that is needed on the ground; (b) strengthening of institutional capacities and partnerships; (c) identifying gaps and potential collaborations; (d) enhancing practical cooperation and dialogue; (e) ensuring equal participation of women and men in all policy discussions, capacity-building activities, and participation in all national and regional activities; and (f) ensuring the collection of gender data for all data collection during the design, implementation, and monitoring and evaluation phases of all activities.
10. **Mr. Phonesavanh Vanmixay**, the Representative of the Senior Officials Meeting of the ASEAN Ministers on Agriculture and Forestry (SOM-AMAF), served as the sixth speaker for this session. He highlighted that SOM-AMAF has committed to gender mainstreaming in its work, policies, and programs. In particular, it follows the ASEAN guidelines on responsible investment in food, agriculture, and forestry and the ASEAN declaration on the elimination of child labour. Mr. Vanmixay also talked about the opportunities and challenges experienced by SOM-AMAF, including (a) limited self-improvement and motivation; (b) weakness of information exchange from the persons responsible for gender work within the organisation; (c) management and monitoring of gender information is not strong in central and local levels; and (d) constrained access to gender information and collaboration in the agricultural, forestry, and rural development sectors.
11. The seventh and final speaker for this session was **H.E. I Gusti Agung Wesaka Puja**, theExecutive Director of ASEAN-IPR. He began his sharing with the note that the ASEAN Anthem does not make any reference to human rights. He also agreed with H.E. Wahyuningrum that many things can be learned from the experience of the Inter-American Commission on Human Rights. H.E. Puja emphasised that there is no need to reinvent the wheel as strong commitment to human rights is apparent with the ASEAN Human Rights Declaration and the fact that ASEAN Member States are signatories to different international human rights conventions. AICHR may extract reports from existing mechanisms or publications, such as the reportorial submissions for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). AICHR can maximise ‘lowest hanging fruits’ and come up with a compendium or compilation of such reports. He notes that making these reports available is a crucial element of the protection mandate. Finally, H.E. Puja underscored that the outcomes of the AICHR consultation on the prevention of violent extremism must be injected into future discussions.
12. The representative from AICHR Lao PDR manifested agreement with the inputs of H.E. Puja in order to unburden ASEAN Member States with the demands of reporting. It is important to maximise existing data banks and databases and pick up from existing country reports. H.E. Chanthalangsy also mentioned that Lao PDR’s AICHR Chairmanship hopes to organise two workshops related to the topic. One workshop will be to share best practices on the implementation of treaties which ASEAN Member States are parties to. Another workshop is intended to share best practices on the implementation of recommendations made through the Universal Periodic Review (UPR) of the UN Human Rights Council. He also noted the prevalence of international law over national law, such that, even in the absence of a national law on the rights of women and children, the international law or convention may apply.
13. H.E. Wahyuningrum, Chair and Representative of Indonesia to the AICHR, responded to the inputs from the representative of AICHR Lao PDR. She stated that AICHR will not be able to collect reports for all ASEAN Member States since the cycle of reporting for the UPR and Treaty Bodies varies. There are logistical challenges on how to put the reports together and how to generate analysis considering that the years are different. On the prevalence of international law, H.E. Wahyuningrum cautioned that it depends on the legal system of the country, whether they adopt monism or dualism.
14. The representative ASEAN-IPR raised another manifestation stating that the difference in years in reporting should not hinder AICHR from using existing data.
15. H.E. Wahyuningrum summarised the suggestions regarding reporting. AICHR can gather data either from ASEAN Sectoral Bodies or the ASEAN Member States.
16. The representative of AICHR Philippines inquired about the possible scope of convergence and complementarity for ACWC and AICHR in regular cross-sectoral dialogues. In response, the ACWC representative expressed that the cross-sectoral dialogues are not in place yet. This can be planned ahead and see how ACWC and AICHR can work together and finally invite other ASBs.
17. H.E. Wahyuningrum also noted that aside from organising dialogues, AICHR can also host knowledge-sharing sessions on recent developments in human rights conventions (e.g., new general comment on CRC). AICHR can also help inform or capacitate other ASEAN Sectoral Bodies. From these engagements, ASBs can decide how they can integrate human rights into their work. It could be at the policy level or as an approach to policy implementation.
18. The representative of ACWC acknowledged that using existing reporting mechanisms is helpful. But also suggested the deployment of a brief survey distributed to all ASBs as a starting point for further discussions on human rights initiatives and issues.

**SESSION #3: SUMMARY OF THE PROGRESS AND BARRIERS IN PROTECTING THE RIGHTS OF WOMEN AND CHILDREN IN THE REGION AND WAYS FORWARD**

1. The Human Rights Division of the ASEAN Secretariat provided the synthesis of the dialogue, noting highlights and important points:

	1. On 27-29 March 2015, the Philippines hosted the AICHR’s Regional Workshop on Strengthening AICHR’s Protection Mandate by Exploring Strategies to Protect Women and Girls from Violence in ASEAN in Manila, Philippines. The initiative culminated in a document entitled ‘Human Rights Protection Mechanisms for Women and Girls in the Southeast Asian Region: An Exploratory Strategy Paper for the ASEAN Intergovernmental Commission on Human Rights (AICHR)’.
	2. The Exploratory Strategy Paper emphasises that women's rights are human rights. It provided the answers to the ‘why, what, and how’ questions on complementarity among human rights mechanisms in ASEAN, gender mainstreaming as a cross-pillar and cross-sectoral issue, noting that all ASEAN Member States are parties to CEDAW. It also brought the rhetoric to something operational–how AICHR can respond to women’s human rights issues. It also posited that the absence of “punitive enforcement” (e.g., European human rights mechanisms through their Human Rights Court) does not mean having no mechanism to generate compliance.
	3. The study has five recommendations: (a) AICHR Working Group on Women and Girls’ Human Rights (AWG WGHR); (b) Special Procedure, AICHR Rapporteur on Women and Girls’ Human Rights; (c) Special Procedure, Independent Experts; (d) ASEAN Inter-Sectoral Bodies Technical Working Group on Women and Girls’ Human Rights; and (e) ASEAN Protocol on the Protection of the Human Rights of Women and Girls.
	4. The concluding insights of the paper were: (a) create protection human rights mechanisms for women and girls that complement rather than duplicate efforts; (b) use CEDAW General Recommendations and Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children; (c) optimise AMS peer learning and review without naming and shaming; and (d) continue dialogue based-process process and act as a conduit/bridge between CSOs and AMS on women’s human rights, particularly, in light of creating human rights protection mechanisms.
	5. The following is the summary of progress, challenges or barriers, and ways forward in implementing Article 4 of the ASEAN Human Rights Declaration in ASEAN Sectoral Bodies and Entities.

		1. The enablers, progress, or opportunities are:

			1. There is availability of various instruments on women and children since the Paper/Study was developed, including various relevant thematic issues such as preventing and countering violent extremism.
			2. All ASEAN Member States are state parties to CEDAW.
			3. Extensive work is being done by ACW and ACWC on women and children, including the establishment of technical working groups on women and children which can be leveraged.
			4. An evolutionary approach to the work of AICHR and other human rights mechanisms is being employed.
		2. The primary challenge is the continued debate on protection mandates of human rights mechanisms in ASEAN which affects implementation and resources.
		3. The ways forward highlighted by the representatives are as follows:

			1. To operationalise the rhetoric, technical working groups must be formed or established.
			2. Look into the possibilities of creating databases or reports on the situation of women and children in ASEAN.
			3. Continue the discussion on forming an inter-sectoral cooperation mechanism to strengthen the protection framework for women and children in ASEAN.

**CLOSING SESSION**

1. **H.E. Hans Mohaimin Lim Siriban**, the Representative of the Philippines to AICHR, delivered the closing remarks of the event. He underscored the importance of updating, including giving suggestions, between and among AICHR and the ASBs. The existing and potential cross-sectoral collaboration must be maximised and enhanced. Closer collaboration with other human rights sectoral bodies (e.g., ACWC) will help strengthen and streamline efforts for women and children. Identifying opportunities for collaboration is key while hoping to add value to each other’s activities and initiatives.