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## Human Rights Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Report of the High Commissioner containing the conclusion of the 15th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (21 to 23 April 2010)\*\*

### *Summary*

The 15th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region was held in Bangkok from 21 to 23 April 2010.

The present report summarizes the discussion during the 15th Workshop. The Workshop reviewed progress achieved since the 14th Workshop in Bali, Indonesia in the four areas under the Tehran Framework of Regional Technical Cooperation Programme for Asia and the Pacific (Tehran Framework), namely: (a) national human rights action plans; (b) national human rights institutions; (c) human rights education; and (d) the right to development and economic, social and cultural rights.

In addition, discussions were held on the theme of “Strengthening regional human rights mechanisms by sharing good practices and experiences”. Participants reviewed current regional and subregional human rights initiatives in the Asia-Pacific region which open new possibilities for cooperation. The Workshop was concluded with the adoption of the Bangkok Action Points, which are annexed to the present report

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\* Late submission.

\*\* The annex to the present report is reproduced as received.

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## I. Introduction

1. The 15th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region was held in Bangkok from 21 to 23 April 2010. It was attended by 71 participants, including 31 Member States from the region, as well as representatives of subregional organizations, national human rights institutions (NHRIs), United Nations agencies and programmes, and non-governmental organizations.<sup>1</sup> The theme proposed by Thailand and accepted by Member States for the Workshop was “Strengthening regional human rights mechanisms by sharing best practices and experiences”.

2. In preparation for the Workshop, the Office of the United Nations High Commissioner for Human Rights (OHCHR) invited five resource persons with expertise in regional human rights systems, namely, Mr. Christof Heyns, Mr. George Wachira, Ms. Christina Cerna, Mr. Vitit Muntarbhorn, and Ms. Sriprapha Petcharamesree, to facilitate the thematic sessions and make presentations on the topic. Ambassador Sihasak Phuangkitkeow of Thailand chaired the meeting and also made an expert contribution on the newly created Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights (AICHR).

## II. Opening of the 15th Workshop

3. The Workshop was addressed at its opening by the Minister for Foreign Affairs of Thailand, Mr. Kasit Piromya, and by Mr. Homayoun Alizadeh, Regional Representative for OHCHR in South-East Asia, who delivered a statement on behalf of the United Nations Deputy High Commissioner for Human Rights, Ms. Kyung-wha Kang. The Minister observed that Thailand had hosted the workshop once before in 2001, and that Thailand was a candidate for the Human Rights Council in May 2010. He noted that the development of AICHR reflected the aspiration of ASEAN to be committed to international human rights standards, that regional arrangements had a powerful role to play in reinforcing international standards, and lastly, that human rights and democratic practice would be the practice of any country that was part of ASEAN.

4. The Deputy High Commissioner in her opening statement, delivered by the Regional Representative, reviewed some of the achievements of the last 20 years with regard to the original objective of the Asia-Pacific Regional Framework, and welcomed especially developments such as the creation of the Committee of Experts on Human Rights under the Arab Charter on Human Rights, as well as the creation of the AICHR. She also noted the consultations on the development of a human rights mechanism begun by the Organization of the Islamic Conference (OIC). The Deputy High Commissioner hailed the significant developments made in the region with regard to national human rights institutions, noting there were currently 13 “A” accredited institutions in the Asia-Pacific region, and highlighted the two workshops that took place in Manila and Samoa in 2007 and 2009 on the creation of NHRIs in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). With regard to the right to development and economic, social and cultural rights, she welcomed the adoption by the General Assembly of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 10 December 2008, and noted that,

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<sup>1</sup> Unfortunately the participation of the Deputy High Commissioner and representatives of some Member States was prevented by flight cancellations in the wake of the Icelandic volcanic eruption.

unfortunately, there had not been any ratifications of that important protocol yet in the Asia-Pacific region. The Deputy High Commissioner then outlined some of the characteristics of credible and effective regional human rights mechanisms and offered the assistance of OHCHR in providing technical expertise in their creation and strengthening, including the sharing of information and lessons learned.

### **III. Review of the four pillars of the Tehran Framework**

5. The first day's discussions consisted of statements by States and national human rights institutions, which updated participants on developments at the national level and emphasized their commitment to the goals of the workshop and of the Asia-Pacific Regional Framework process. Member States and NHRIs used the opportunity to make statements on their achievements, experiences and lessons learned under each of the four pillars under the Tehran framework; namely, human rights education, economic, social and cultural rights and the right to development, national human rights action plans and NHRIs. The civil society representative from the Asian Forum for Human Rights and Development (Forum-Asia) made a statement on behalf of the organizations, which included 25 civil society organizations, 12 NHRIs and the Asia-Pacific Forum of NHRIs, that had participated in the civil society consultations the day before the official workshop began.

6. Several States highlighted the new opportunities presented by the universal periodic review, as well as challenges in implementing the recommendations coming out of that mechanism. Regarding the Tehran Framework of Regional Technical Cooperation Programme for Asia and the Pacific (Tehran Framework)<sup>2</sup>, Governments updated one another on the ratification of human rights treaties and their optional protocols as well as on developments with regard to NHRIs, human rights education and national human rights action plans. The challenges faced by Governments in fulfilling their reporting requirements of the various treaty bodies was mentioned, as well as the importance of capacity-building, and the need to focus more on economic, social and cultural rights in the light of the recent global financial crisis. OHCHR field presences were hailed as crucial partners to the Member States in the region on human rights. OHCHR was requested to continue its assistance to the Pacific region in terms of preparations for the universal periodic review process, and the database of universal periodic review recommendations from the Regional Office in Bangkok was welcomed.

7. The continued relevance of the four pillars of the Tehran Framework in developing some of the core national components and capacities needed at the country level was noted, as was the emergence of new regional human rights infrastructures, particularly with the development of mechanisms in the League of Arab States, OIC and ASEAN. The growing importance of new processes at the international level was emphasized, particularly the universal periodic review and the recent Human Rights Council mandated seminars which brought together the different regional mechanisms at the international level. Several participants noted the relationship between the universal periodic review and the four pillars, including refocusing attention on economic, social and cultural rights and the development of national human rights action plans. Many Member States noted the challenges that the global financial crisis posed to economic, social and cultural rights.

8. It was noted that effective and independent national human rights institutions had developed strongly under the Tehran Framework. Many Member States reported on their NHRIs, and several highlighted that they were exploring, or already had explored, the

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<sup>2</sup> See [http://bangkok.ohchr.org/news/events/asia-pacific-regional-framework-workshop-2010/files/introduction\\_key\\_documents\\_annual\\_meetings.pdf](http://bangkok.ohchr.org/news/events/asia-pacific-regional-framework-workshop-2010/files/introduction_key_documents_annual_meetings.pdf).

possibility of drafting legislation for their establishment. The NHRIs represented at the meeting reported on some of their important activities as well as the regional networking which had developed among them, particularly through the Asia Pacific Forum of National Human Rights Institutions and the South East Asia National Human Rights Institutions Forum. It was noted that a first meeting of NHRIs of the South Asian region had taken place last year, and that in April 2010, the national human rights institutions of the Gulf Cooperation Council States had held a regional meeting, which was attended by the High Commissioner for Human Rights during her official visit to the region.

9. Many Member States reported on the value of national human rights action plans in giving momentum and coherence to their national efforts. Several Member States are now in the process of developing and implementing their second - even third - national human rights action plans. Two significant trends were highlighted in that discussion. First, some of the more recent plans, such as those in Indonesia and in the Philippines, were being increasingly localized, i.e. there was decentralization of implementation from the national to the local government level. The recent review of the National Human Rights Commission legislation of India was also noted in that respect, as it provided a greater role for state-level human rights commissions.

10. A second element that emerged was the linkage between the universal periodic review process and the development of national human rights action plans. It was noted that there was a lot of potential synergy between the preparation and follow-up to the universal periodic review, and the development and implementation of a national human rights action plan, and there was a lot of interest in the sharing of further experiences and best practices in that respect. While most representatives welcomed the universal periodic review mechanism, many delegations noted the strain that Governments were under in both reporting to that mechanism and following up on the recommendations together with the treaty body recommendations. In that context, more assistance and capacity-building from OHCHR was needed. Examples were given of OHCHR trainings in New Zealand, Viet Nam, Thailand and Malaysia that had served to assist Member States with these additional obligations.

11. States reported various new initiatives in the field of human rights education and economic, social and cultural rights. The current context of the global economic crisis was highlighted in that respect. Mr. Muntarhorn emphasized that those agendas engaged different actors, particularly the various line ministries involved in education, social policy and protection issues.

12. The meeting also heard from civil society representatives their interest in supporting those different dimensions of the Asia-Pacific Regional Framework on an ongoing basis. The representatives stressed the importance of involving them in intersessional activities and on ensuring more comprehensive monitoring and evaluation of the progress made in each of those areas.

13. In summary, the three main observations that emerged from the first day of discussions were that: (a) developments at the international level, such as the universal periodic review, had reinvigorated national processes, including those specified under the Tehran Framework; (b) involvement of civil society had increased in both international and regional intergovernmental processes, while at the same time there was a call for more systematic consultation and cooperation between key actors, including national human rights institutions; and (c) increased capacity-building was needed to help support Member States fulfil their national commitments made through new mechanisms at the international and regional level, including the universal periodic review.

## IV. Thematic discussions

14. The second day of the programme was devoted to an in-depth and specialized discussion on the development of regional human rights mechanisms in Asia and the Pacific and in other parts of the world. After an overview by Mr. Vitit Muntarbhorn, there were presentations on the development of AICHR by Ambassador Sihasak Phuangkitkeow, as well as by Ms. Sriprapha Petcharamesree and Mr. Rafendi Djamin, the representatives of Thailand and Indonesia to AICHR, respectively. The meeting also received positive inputs from representatives of the Pacific Islands Forum and the Secretariat of the Pacific Community, as well as insights into South Asian Association for Regional Cooperation (SAARC) initiatives on women and children, and the development of an OIC independent commission on human rights. That was followed by expert presentations by the resource persons on the development of regional human rights systems in Africa, the Americas and Europe, and some of the common experiences and elements that could be identified from these systems.

15. Mr. Muntarbhorn made a presentation entitled “Promotion and protection of human rights in Asia and the Pacific: re-energising the regional panorama”, outlining the background of the Asia-Pacific Regional Framework and the current status of initiatives at the subregional level in developing human rights arrangements. In particular, he emphasized some of the recent developments, such as the increased ratifications of human rights treaties by Asia-Pacific countries; the full participation of Asia-Pacific countries in the universal periodic review process; the greater access for United Nations special rapporteurs to the region and the expansion of United Nations presences and teamwork on human rights in the region. The presenter outlined the current status of the ASEAN human rights system, the Pacific Islands initiatives, the Organization of the Islamic Conference and SAARC, noting the different forms of regional arrangements that were possible. He described how regional arrangements in the Asia-Pacific region tended to concentrate more on cooperation and promotion than on the protection of human rights (such as investigations, field visits, monitoring and complaints procedures), and that the presence of the United Nations in the region was important to ensure that there were no protection gaps left. He emphasized that national, regional and international systems were needed for the promotion and protection of human rights, and that the different stakeholders involved needed to link up. He put forward a new concept entitled “universality in diversity” as a way to characterize the need to balance the universality of human rights with the need to respect and take into account cultural diversity (and sovereignty) in the region. Against that backdrop, he asked participants to consider the possibility of adding a review of regional/subregional mechanisms as either a fifth pillar of the Tehran Framework, or as a permanent agenda item at the workshops. He ended by stating that there was no substitute for the effective implementation of human rights at the national level.

16. The presentation by Ambassador Sihasak Phuangkitkeow revealed the steps towards the creation of the ASEAN Intergovernmental Commission on Human Rights. He informed participants that the possibility of establishing such a mechanism was first discussed by ASEAN in 1993, following the conclusion of the 1993 Vienna World Conference on Human Rights. In 1995, the idea was taken up and kept alive at the non-government level with the establishment of the Working Group for an ASEAN Human Rights Mechanism, which was comprised of people with a variety of backgrounds. By 1998, annual meetings were being held between the Working Group and senior ASEAN government officials to discuss how the idea of establishing an ASEAN human rights mechanism could be moved forward. The adoption of the Charter of the Association of Southeast Asian Nations in 2007 marked the beginning of the official intergovernmental process towards the creation of AICHR, and in 2008, 16 meetings had been held over a 15-month period to negotiate the terms of reference for the body. AICHR had been inaugurated in October 2009, and had so

far met three times (two informal meetings and one formal meeting). Despite the principle of non-interference that ASEAN adhered to, the speaker noted that there currently existed within ASEAN increasing recognition of the universality of human rights and that human rights were not only domestic concerns but transcended national borders. He noted that a balance had had to be reached in the establishment of AICHR, recognizing the diversity in the region, while seeking to make it a credible mechanism. The speaker acknowledged arguments that there were contradictions in the AICHR terms of reference, but stated that compromises had to be made and argued that ASEAN was taking an evolutionary approach and that was just the beginning.

17. Regarding the key elements in the AICHR terms of reference, the speaker specified that AICHR was an intergovernmental body, distinguishing it from other regional mechanisms that were more independent. It was the overarching human rights body for ASEAN, not in the sense that it would subsume other human rights bodies, but that it would help to coordinate the human rights work of ASEAN. He observed that AICHR would operate according to a consensus that emerged from discussion as opposed to voting, with one or two countries not holding back the views of the majority. In terms of promotion and protection, he acknowledged the criticism of AICHR for its “lack of teeth” in terms of a protection mandate, with no explicit mandate given, for instance, to consider individual complaints. However, he countered that AICHR still had “baby teeth”, and that it did have the mandate to obtain information on human rights developments, write reports on human rights issues for submission to ASEAN foreign ministers, engage with civil society, and meet in different countries of the region. Furthermore, there were elements that could lead to a protection role if AICHR members were creative enough. He acknowledged that AICHR must have the means to do its work, touching on the importance of funding and secretariat support. The speaker said that, following its second formal meeting at the end of June and the agreement of its workplan, AICHR would move on to promotion, norm-setting and the development of elements of protection. He emphasized that AICHR would have to make the process of evolution an inclusive one, and that it would have to act as a catalyst to encourage national Governments to strengthen national legislation and institutions.

18. Ms. Sriprapha Petcharamesree, the representative of Thailand to AICHR, noted that AICHR was the first step towards the development of an Asia-Pacific regional human rights system, and also noted that it was an important milestone for the people of ASEAN. She emphasized that the terms of reference represented the maximum that was acceptable to ASEAN members, and that by raising awareness of the human rights responsibilities of Governments AICHR would help to prevent some human rights violations from occurring in the region. She expressed her hope that AICHR would eventually become a credible human rights institution. She noted the diversity of the AICHR members, with diplomats, human rights commissioners, a judge and civil society representatives all sitting together. The speaker acknowledged that there would be a wide range of ideas being aired, which was good in that many voices would be heard, but that would also make reaching a consensus a challenge. Focusing on the value added, she said that regional human rights mechanisms did not obviate the need for national mechanisms, and that human rights were still best implemented at the national level. Nevertheless, regional mechanisms had an important role to play in capacity-building, education, creating regional networks and assisting with the creation and development of national human rights mechanisms. The speaker said regional mechanisms were also able to bring more focus and regional specificity to the work of the international human rights system. In conclusion, she reminded participants that AICHR was still only six months old, and had yet to learn how to manage or bridge its gaps, but emphasized that dialogue with all stakeholders was vital in the process. She noted that the process was very much an evolutionary one and expressed her hope that AICHR would not take too long to evolve into an effective mechanism.

19. Ms. Petcharamee acknowledged that while there had been a lot of criticism regarding the independence of AICHR, much came down to how the individual members interpreted their role. With respect to the development of an ASEAN Human Rights Declaration, she stressed the importance of it not falling below international standards. She stated that AICHR did not exist in isolation, but formed part of a wider ASEAN architecture of which human rights should also be a part. She also emphasized that in order for AICHR to know what needed changing and for it to become a relevant body, it would need to get close to those who suffered from human rights violations.

20. Mr. Rafendi Djamin noted three points in respect of AICHR. First, regarding the fundamental issue of independence, he observed that the AICHR members were Government appointees and were accountable to their respective Governments. Nevertheless, he stated that the terms of reference provided the opportunity for each member State to organize consultations at the national level in selecting their representatives to AICHR, and two of the current members had come from an open national selection process. Therefore, he saw hope that more countries in the future would follow that example. He also explained that AICHR was a principal organ of ASEAN and a Charter-based institution which would have a key role to play in integrating the three ASEAN pillars (security, socio-cultural and economic) into one ASEAN community. Regarding the other human rights mechanisms and instruments being developed by ASEAN, the speaker emphasized that AICHR had an overarching role to play in bringing those different elements together to strengthen the overall human rights framework. Concerning the ability to receive petitions, he observed that civil society was already demanding that AICHR take on that role. He saw that as a good sign, as it showed that there was a lot of expectation and hope coming from civil society. Lastly, he noted that it would be important to reflect on how the Asia-Pacific Regional Framework could support the establishment of new regional mechanisms and help link regional processes with the international human rights system.

21. The Pacific Islands Forum updated participants on developments in its region, noting that the Pacific Plan included mention of human rights, and that the Forum hoped to start a scoping study for the creation of a regional human rights mechanism for the Pacific. It was noted that in the Pacific region, the universal periodic review had inspired dialogue about regional human rights mechanisms and national human rights institutions.

22. In the discussion, the importance of the regional context was highlighted, in particular that regional mechanisms had emerged out of the broader regional dynamics or community-building processes in their different regions. That had resulted in a flexible, evolutionary process, as mechanisms had grown and developed and found new ways to enrich both their regional systems and the international human rights system. As a result, there was diversity among regional human rights mechanisms in terms of their form, substance, powers, membership and resources. What was common, though, was the way in which they had evolved historically and contextually over time to play an ever more influential and protective role. For example, the League of Arab States updated the Arab Charter on Human Rights, the African Commission on Human and Peoples' Rights strengthened the criteria and independence of its membership, and the Inter-American Commission on Human Rights developed a method for handling individual complaints and experimented with country visits. Mr. Muntarhorn also reminded participants that the real test for all human rights mechanisms, whether national or international, was the implementation and enforcement of their various findings and recommendations.

23. There was a recognition that regional arrangements played a fundamental role in promoting and protecting human rights, and that while those arrangements would evolve differently in different regional contexts, they should reinforce universal human rights standards as contained in international human rights instruments. There was strong interest



in further exchanges of that kind to follow developments and cross-fertilize experiences among the different regions and parts of Asia and the Pacific. There was also encouragement for strengthened cooperation with the United Nations, including OHCHR, in promoting and strengthening regional human rights arrangements and the provision of technical assistance in that regard.

24. Noteworthy in that respect was the process which had been evolving over the past two years under the Human Rights Council,<sup>3</sup> which brought together the existing regional arrangements to explore closer contact and collaboration with each other and with the international human rights mechanisms of the United Nations. That had already produced an interesting series of meetings and consultations, including the international workshop on “Enhancing cooperation between international and regional human rights mechanisms” organized by OHCHR and held in Geneva on 3 and 4 May 2010. AICHR, Governments, NHRIs and NGOs from the Asia-Pacific region were invited to participate in the workshop.<sup>4</sup> Participants were very much encouraged by the participation of Asia-Pacific Member States and regional organizations in that process at the Geneva level and regionally, which could be very useful for regions in the early stages of developing regional human rights mechanisms.

25. The presentation by Mr. George Mukundi focused on the regional human rights system in Africa. He reviewed its key legal instruments adopted between 1969 and 2008. Some of the key institutions and organs he described included the Assembly and the Executive Council of the African Union and the African Commission on Human and Peoples’ Rights (ACHPR). He informed participants that ACHPR had 11 members, and was today recognized as an independent body. The speaker mentioned that ACHPR held two sessions a year, and engaged in promotion work, undertook studies and research, organized seminars, assisted NGOs, and made recommendations to Governments, including on technical cooperation. He emphasized how in its work ACHPR cooperated with other African and international human rights mechanisms. He also informed participants of other mechanisms and mandates in the African system, including special rapporteurs and working groups. Current challenges to the system that were mentioned included lack of implementation and enforcement mechanisms, inadequate financial and human resources, and perceived concerns over its independence and impartiality. Regarding the African Court on Human and Peoples’ Rights, the Protocol to the African Charter on Human and Peoples’ Rights (1998) that established the Court entered into force in 2004. He informed participants that the Court was based in Arusha, Tanzania, was made up of 11 judges, and that in 2008 there had been a decision by the Assembly of the African Union to merge it with the African Court of Justice. The speaker noted that the Court faced many challenges, including access to the Court by individuals and NGOs, enforcement of decisions, and the implications of a merger with the Court of Justice.

26. The presentation by Ms. Christina Cerna focused on the development of the Inter-American human rights system. She informed participants that the American Declaration of the Rights and Duties of Man (1948) was originally meant only to be an aspiration, but that the Organization of American States (OAS) came to apply it as a legally binding instrument. She explained that the Inter-American Commission on Human Rights (created

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<sup>3</sup> See resolution 12/15 of the Human Rights Council.

<sup>4</sup> In preparation for the workshop, OHCHR organized in November and December 2009 regional consultations with existing regional human mechanisms in Africa, in Addis Ababa; the Americas, in Washington D.C.; and Europe, in Strasbourg. The consultations concluded that cooperation could be enhanced in several areas, in particular, in information sharing, possible joint activities and follow-up to decisions and recommendations resulting from international and regional human rights mechanisms.

in 1959) held four meetings a year, each one to two weeks in duration. Article 9 of the Commission's Statute was referred to, which provided the Commission with the mandate to develop awareness, make recommendations to Governments, prepare studies or reports, request Governments to supply information regarding measures adopted pertaining to human rights, and serve as an advisory body to the Organization of American States.

27. The speaker took note of the evolutionary nature of the Commission, referring to the first on-site visit of the Commission in 1961 (to the Dominican Republic) and the expansion of its mandate in 1965 allowing it to receive, analyse, investigate and make recommendations on individual petitions. She looked in more detail at the important areas of work that had been conducted by the Commission over the years, such as the writing of country reports, the processing of individual petitions, the hearings held by the Commission, the issuance of precautionary measures, and the role it played following the establishment of the Inter-American Court of Human Rights in 1979. In its role of referring cases to the Inter-American Court of Human Rights, the Commission rejected approximately 90 per cent of complaints, as they failed to meet the minimum criteria for admissibility, which were the exhaustion of domestic remedies, a six-month statute of limitations, the requirement that a petition cannot be pending in another international proceeding, and that the facts refer to a violation of the American Convention on Human Rights or the American Declaration of the Rights and Duties of Man. If a case reached a friendly settlement, the terms of settlement were published in an annual report. The speaker emphasized that people more often go to the regional court rather than United Nations bodies, as the Inter-American Commission on Human Rights was more responsive in terms of making reparations for requesting parties. Ms. Cerna also referred to other instruments and mechanisms that made up the Inter-American human rights system, including a system of special rapporteurs established to address thematic human rights issues, including freedom of expression, the rights of indigenous peoples, the rights of women, the rights of children, the rights of persons of African descent and against racial discrimination, the situation of migrant workers and their families, and persons deprived of liberty.

28. The last presentation, by Mr. Christof Heyns, compared the regional human rights systems in Africa, the Americas and Europe. His presentation highlighted the four common features of credible regional human rights systems: (a) each are part of a comprehensive intergovernmental organization and pursue the human rights objectives of those organizations; (b) all have a strong legal basis, (c) all engage in monitoring work; and (d) all have a mandate for human rights promotion *and* protection, with individuals able to lodge complaints.

29. The speaker outlined the substantive norms covered in the different regional human rights instruments, emphasizing that the African Charter on Human and Peoples' Rights was the only instrument to refer to peoples' rights. He compared the ratification of United Nations human rights instruments in the different regions, observing that Asia and Oceania lagged behind the other regions. He highlighted the human rights elements of the constitutive instruments of the parent bodies in the different regions, namely the African Union, the Organization of American States and the Council of Europe. He described the criteria for the appointment of members for the different regional human rights mechanisms, and the requirement for independence and impartiality. For instance, in the African Commission the Interim Rules of Procedure specified that the position of a member of the Commission was incompatible with any activity that might interfere with his or her independence or impartiality, such as serving as a member of Government or a diplomatic representative. The speaker also compared the complaints procedures of the three regional systems, highlighting that all required the exhaustion of local remedies and that the same complaint was not being considered by another body. The speaker outlined the reporting requirements of the three systems, both for reporting by States and reporting on States, and gave an overview of the special procedures mechanisms that had been established. He also

compared the budget and staffing of the three regions, emphasizing that the African system was the most constrained by resources. Due to the size of the African region, the speaker pointed out, it had been beneficial to develop human rights mechanisms at the subregional level as well. In that regard, he referred to the development of the African Peer Review Mechanism, which was a political process along the lines of the universal periodic review and provided a review of human rights practices of Member States. He pointed out that there might be lessons there for the diverse Asia-Pacific region.

30. Regarding the development of credible and effective regional human rights mechanisms, the speaker underlined the importance of the political will of the Governments involved, as well as that of pressure and support from civil society. He ended by referring to the practice of holding moot court sessions as a means of paving the way for the development of human rights mechanisms that were able to issue legally binding decisions.

## V. Conclusion

31. The Bangkok Action Points reflecting the principal elements of the discussion were adopted by consensus (see annex).

32. In closing, the Secretary of the Workshop, on behalf of the High Commissioner and the Deputy High Commissioner for Human Rights, expressed his deep appreciation to the Government of Thailand for hosting the 15th Workshop, and for the warm hospitality extended to all participants. He extended thanks to all participants from Member States, national human rights institutions, regional organizations, members of the newly established AICHR, and the distinguished resource people for their invaluable contributions to the meeting, as well as the staff of the Ministry for Foreign Affairs, the Permanent Mission of Thailand in Geneva, and OHCHR in Bangkok, Geneva, Cambodia and Nepal.

33. The Secretary noted that the discussions had demonstrated the ongoing relevance and value of the Asia-Pacific Regional Framework process. Indeed, with the development of the new ASEAN human rights system, it was noted that an exciting new stage was beginning in the long journey towards a regional human rights system for the diverse and dynamic Asia-Pacific region. The meeting showed the degree to which participants could learn from each others' experiences and the different regional models which had evolved, in developing effective regional mechanisms which added value to the needs of the regional community and at the same time reflected and reinforced international human rights standards. The Secretary emphasized that OHCHR was very committed to accompanying the States Members of the United Nations and other stakeholders of the region on that journey and to facilitate the exchange of technical assistance and comparative experience along the way. The Secretary also noted the appreciation of the strong partnerships that had developed with national human rights institutions and civil society, which would continue to be such an important driving force in that process.

## Annex

### **Bangkok Action Points adopted by Member States on 23 April 2010**

*Expressing appreciation* to the Government of the Kingdom of Thailand for hosting the 15th Workshop of the Framework on Regional Cooperation for the Protection of Human Rights in the Asia-Pacific Region in collaboration with the Office of the United Nations High Commissioner for Human Rights;

*Welcoming* the participation of representatives from 30 Member States and observers from across the Asia-Pacific region in this workshop;

*Expressing appreciation* to the representatives of national human rights institutions, international organizations, civil society and resource persons for their inputs to the workshop;

*Welcoming* the activities by national human rights institutions in support of regional cooperation, including those with the support of the Asia-Pacific Forum of National Human Rights Institutions and the Office of the High Commissioner for Human Rights;

*Welcoming* the evolutionary development of new regional mechanisms for the promotion and protection of human rights, particularly the establishment of the Arab Human Rights Committee under the Arab Charter on Human Rights, the ASEAN Intergovernmental Commission on Human Rights under the ASEAN Charter and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, as well as the Organization of the Islamic Conference's deliberations on the establishment of an independent human rights commission and the initiatives in SAARC to further promote cooperation on the rights of women and children;

*Noting* the Human Rights Council's continued support for the development of regional human rights arrangements, most recently in resolutions 6/25 and 12/15;

Member States:

a. *Reaffirm* their commitment to developing and strengthening national capacities for the promotion and protection of human rights, in accordance with the Tehran Framework for Regional Technical Cooperation in the Asia-Pacific region;

b. *Welcome* the emerging regional human rights infrastructure in the Asia-Pacific region and the development of new regional human rights mechanisms, as well as the Asia-Pacific countries' active engagement in the UPR process, *encourage* more regular exchange of experiences which could be undertaken through the workshop and possible intersessional activities, and *request* OHCHR and other relevant United Nations agencies to provide technical assistance in this regard upon request;

c. *Note* that the on-going evolution of the human rights system within South-East Asia, particularly the establishment of the ASEAN Intergovernmental Commission on Human Rights, highlights the opportunities for initiatives by countries to work toward the development of subregional human rights mechanisms which are an essential building block for broader human rights arrangements for the Asia-Pacific region;

d. *Recognize* that regional arrangements play a fundamental role in promoting and protecting human rights. While evolving in different forms in different regional contexts, they should reinforce universal human rights standards, such as those contained in international human rights instruments and international humanitarian law;

e. *Underline* the importance of partnerships between Governments, national human rights institutions and civil society at the national and regional levels in developing regional mechanisms;

f. *Encourage* strengthened cooperation between the United Nations and regional arrangements in the field of human rights and the identification of strategies to overcome obstacles to the promotion and protection of human rights at the regional and international level;

g. *Encourage* participation in the forthcoming workshop on “Enhancing cooperation between regional and international mechanisms for the promotion and protection of human rights” to be held in Geneva in May 2010 of representatives of the relevant regional and subregional arrangements from different regions, experts and interested States Members of the United Nations, observers, national human rights institutions and representatives of non-governmental organizations;

h. *Encourage* the establishment of effective, independent and pluralistic national human rights institutions in accordance with the Paris Principles or, where they already exist, their strengthening, and *encourage* OHCHR, the Asia Pacific Forum of National Human Rights Institutions and other existing regional institutions to support emerging regional and national mechanisms and to give high priority to requests from Member States on the development and strengthening of such institutions in partnership with relevant regional organizations;

i. *Request* OHCHR and the Asia Pacific Forum of National Human Rights Institutions to support further cooperation at the regional level among national human rights institutions and thematic human rights institutions;

j. *Request* OHCHR to finalise for publication a directory of resource materials available to assist the implementation of activities under the Regional Framework based on the latest information from participants, and to engage in consultations with Member States, UNESCAP, United Nations agencies, regional organizations, national human rights institutions, civil society and other stakeholders on follow-up to activities under the Regional Framework.

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