

## **Keynote speech - Rafendi Djamin**

### ***Chairman and Representative of Indonesia to the ASEAN Intergovernmental Commission on Human rights***

Ladies and Gentlemen: It is a great honor for me to be here today to give a keynote speech. It gives me a unique opportunity to share my thoughts with you on the development of Human Rights cooperation in ASEAN, how the ASEAN Intergovernmental Commission on Human Rights (AICHR), as a sub-regional human rights institution would face the current challenges in synergizing human rights cooperation in the national, regional (including cross-regional) and international human rights systems.

I would like to congratulate the steering group of the 11<sup>th</sup> Informal ASEM Seminar on Human Rights and the host government of the Czech Republic in organizing this seminar on “National and Regional Human Rights Mechanisms”. This seminar is very timely since it is organized in the middle of the on-going effort of governments, both at the national and international level, to establish national and regional human rights institutions. My institution, the ASEAN Intergovernmental Commission on Human Rights, and the Organization for Islamic Cooperation’s Independent Commission on Human Rights across the regions of Asian and Africa, are two examples of these initiatives.

Since the conclusion of the ASEAN Charter in 2008, ASEAN has changed its perspective on the development of human rights. The ASEAN Charter clearly states that one ASEAN’s principles is the respect for and protection of human rights and fundamental freedoms. A few years ago no one would believe that ASEAN could establish a human rights body. Now, ASEAN has addressed this disbelief by establishing the ASEAN Intergovernmental Commission of Human Rights, as mandated in the ASEAN Charter.

ASEAN is the first organization in the Asian region to establish a human rights institution, and I am proud to say that it is one of the major achievements of ASEAN. Like many other regional intergovernmental groups, the ASEAN faces serious human rights challenges, which need a regional approach and policies at the region, as well as necessary policy options complimenting the national policies. I share the sentiments that were shared earlier, that ultimately the settlement of the human rights cases lies at the national level. Cross-border human rights challenges such as the protection of the fundamental rights of the migrant’s

workers, both migrating within ASEAN member states and outside ASEAN member states, such as the Middle East and East Asian countries, protecting rights of the victims of human trafficking and the rights of stateless persons, particularly women and children, and protecting human rights in combating terrorism are just some of the priorities of human rights issues in ASEAN. AICHR is an answer to the need for a regional human rights mechanism requested by the people of ASEAN, and is also part of the implementation of the Vienna Human Rights Declaration and Program of Action back in 1993.

Since its establishment two years ago, AICHR has adopted a number of documents to support its work, such as the Five Year Work Plan, the Priority Programs 2010-2011, Rules and Procedure of AICHR's funds, Terms of Reference on the Thematic Studies of AICHR, one on business and human rights and other on migration, particularly migrant workers. AICHR has adopted the Terms of Reference on the Drafting Group of the ASEAN Human Rights Declaration, including the establishment of the Drafting Group. AICHR has already implemented and supported three important regional workshops this year to address human rights challenges in ASEAN, namely workshops on Substantive Gender Equality in Jakarta, the Workshop on Promoting Maternal Health: Responding to the UN Millennium Development Goals of 2005 in Manila, and lastly the Regional Workshop on Statelessness and the Rights of Women and Children that was held a few days ago, also in Manila.

I acknowledge the high expectations placed on the AICHR since its establishment. I therefore believe in always trying to encourage all of us within AICHR as an overarching institution of human rights in ASEAN to fulfill its mandate and active implement the priority programs. I am pleased with the work of the Drafting Group of the ASEAN Human Rights Declaration in formulating a basic draft Declaration, which will be submitted to AICHR by the end of this year and will be negotiated by all representatives within the Commission starting in January 2012. I believe that AICHR can develop a human rights declaration that accommodates the different political, religious, historical and cultural backgrounds of ASEAN member states. The drafting process of this declaration is a reflection that human rights issues have become ASEAN's agenda. This Declaration will be a major step for ASEAN and shall add value to the existing international and regional instruments on human rights.

The establishment of the AICHR as mandated by the ASEAN Charter was then followed by the establishment of the ASEAN Committee on the Promotion and Protection of the Rights of

Women and Children (ACWC). AICHR is now discussing the concept of alignment with the ACWC and this alignment should than strengthen human rights mechanisms in ASEAN in order to protect and promote human rights in the region. AICHR needs to be responsive, of course, to all human rights issues in the region, including issues of migrant workers. In that case AICHR will definitely engage with the ASEAN Committee on the Protection and Promotion of the Rights of Migrant Workers (ACMW) to discuss an effective alignment process between these two institutions to respond to issues of the rights of migrant workers in the region.

AICHR has also engaged with external parties such as the UNDP, the Office of the High Commissioner of Human Rights, UNWOMEN, The European Union, the Council of Europe, and with other entities associated with ASEAN, including representatives of civil society. I am convinced that AICHR as a regional mechanism will engage a range of parties both within and outside the region in order to implement its mandate. In line with the spirit of international cooperation at the UN Human Rights Council, the AICHR is willing to have constructive dialogue with external parties, particularly to synchronize human rights mechanisms both nationally and internationally. AICHR has conducted a dialogue with a team of experts from the Office of the UN Special Rapporteur on Business and Human Rights during the development of the currently established UN guidelines on business and human rights. AICHR is also now undertaking thematic studies on CSR and human rights. AICHR has also held dialogues with other Special Procedures, such as the UN Special Rapporteur on Violence Against Children during our visits to New York in 2010. With our European counterparts, AICHR has met the OSCE Special Representative for Combating Trafficking and will in the near future develop a joint program on the Rights of the Victims of Trafficking in Persons that will take place in 2012. In relation to that, I am convinced that human rights cooperation between Asia and Europe critical for both sides. I am confident that this cooperation can result in a valid outcome that will affect the promotion and protect of human rights in both regions.

Ladies and Gentlemen, the transformation of ASEAN has gained the attention of the world. Now the world is watching how ASEAN answers the many challenges related to human rights. As a regional mechanism for human rights AICHR is expected to play an important role in the promotion and protection of human rights. In implementing all of its activities, AICHR should bridge differences between the member countries in dealing with human

rights. The work of AICHR is a very noble, but it is not easy. I am optimistic, however, that AICHR can meet these challenges. Hopefully AICHR can provide ASEAN with its next major achievement in the area of human rights. In the future AICHR needs to strengthen its mechanisms and its mandate, especially on the protection aspect. AICHR will become a strong mechanism if there is a balance between the promotion and the protection mentioned in its mandate.

Ladies and Gentlemen, in conclusion, this special occasion is very important one. It allows us to provide our experience, our intellectual contributions on the development of human rights in both regions. Let me once again congratulate all of you here. I hope the seminar will result in a significant contribution to the development of human rights. I also sincerely hope that it will provide valuable contributions to help us meet the challenges facing the world.

Thank you, very much.