



**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

DISCUSSION PAPER

By

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**IN SEARCH OF THE RIGHTS TRACK:
Evolving a Regional Framework for the Promotion and
Protection of Human Rights in the Asia-Pacific Region**

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the Promotion and Protection of Human Rights in the Asia-Pacific Region**

EXECUTIVE SUMMARY

To date, there has been gradual progress in evolving a regional framework for the promotion and protection of human rights in the Asia-Pacific region, although not to the extent of witnessing the setting up of a regional machinery in the form of a regional Commission or Court on human rights to review the human rights situation and to provide redress where the national setting is unable or unwilling to deliver justice. In particular, progress has been seen through the evolution of three tracks.

The first track is that under the umbrella of the Office of the United Nations High Commissioner for Human Rights (OHCHR), in 1998 Governments of the Asia-Pacific region adopted a framework for technical cooperation at the regional level at a governmental workshop in Tehran – known as the Tehran Framework - based upon a step-by-step approach with four “building blocks” or “pillars” to develop:

- national human rights institutions, such as national human rights commissions;
- national human rights action plans;
- human rights education ;
- the realization of economic, social and cultural rights and the right to development.

The first phase of that framework was of two years’ duration and it has been extended by subsequent two-year plans of action as a result of various Asia-Pacific workshops: Beijing (2000), Beirut (2002), and Doha (2004). There have been annual workshops and other activities, such as inter-sessional/sub-regional workshops, to promote implementation of these pillars with Asia-Pacific Governments. The next annual workshop will take place in Beijing in 2005.

Second, there are at least four sub-regions of note which have various inter-governmental organizations which could be instrumental in promoting and protecting human rights : West Asia, particularly its link with the League of Arab States (“Arab League”), South Asia, particularly its link with the South Asian Association for Regional Cooperation (SAARC), South-east Asia , particularly its link with the Association of Southeast Asian Nations (ASEAN), and the Pacific region, particularly its link with the Pacific Islands Forum. Some have begun to have initiatives for sub-regional arrangements on human rights.

Third, the presence of the OHCHR in the Asia-Pacific region has expanded at the field level. This provides possibly a nascent machinery to promote and protect human rights through the presence of the OHCHR, in cooperation with the rest of the United Nations (UN) family through the UN country team(s) (UNCT); it may offer a complementary system at least to advocate redress where there is a lack of or inadequacy of the national protection system.

In view of the above, the quest for an effective regional framework for the promotion and protection of human rights in the Asia-Pacific region should follow these steps in the region's voyage of self-discovery:

- 1) invite sub-regional organizations from the Asia-Pacific region (particularly the Arab League, SAARC, ASEAN and Pacific Islands Forum) which are now exploring human rights initiatives to join the forthcoming Asia-Pacific Workshop to be held in Beijing (2005) and network accordingly; before participating in the plenary with Asia-Pacific Governments at the Workshop, they should meet in a pre-sessional workshop of their own to share their experiences and coordinate with the OHCHR to discuss avenues for mutual engagement, possibly leading to Memoranda of Understanding to propel cooperation and bearing in mind the theme to be addressed at the Workshop (i.e. the human trafficking issue chosen for special attention in 2005);**
- 2) expand the space for NGOs and national human rights institutions to participate in the Beijing Workshop (preceded by the pre-sessional workshop(s) for these actors which have been taking place at the annual Workshops for the past few years);**
- 3) move towards a five-year programme for the Asia-Pacific region, supported by the OHCHR and in consultation with a broad range of stakeholders,**
- 4) initiate the five-year regional programme with the blessing of a high level/ministerial level workshop next year with strong commitment to the programme;**
- 5) ensure that the five-year regional programme integrates and operationalizes the following:**
 - engage with those sub-regional organizations with human rights initiatives, especially to highlight the need for a machinery to review the human rights situation, provide redress where the national level is unable or unwilling to deliver justice, and support effective implementation of human rights standards consistent with international law;**
 - continue to support the pillar on national human rights institutions and its network - the Asia Pacific Forum of National Human Rights Institutions -as part of the regional programme, based on a sustainable partnership relationship;**
 - shift the other three pillars of the current Asia-Pacific framework(i.e. on national human rights action plans, human rights education and economic/social/cultural rights/the right to development) to country programming, as appropriate, and interlink with the**

UNCT on a national and/or regional/sub-regional basis, if countries wish to promote the pillars;

- use the regional framework to encourage States to accede to human rights treaties and implement them, as well as to follow-up the various recommendations of the human rights treaty bodies and special procedures, in cooperation with the OHCHR presence in the Asia-Pacific region and other UN agencies;
- enable actions to be planned and implemented with a variety of stakeholders – governmental, inter-governmental and non-governmental, and in a spirit of UN inter-agency cooperation;
- report back on developments half way through the five-year cycle by holding a high level mid-term review workshop (about two and a half years after the cycle begins) and a final review workshop (at the end of the five years), without the need for annual Asia-Pacific workshops;
- provide space , in-between the review workshops, for a variety of integrated actions, as appropriate, moving away from the ad hoc workshop style of the past, and share tasks well with a variety of stakeholders and the UNCT, especially the UN Development Programme (UNDP), linked with capacity-building and follow-up for needed reforms and implementation of human rights ;
- test all actions under the programme from the angle of sustainability in the promotion and protection of human rights, bearing in mind the presence of the UNCT, the value-added of each UN agency, and the general UN development planning cycle and related resources.

6) Support the decentralization process of the OHCHR to have sub-regional offices in the Asia-Pacific region with adequate back-up in terms of resources and personnel; the current Asia-Pacific regional OHCHR office in Bangkok should become the sub-regional office for South-east Asia; step-by-step, sub-regional offices should be set up for the Pacific, South Asia, (South-) West Asia, North-east Asia and Central Asia;

7) Expand the OHCHR presence through national human rights advisers attached to the UNCT at the national level gradually in key countries and set up stand-alone offices , where appropriate, supported by the sub-regional offices; the latter could also have some thematic advisers attached to them to support the national advisers and OHCHR presence at the national level, e.g. on the issue of administration of justice reform;

8) Promote cooperation and complementarity between the OHCHR and UNCT, bearing in mind that a key value-added of the OHCHR is in regard to human rights protection – the protection of individuals and

peoples from the negative impact of the human rights situation, and the encouragement of State and non-State actors to comply with international human rights standards;

9) Maximize the role of the OHCHR in relation to areas under its mandate where other UN agencies are unable or unwilling to tread, even though they are all now supposed to mainstream human rights into their programming, and ensure that the OHCHR acts as a check-and-balance to promote respect for human rights by the UN family;

10) Systematize the programming and implementation processes by mainstreaming a participatory, gender-sensitive and victim-responsive approach, with consistent monitoring, evaluation and follow-up, based upon effective preventive actions, protection of human rights and access to redress.

IN SEARCH OF THE RIGHTS TRACK: Evolving a Regional Framework for the Promotion and Protection of Human Rights in the Asia-Pacific Region

Objective:

The aim of this discussion paper is to review the activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) under the Regional Framework for the Promotion and Protection of Human Rights in the Asia-Pacific Region which was propelled by a workshop of Asia-Pacific countries under the auspices of the OHCHR in Tehran in 1998 and developed by subsequent workshops. It is intended to take stock of key developments and to suggest future steps in evolving a regional framework which is effective, relevant, accessible and sustainable. The activities under that Regional Framework were evaluated by this author in 2000, and the current paper will cover primarily activities between 2000 and 2004. The methodology adopted in preparing this paper includes consultation of relevant documents, telephone interviews and other interviews with a broad range of stakeholders including Governments, non-governmental organizations (NGOs), those linked with national human rights institutions, inter-governmental organizations, OHCHR staff, and experts/participants involved in the activities. The views submitted in this paper are the author's personal views, bearing in mind the plurality of sources of information and viewpoints consulted.

Background:

In the most immediate sense, it is the national framework/system for the promotion and protection of human rights which interrelates most directly with the lives of the population in all countries. Today the system consists of a variety of mechanisms. The more formal machinery or mechanisms include the national courts system, national human rights commissions, and/or ombudspersons. The non-formal actors include members of civil society, such as NGOs, active media and concerned individuals. Generally, they act as checks-and-balances to ensure equilibrium in the use of State power and to advocate and/or provide redress where there are grievances in relation to the implementation of human rights. Their roles as guardians of human rights vary in scope and content – and the quality of their impact varies according to the context in which they exist.

Since the end of the Second World War, that national protection system has been complemented by the rise of various inter-governmental regional systems to promote and protect human rights. These regional systems are now found in Europe, the Americas and Africa. They are established by regional treaties stipulating key norms and setting up a machinery or mechanisms which range from regional human rights commissions to regional human rights courts. The common feature enjoyed by these regional mechanisms is that they help to review the human rights situation and fill in gaps – in the absence of national remedies or where the national mechanisms are inadequate. In effect, they offer access to justice through pressure for accountability where the national system does not provide the necessary redress.

Asia-Pacific Region:

Asia and the Pacific do not yet have an inter-governmental regional human rights machinery parallel to those of the other regions mentioned. This region is perhaps too large and heterogeneous to have such system in a broad and comprehensive sense at present. The political will to set up a regional machinery has also been absent. Yet, there have been initiatives to propel the region to improve the promotion and protection of human rights at least since the 1960s. During that decade, the United Nations (UN) Commission on Human Rights established a study group to consider the possibility of establishing regional human rights commissions in all parts of the globe, impliedly also in the Asia-Pacific region. This was bolstered in 1968 by the Commission's request to the UN Secretary-General to organize regional seminars in those regions where there were no regional human rights commissions - to discuss avenues for their establishment.

The UN General Assembly (UNGA) also began to pass resolutions on "regional arrangements for the promotion and protection of human rights". For instance, its resolution 32/127 (1977) included this provision:

" 1. Appeals to States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights."

This was further supported by the UN Human Rights Commission's resolution 24(XXXIV) (1978). The UNGA resolution 33/167(1978) repeated the call for regional arrangements based on a regional machinery. The call for regional arrangements continued from the 1970s into the 1980s as per UNGA resolution 34/171(1979), UNGA resolution 35/197(1980) and UNGA resolution 36/154 (1981).

In the middle of the 1980s, the UNGA began to pass resolutions more specifically on the Asia-Pacific region. For instance, Resolution 41/153 (1986) titled "Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region" called upon States from the region to respond to the call for "regional arrangements". Likewise UNGA resolution 43/140 (1988), UN Human Rights Commission 1989/50(1989), UNGA resolution 45/168 (1990), UN Human Rights Commission resolution 1990/71 (1990), UN Human Rights Commission resolution 1991/28(1991), UN Human Rights Commission resolution 1992/40 (1992), UN Human Rights Commission resolution 1993/57 (1993), UN Human Rights Commission resolution 1994/48(1994), UN Human Rights Commission resolution 1995/48(1995), UN Human Rights Commission Resolution 1997/45(1997), and UN Human Rights Commission resolution 1998/44(1998) .

In retrospect, the sum total of the above resolutions from the UNGA and the UN Human Rights Commission advocated that the Asia-Pacific region should explore the possibility of setting up "regional arrangements" for the promotion and protection of human rights. These should be in the form of an inter-governmental "regional machinery", possibly a regional human rights commission - to review the human rights situation and provide redress where the national setting is unable or unwilling to deliver justice. In this regard, to what extent has there been progress?

To date, there has been step-by-step progress in terms of cooperation in the Asia-Pacific region, although not to the extent of witnessing the setting up of a regional machinery in the form of an Asia-Pacific Commission (or Court) on human rights to review the human rights situation and to provide redress where the national setting is unable or unwilling to deliver justice. Progress has been seen through the evolution of three tracks.

First, regional seminars began to be organized for the Asia-Pacific region to explore the possibility of regional human rights arrangements. The first seminar for the Asia-Pacific region was held in Colombo in 1982, and since then, twelve (annual) workshops have been held for the Asia-Pacific region: Manila (1990), Jakarta (1993), Seoul (1994), Kathmandu (1996), Amman (1997), Tehran (1998), Delhi (1999), Beijing (2000), Bangkok (2001), Beirut (2002), Islamabad (2003), and Doha (2004). The next workshop is due to take place in Beijing in 2005. These seminars have led to a cooperation framework with the Governments supported by the OHCHR for the Asia-Pacific region.

Second, sub-regional initiatives endeavoring to provide some monitoring and/or redress beyond the national setting have become more visible in recent years. Third, the presence of the OHCHR in the Asia-Pacific region has expanded at the field level. This provides possibly a nascent machinery to promote and protect human rights through the presence of the OHCHR, in cooperation with the rest of the UN family; it may offer a complementary system at least to advocate redress where there is a lack of or inadequacy of the national protection system. These may be explored further below.

Three Tracks:

a) OHCHR-supported Framework

Under the umbrella of the OHCHR, in 1998 Governments of the Asia-Pacific region adopted a framework for technical cooperation at the regional level at the Tehran workshop noted above – known as the Tehran Framework – based upon a step-by-step approach with four “building blocks” or “pillars” to develop:

- national human rights institutions, such as national human rights commissions;
- national human rights action plans;
- human rights education ;
- the realization of economic, social and cultural rights and the right to development.

The first phase of that framework was of two years duration and it has been extended by subsequent two-year plans of action as a result of various workshops: Beijing (2000), Beirut (2002), and Doha (2004). The annual workshops mentioned above have provided an avenue for promoting implementation of these pillars with Asia-Pacific Governments. The most recent workshop in Doha adopted the latest two-year plan with these activities (as per the Annual Appeal 2005 of the OHCHR):

“

- Revising OHCHR's handbook on national human rights plans of action to include updated material and greater details on methodology;
- Organizing a sub-regional workshop for countries in the Arab region, national human rights institutions and NGOs on evaluating human rights education;
- Supporting the annual meeting of the Asia-Pacific Forum of National Human Rights Institutions;
- Supporting the development of a training programme for national institutions in the area of investigation techniques;
- Supporting a sub-regional workshop for the Arab region on national human rights protection systems, including national human rights institutions;
- Organizing a workshop for judges and lawyers on the justiciability of economic, social and cultural rights in the Pacific and
- Organizing three training workshops on accession and treaty-reporting in the Arab region and in North-east and South-east Asia, in collaboration with the Treaties and Commission Branch and the Arab region unit of OHCHR.” Requirements for 2005 were estimated at USD 370,600. “

In-between the annual governmental workshops, one of the major activities carried out to date has been to organize inter-sessional or sub-regional workshops linked with one or more of the pillars. In 2000 these activities were the subject of an evaluation carried out by this author from the angle of their impact and effectiveness. While the annual workshops were felt to be useful, the “in-between” activities had more varied impact. Challenges included the lack of follow-up and evaluation, and inadequate space for participation from stakeholders other than the Governments. At times those participating at the governmental level were not of high enough rank to have real impact, and some of the relevant agencies and personnel had not been brought on board.

The above evaluation then led to some adjustments, e.g. to undertake fewer activities but aim for more sustainability. One of the results of the evaluation was that subsequently, the annual workshops opened the door to the presence of civil society, particularly NGOs, and national human rights commissions. Now the workshops are preceded by informal pre-sessional forums for civil society together with national human rights commissions, and the inputs from these pre-sessionals are then conveyed to the governmental plenary workshop.

1) Activities

In retrospect, the main activities related to those pillars supported by the OHCHR in the 2000-2004 were as follows: per Table I:

TABLE I
A) National Human Rights Institutions:

2000:

- a. Support and participation of the OHCHR in the 5th Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions (APF), Rotorua/ New Zealand, August 2000;
- b. Regional workshops in collaboration with the APF and the host human rights institution:
 - i. Workshop on the role of national human rights institutions in advancing the rights of women, Fiji, May 2000;
 - ii. Workshop on national human rights institutions and economic, social and cultural rights, Manila, November 2000.

2001:

- a. Support and participation of the OHCHR in the 6th Annual Meeting of the APF, Sri Lanka, September 2001;
- b. Regional Workshop in collaboration with the APF and the host human rights institution: Workshop on the Role of National Human Rights Institutions and other Mechanisms in Promoting and Protecting Economic, Social and Cultural Rights, Hong Kong, July 2001;
- c. OHCHR provision of advice to various countries.

2002:

- a. Support and participation of the OHCHR in the 7th Annual Meeting of the APF, New Delhi, November 2002;
- b. Regional Workshop in collaboration with the APF and the host human rights institution:
 - i. Regional Workshop on National Human Rights Institutions, Human Rights Education, Media and Racism, Sydney, July 2002;
 - ii. Asia-Pacific Regional Training Programme in Human Rights Investigations, Canberra, November 2002.
- d. Training Programme for national human rights institutions in Asia, Bangkok, October-November 2002, in cooperation with Swedish support;
- e. OHCHR provision of advice to various countries.

2003:

- OHCHR cooperation with the UN Development Programme (UNDP) and International Labour Organization (ILO) on a project concerning the application of human rights principles in the informal sector and a rights-based evaluation of the Philippines Commission on Human Rights;
- OHCHR cooperation with the APF on training on investigation techniques for the Sri Lankan Human Rights Commission.

B) National Human Rights Action Plans

2000:

- a. Inter-sessional Regional Workshop on national human rights action plans, Bangkok, July 1999;
- b. Inter-sessional sub-regional Workshop on national plans of action for human rights education, Tokyo, January 2000.

2001:	<ul style="list-style-type: none"> ○ Sub-regional Inter-sessional North-east Asia workshop on Parliamentarians and Human Rights, Ulaanbaatar/Mongolia, August 2000.
2003:	<ul style="list-style-type: none"> a. Production of handbook on National Human Rights Action Plans b. OHCHR cooperation with UNDP on development of human rights action plans in Mongolia, Nepal, New Zealand and Jordan.
2004:	<ul style="list-style-type: none"> ○ Inter-sessional Expert Meeting on National Human Rights Action Plans and Human Rights Education in the Asia-Pacific Region, Bangkok, October 2004.
C) Human Rights Education:	
2000:	<ul style="list-style-type: none"> - Sub-regional Inter-sessional workshop on human rights education in North-east Asia, Seoul, December 1999.
2001:	<ul style="list-style-type: none"> a. Sub-regional workshop on human rights treaties and related ratification, Majuro/Marshall Islands 2001; b. Launch of OHCHR database on human rights education information; c. The Asian Human Rights Education Trainers' Colloquium organized by the Asian Resource Centre for Human Rights Education (ARRC) in relation to popular education methodologies, Chiangmai/Thailand, April 2001.

<p>2002:</p> <ul style="list-style-type: none"> a. Sub-regional Workshop for the Pacific Islands on human rights education and the Administration of Justice, Fiji, June 2002; b. OHCHR cooperation with UNDP in Cambodia on a project linking health and human rights in relation to HIV/AIDS; c. OHCHR cooperation with UNDP on the development of a human rights approach in Lebanon.
<p>2003:</p> <p>Human rights education and training activities in various countries under the Assisting Communities Together (ACT) which supports civil society activities.</p>
<p>2004:</p> <ul style="list-style-type: none"> - Sub-regional Workshop on human rights education in the Gulf States, Doha, February 2004.
<p>D) Economic, Social and Cultural Rights and the Right to Development:</p>
<p>2001:</p> <ul style="list-style-type: none"> a. Sub-regional Workshop for Judges on the Justiciability of Economic, Social and Cultural Rights in South Asia, New Delhi, 2001; b. Sub-regional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in North-east Asia, Ulaanbaatar/Mongolia, January 2004
<p>2004:</p> <ul style="list-style-type: none"> - Sub-regional Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in South-east Asia, Manila, November 2004.

In addition to the above activities which fall under the Asia-Pacific framework and related OHCHR funding, help has also been provided by the OHCHR through technical cooperation programmes at the country level, e.g. on the development of national human rights action plans and human rights education plans in cooperation with other agencies, particularly UNDP through its Human Rights Strengthening (HURIST) project with the OHCHR.

2) Stock-taking

From a variety of interviews carried out for this study, in addition to other information, the most successful building block has been the first pillar: the setting up of national human rights institutions and related activities. This is a growth industry and national commissions have proliferated in recent years; this has been partly helped by the OHCHR-supported framework for the Asia-Pacific region. There are now at least 15 national human rights commissions, and Timor Leste recently established an Ombudsperson. The cooperation and networking between these institutions has grown, backed by the Asia Pacific Forum of National Human Rights Institutions (APF) whose secretariat is in Sydney; activities are partly funded by the OHCHR. The member institutions have set up an Advisory Council of Jurists, consisting of jurists nominated by each member institution, to provide advice on human rights issues. The Council has provided advisory opinions on topics ranging from the death penalty to child pornography on the Internet and most recently on anti-terrorism measures and the Rule of Law. Once the opinions are given, member institutions are supposed to report back in regard to follow-up measures.

The APF and its network of national human rights institutions are the closest that the Asia-Pacific region has come to a regional arrangement or machinery for the promotion and protection of human rights. One interviewee involved in the Asia-Pacific Framework observed that the work of the APF and OHCHR had a "flow-on effect" and "traction" in encouraging countries without national institutions to establish them. The Doha workshop and the APF stimulated several Arab/Gulf countries to explore the possibility of setting up national human rights commissions. It should be noted that the APF is a forum of national institutions which aim to be independent of the executive branch of Government and to be pluralistic in composition (consistent with UN principles on the subject). However, the APF is not inter-governmental along the line of the regional human rights systems found in Europe, the Americas and Africa.

Implementation of the other building blocks vary in terms of activities and impact. With regard to the second pillar – the development of national human rights action plans, a small number of Asia-Pacific countries have adopted national human rights action plans, the most recent being Mongolia. New Zealand has also been finalizing a plan. The main purpose of these plans is to set a national time-bound framework to promote actions in favour of human rights, e.g. reforms of various laws, inviting cooperation from designated ministries and partnership with and/or scrutiny from the civil society sector in a five-year time frame. While the process of developing these plans has often been participatory and broad-based, a major obstacle facing many of the plans is their slow and/or limited implementation.

With regard to the most recent workshop on the subject – the Inter-sessional Expert Meeting on National Human Rights Action Plans and Human Rights Education in the Asian-Pacific Region held in Bangkok in October 2004, the lessons learned, replete with a degree of ambivalence, included the following (drawn from its Conclusions):

"7. The Meeting concluded that national human rights action plans (including plans relating to human rights education) are potentially a useful mechanism for the promotion and protection of human rights. The Meeting noted that

work on national action plans has been going on for 10 years, but data on successful experience is still limited. Experiences so far suggest, therefore, that national action plans have considerably greater potential than has yet been realized....

9. To date, the more productive aspect of the national action plan processes has been found in preparation rather than in implementation or evaluation. Preparatory phases have often produced good consultation and awareness-raising....

13. A successful implementation of the national plans of action was recognized as one of the major challenges. In this context, the importance of effective coordination and monitoring at the national level was underlined..."

There is also a question concerning financial support for these plans. Since these human rights action plans are national rather than regional in the Asia-Pacific sense, support for their development and implementation should logically come from technical (country) programming at the national level rather than support through the Asia-Pacific (regional) framework under the OHCHR umbrella. There is also the potential of tapping the UN country team consisting of a variety of UN agencies at the national level – often with more resources than the OHCHR itself.

The third pillar is human rights education. At the regional level, the OHCHR has supported various workshops and the development of resource materials on human rights education, with the help of regional NGOs. However, the main challenge is implementation of human rights education at the national level, particularly in view of the new UN World Programme of Action on Human Rights Education which calls for mainstreaming of human rights education into primary and secondary schools. Again support for such activities should take place through national programming and budget rather than the regional Asia-Pacific framework. The main UN agency on this issue should logically be the UN Education, Cultural and Scientific Organization (UNESCO), which could/should lead in relation to national, sub-regional and regional human rights education activities, in cooperation with the OHCHR. The national level activities would be better resourced and assisted through country programming in cooperation with the UN country team (UNCT).

The fourth pillar is the right to development and economic, social and cultural rights. Much of the support for this building block from the OHCHR has been for various sub-regional workshops, most recently on the justiciability of economic, social and cultural rights. The right to development remains a controversial area internationally and the implementation of this right at the national level remains a challenge in many countries. Activities supported so far under the fourth pillar have veered towards economic, social and cultural rights rather than the right to development in a comprehensive sense. There has been little follow-up at the national level pursuant to the OHCHR-supported workshops.

There are both substantive and methodological challenges facing the support given by the OHCHR to the four pillars.

First, the four pillars have concentrated more on cooperation programmes rather than responding to the original rationale for regional human rights arrangements as seen in the various UN resolutions above – namely, the search for a regional machinery to review the human rights situation and provide redress where the national setting is unable or unwilling to do so. This paradigm shift has also been reflected in later UN resolutions which have become more oriented to cooperative activities rather than regional protection activities through the setting up of a regional machinery.

For instance, in 1999 the title of the UN Human Rights Commission's annual resolution on the Asia-Pacific region changed from "Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region" (as per its 1998 resolution and earlier resolutions cited above) to "Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region" as seen in UN Human Rights Commission resolution 1999/69(1999). This resolution concentrated more on national capacity-building based on cooperation linked with the four pillars above rather than a regional machinery to review the human rights situation and to provide redress. This was repeated in subsequent resolutions which emphasized regional cooperation rather than regional arrangements targeted to a regional machinery, e.g. UN Human Rights Commission resolution 2000/74(2000), UN Human Rights Commission resolution 2001/77(2001), UN Human Rights Commission resolution 2002/82(2002), UN Human Rights Commission resolution 2003/73(2003), and UN Human Rights Commission resolution 2004/74(2004).

Second, there has been a tendency to see OHCHR support as a funder in a donor-donee relationship rather than as a partnership. An evaluation of the Framework in 2000 suggested that the OHCHR should reduce its role as a conduit of funds to Governments but rather act as a catalyst and invite more commitments from the Governments of the Asia-Pacific region. The primary role of the OHCHR would be to provide technical assistance and know-how in terms of knowledge base and follow-up monitoring rather than financial grants to Governments, and that there was/is a need to access a broader range of actors in the region, particularly civil society and those impacted upon by human rights transgressions.

Third, there is the question of how the money under the Asia-Pacific framework has been allocated and spent. Have the activities under the four pillars been cost-effective? The projected cost of the most recent annual workshop in Doha was around 144,000 USD, while the other activities vary in costing. The inter-sessional/sub-regional workshop usually cost tens of thousands of USD, for example the cost for the sub-regional workshop on the justiciability of economic, social and cultural rights in North-east Asia was nearly 70,000 USD. According to the OHCHR annual report for 2004, the budget for the plan of action for the Asia-Pacific regional framework was around 258,000 USD for 2004, and the promotion and protection of human rights in Asia and the Pacific, including the cost of the regional office in Bangkok, was around 365,000 USD for 2004. The extra-budgetary projects for regional and sub-regional activities (through contributions other than the regular UN budget) was around 630,000 USD in 2003. In view of the hundreds of thousands of dollars projected and spent for the Asia-Pacific framework directly or indirectly, have the results been worthwhile?

One can hark back to the evaluation of activities in 2000 whose message still rings true today:

“Implementation has been efficient in relation to some but not all activities under the Tehran Framework. The most worthwhile are the annual workshops and some of the inter-sessional workshops...However, in relation to the inter-sessional workshops, several were organized in too rushed a manner; the lack of adequate preparation affected the cost factor...”

That evaluation also noted that even the generally well-received annual workshops were not of a high enough level in terms of participation, and lacked participation from civil society.

Fourth, several activities have been ad hoc rather than sustainable or sustained. A classic example is the tendency to organize inter-sessional/sub-regional workshops with little or no follow up, especially at the national level. The approach of workshops has had to be rethought to avoid ad hoc activities. Notably, the 2000 evaluation called for fewer workshop-style activities but more commitment to sustained action in building the human rights protection system at the national level; the OHCHR should target more capacity building and the placement of national consultants/advisers to help reforms at the national level, in addition to establishing an OHCHR office in the Asia-Pacific region. As seen below, since that evaluation, this has been happening to some extent.

Fifth, from the angle of needed implementation, many of the activities in regard to the pillars above are more related to the national perspective and would be better resourced and supported by UN country teams through country programming rather than OHCHR Asia-Pacific regional programming.

b) Sub-regional initiatives

Various sub-regional initiatives to promote and protect human rights have burgeoned; they correspond encouragingly, at least in principle, to part of the original rationale for “regional arrangements” in the sense of reviewing the human rights situation and/or providing access to redress where the national setting is unable to deliver justice. However, the geographic scope is smaller in scale and less ambitious than the aspiration to encompass the totality of the Asia-Pacific region.

There are at least four sub-regions of note which have various inter-governmental organizations which could be instrumental in promoting and protecting human rights : West Asia, particularly its link with the League of Arab States (“Arab League”), South Asia, particularly its link with the South Asian Association for Regional Cooperation (SAARC), South-east Asia , particularly its link with the Association of Southeast Asian Nations (ASEAN), and the Pacific region, particularly its link with the Pacific Islands Forum. The organizations mentioned were not set up specifically to deal with human rights, and at times they may even be reticent about human rights. However, they may be entry points for the promotion and protection of human rights, if the political will permits.

In 1994 the Arab Charter on Human Rights was finalized by the Arab League. This was the first inter-governmental treaty in West Asia laying down human rights standards and a monitoring mechanism in the form of an Arab Human Rights Committee. However, the treaty never attained the necessary ratifications to enter into force and it was criticized by commentators as falling below international standards. More recently, in 2004 the treaty was revised and the OHCHR provided support for its improvement. The new treaty has improved on many fronts, despite some grey areas. It is more consistent with international human rights standards, e.g. while the old treaty was vague on constraints on human rights, the new treaty offers clearer parameters concerning limits permissible in times of public emergencies. The machinery under the treaty is an Arab Human Rights Committee with a monitoring role based on the obligation of member States to provide periodic reports and the Committee's power to make recommendations of a persuasive nature. Now adopted by the Arab League, this revised treaty awaits the needed number of ratifications for its enforcement. The current text offers a monitoring process without enabling individuals to complain to the Committee to seek redress. However, the Charter provides for the possibility of Protocols to add elements to the Charter. This could provide space for future channels for individuals to seek redress where the national level does not have the capacity to deliver justice.

It would be logical for the OHCHR to sustain its interaction with this treaty/system and the Arab League to support effective implementation of the treaty, especially as this system comes nearest to the intention of having a regional machinery for the promotion and protection of human rights, albeit at a geographically reduced level – sub-regional, rather than regional.

Arab countries have also indicated their interest in seeing the establishment of a UN Regional Centre for Human Rights for South-west Asia and the Arab region to promote human rights at that level. Qatar is interested to host this. This needs to be well-coordinated with the presence of the OHCHR in the Arab region, now through an office based in Beirut as seen below, to ensure effective cooperation and avoid duplication. Of note also is that in June 2005, Gulf countries are planning to host a workshop on the Convention on the Rights of the Child, in coordination with the OHCHR.

SAARC has adopted a more focused approach of concretizing treaties linked to specific human rights issues rather than general human rights treaties. In 2002 it adopted two treaties with impact on human rights: the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. The former Convention calls for laws to criminalize the phenomenon and for cross border cooperation to tackle the issue. It also calls for care, treatment, rehabilitation and repatriation of the victims, with the possibility of bilateral arrangements. The latter Convention provides for “regional arrangements” as follows:

“Article V. Regional Arrangements

To ensure consistent focus on and pursuance of the regional priorities delineated above, States Parties shall promote solidarity, cooperation and collective action

between and among SAARC Member States in the arena of child rights and development. States Parties view such cooperation as mutually reinforcing and capable of enhancing the quality and impact of their national efforts to create the enabling conditions and environment for full realization of child rights and attainment of the highest possible standard of child well being. In pursuance hereof, States Parties shall:

- a) Provide opportunities for appropriate bilateral and multilateral sharing of information, experience and expertise.
- b) Facilitate human resource development through planned annual schedule of SAARC Advanced Training Programme on Child Rights and Development.
- c) Make special arrangements for speedy completion and disposal, on priority basis, of any judicial or administrative inquiry or proceeding involving a child who is a national of another SAARC Member State, and for the transfer of children who are nationals of SAARC countries, accused of infringing the penal code, back to their country of legal residence for trial and treatment, provided that the alleged offence has not imperiled the national security of the country where it has been allegedly committed.
- d) Strengthen the relevant SAARC Bodies dealing with issues of child welfare to formulate and implement regional strategies and measures for prevention of inter-country abuse and exploitation of the child, including the trafficking of children for sexual, economic and other purposes.
- e) Set up a South Asian nutrition initiative aimed at enhancing knowledge and promoting greater awareness, practice and attainment of higher levels of nutrition, particularly for children and women, through mass education, adequate training and ensuring food security and equitable distribution of food at the family level."

In addition, in 2004 SAARC adopted the SAARC Social Charter with impact on many economic, social and cultural rights. In particular, there are commitments to eradicate poverty, improve health services, foster educational access, and promote the status of women and children, population stabilization and drug-de-addiction. Members are supposed to set up national coordination committees to exchange information with the SAARC Secretariat, coupled with national plans. While the SAARC treaties are more on cooperative activities than on the setting up of a sub-regional machinery to deliver justice where the national setting is unable or unwilling to do so, the treaties open the door for engaging the sub-region on specific human rights issues and providing space for related discourse and cooperation.

In South-east Asia, as far back as 1993, ASEAN foreign ministers made a statement citing the possibility of a human rights mechanism at the sub-regional level. However, that commitment was waylaid and the ASEAN governmental setting did not follow-up the issue. The initiative to explore a possible mechanism came from a non-governmental Working Group for an ASEAN Human Rights Mechanism. To press for a genuine mechanism, it submitted to the ministers a draft Convention to set up an ASEAN Human Rights Commission. The idea was similar to the regional Commissions found in Europe (now abolished), the Americas and Africa. However, the Governments did not respond readily to the proposal.

The Working Group then modified the proposal to become an ASEAN Commission on Women's and Children's Rights. This was discussed informally with government

representatives in various annual informal seminars held in the sub-region. Most promisingly, in 2004 the ASEAN Summit adopted the ASEAN Security Community Plan of Action which listed as part of needed activities the establishment of an ASEAN Commission on Women's and Children's Rights. However, this Plan does not indicate the mandate of the potential Commission. Will it be a machinery which can fill in gaps to review the human rights situation and provide redress where the national setting is unable or unwilling to act? Yet, because the idea has been voiced recently through the Plan, it would be timely for the OHCHR, in cooperation with other partners, to engage ASEAN to examine the form, content and powers of such a Commission.

The Pacific Islands Forum has also become more open to sub-regional and national human rights mechanism(s). In 2004, impetus was provided by the Eminent Persons' Group Review of the Pacific Islands Forum, the Auckland Declaration and Leaders' Decisions and the Pacific Human Rights Consultation, interlinked with these developments. First, the sub-region is increasingly establishing national human rights commissions – the most recent being the initiative from the Solomon islands. Second, it is open to a sub-regional machinery or mechanism; this may be more cost effective than the establishment of national commissions in all Pacific countries, since many are minute countries covering vast distances with very limited resources. In retrospect, several decades ago, some civil society actors put forward the idea of a Pacific Human Rights Charter, but this never materialized.

It would be logical for the OHCHR to find an avenue to discuss with these groupings their initiatives and support them if desired, perhaps through Memoranda of Understanding. This is in view of the fact that such initiatives are the closest that the Asia-Pacific region has come to responding to the original call from the UN to explore "regional arrangements". This is, of course, at the sub-regional level rather than the macroscopic Asia-Pacific level, but it provides a channel to target a machinery to deliver justice where the national setting is unable or unwilling to do so. The sub-regional may thus prove to be more feasible than the regional!

They also complement the sentiments expressed at the recent Bangkok inter-sessional Workshop on human rights action plans as follows:

“ 31. Governments should pay closer attention to the original objective of the Asia-Pacific Framework, namely the examination of the possibility of establishing sub-regional /regional human rights arrangements for the Asia and Pacific. The Meeting strongly encouraged the Governments of the region to strengthen their efforts to develop sub-regional mechanisms for the promotion and protection of human rights within the existing cooperation structures.

32. In this connection, the Meeting encouraged the Governments of the region to reinvigorate the Tehran Framework, in particular by revisiting its original intent to establish a regional human rights arrangement for Asia and the Pacific, and to strengthen efforts towards this end.”

c) OHCHR presence and UN as a team

One of the key developments in the Asia-Pacific region is the increasing presence of the OHCHR in the region, in addition to other UN bodies taking up human rights as part of their country and regional programming. The OHCHR presence varies from a stand alone country office, as in Cambodia, to units attached to peace-keeping operations as in Timor, Iraq and Afghanistan, and human rights advisers attached to the UNCT (e.g. Nepal and Sri Lanka) – under the UN resident representative (usually from the UNDP)). The OHCHR presence is to help promote and protect human rights, and one of the OHCHR's comparative advantages is that it acts as an umbrella to support human rights activities carried by the Government at times, by national human rights institutions at times, and by civil society at times, in addition to being itself – an agency for monitoring the human rights situation and advocate redress.

In recent years, partly in response to the evaluation of the Asia-Pacific Tehran Framework in 2000, the OHCHR set up a regional office in Bangkok for the Asia-Pacific region and another in Beirut to cover the Arab region (a part of which is in the Asian region), each with an OHCHR regional representative. It is also due to deploy a Senior Human Rights Adviser to Fiji covering the Pacific islands. These regional/sub-regional offices help to cover countries where there is no OHCHR presence at the national level, backstop national human rights advisers sent by OHCHR to other countries, and/or address regional issues which cannot be dealt with only at the national level. The Bangkok office has also initiated a practitioners' forum on the rights-based approach to human development, thus offering a forum for sharing good practices and other lessons between UN agencies and other partners. While the regional presence of the OHCHR is catalytic, the challenge facing these regional/sub-regional offices is that they are understaffed, under-resourced and overstretched geographically and substantively. They may need to become more sub-regional - with more focus and more support in terms of systems-building for sustained actions.

In addition, even without an OHCHR presence in a country, there may be various technical cooperation programmes to help the country improve the human rights situation, e.g. in relation to administration of justice reform in the People's Republic of China. Mongolia, Timor Leste and Yemen have also benefited from such programmes in recent years.

Quality and not quantity is the challenge posed. What the OHCHR and its staff are now being pressed to undertake are projects/programmes linked with development planning, requiring project management skills for which mere knowledge and commitment to human rights alone do not guarantee results. Such management skills involve the know-how to plan, implement and evaluate systematically; yet many of the OHCHR staff are not accustomed to this and have not been trained on development planning and management. Moreover, OHCHR has no real power to delegate authority to the field, as its administration is subject to and depends upon the approval of other quarters of the UN. The whole set-up is ultimately linked to the issue of UN reform and the placement of the OHCHR in the system, transitioning from an organ used to servicing Geneva-New York-based bodies to an entity which services the field and is on the front line – and cutting edge - of human rights flashpoints.

Collateral to the above, increasingly UN agencies are integrating human rights into their programme. This is spearheaded by the Secretary-General's call for all UN agencies to mainstream human rights into their work, known as Action 2, such as to promote accession to human rights treaties, and to implement the various norms and recommendations from the UN human rights system, particularly the human rights treaty bodies and special procedures such as UN Special Rapporteurs. There is now an inter-agency plan between the OHCHR and other UN agencies to work as UNCT, and the activities include, as per the Annual Appeal 2005 of the OHCHR:

“Building UNCT’s capacities: Human rights advisers will be deployed to selected countries to advise UNCTs; a strategy on human rights integration will be developed for UNCTs; seed funds for in-country capacity-building will be made available; and practical tools and modules on national protection systems will be developed.

Joint programming to strengthen national protection system: OHCHR will help to ensure that human rights are integrated into the United Nations common analysis and planning frameworks, such as the Common Country Assessment(CCA)/United Nations Development Assistance Framework(UNDAF), the Consolidated Appeal Process and the Common Humanitarian Action Plan. Support will be provided to UNCT-based theme groups or other mechanisms on human rights that can identify possible joint activities.

Implementation of international human rights standards at the country level: United Nations agencies and UNCTs contribute to the work of the treaty bodies by monitoring State Party’s compliance with international conventions, and assist in the fact-finding missions undertaken by the independent experts of the Commission on Human Rights. Activities under this component, which aim to ensure that information submitted by UNCTs is considered by United Nations human rights bodies, and that the recommendations and observations made by human rights bodies are incorporated into UNCT’s programming, will be funded from existing resources or additional contributions from the agencies’ own resources.”

Operationally among many UN agencies, there may be country programming/office, on the one hand, and regional/sub-regional programming/office, on the other hand. For instance, the UN Children’s Fund (UNICEF) has both country programming/office as well as regional programming/office dealing with child rights (although not exclusively). On another front, in recent years UNDP has supported various human rights activities at the national level, e.g. support for national human rights commissions and human rights action plans. It is particularly driven by the Millennium Development Goals (2000). In addition to its country offices, UNDP has started to set up regional centres which also cover human rights issues. A regional centre was recently established in Bangkok to cover the Asia-Pacific region in the areas of access to justice, human rights and indigenous peoples under the general umbrella of “governance”. Many of the planned activities are in relation to comparative research, e.g. case studies on projects from 8 countries on rights-based approaches with a view to including women’s rights issues, and country case studies on policies for inclusive governance for disadvantaged groups, including indigenous peoples, and related training workshops and public awareness programmes and evaluation. The budget is several million USD and is much larger than OHCHR

budget. On a related front, one should not underestimate the financial clout and impact of global financial institutions such as the World Bank which have also started to take an interest in access to justice and Rule of Law issues related with human rights.

The challenge for OHCHR and its link with other UN agencies is to avoid overlaps and coordinate/cooperate well at the country level and regional/sub-regional level to act as UN teams rather than as individual UN agencies. An underlying issue facing the OHCHR is thus how to focus its limited resources on its value-added, especially when many other UN agencies are able or willing to take up human rights issues – often with much more funding than the OHCHR itself. What is its value-added?

A possible response is to advocate that the OHCHR should concentrate most on its protection role, including related advocacy and follow-up, in areas where other UN agencies are unable or unwilling to tread. Often, it is the challenge of civil and political rights and related conflict issues which are the most sensitive and where other UN agencies are reticent to act, especially as some UN agencies are more geared to development programming on economic, social and cultural issues and are hesitant to question the authorities on civil/political rights and/or fearful of compromising their close relations with the Government of the day. From an intra-UN family angle, the OHCHR's value-added is possibly to nurture effective integration of international human rights standards into all UN agencies and act as a check-and-balance within the UN family itself to influence respect for human rights.

Importantly, in the Asia-Pacific region where there is no inter-governmental human rights protection system, apart from some nascent sub-regional initiatives, the OHCHR presence and the totality of the UN family have a key role to play as a complementary system for the promotion and protection of human rights – given each agency's value-added. This should not be envisioned as an alternative to building national human rights protection systems and regional/sub-regional systems. Rather it should be seen as complementary to the need to build such national and regional/sub-regional systems.

Convergent Tracks?

The three tracks above are not mutually exclusive but can go hand in hand. Behind all the tracks, there is the issue of how best to evolve a regional framework for the promotion and protection of human rights in the Asia-Pacific region in a convergent manner as “the rights track” – given the OHCHR's limited resources and the expanding interest of other UN agencies in relation to human rights. **There are some conclusions which may be drawn from the above.**

First, the Asia-Pacific regional framework/programming as linked with the OHCHR has shifted from the original intentions of the various UN resolutions in the UNGA and the UN Human Rights Commission – to explore “regional arrangements”, possibly a regional machinery to review the human rights situation and provide redress where the national setting is unable or unwilling to deliver justice. Currently, the programming is based on “regional cooperation” on the four pillars above - which only answers in a limited manner the question of the need for a regional machinery to review the human rights situation and

provide such redress. Those original intentions need to be revisited, precisely because as in all regions of the globe, national protection systems are never totally adequate whether in the Asia-Pacific region or elsewhere. On a welcome note, currently, there are sub-regional initiatives to revisit those intentions – not necessarily because of OHCHR impetus but with which the OHCHR could engage more directly.

Second, the actors brought into the annual Asia-Pacific workshops and regional framework have tended to be Governments, with limited access by NGOs and national human rights institutions. Moreover, to date, there has been no systematic engagement with the four sub-regions mentioned earlier, which have nascent human rights initiatives: the Arab Charter and the Arab League, the specific human rights oriented treaties on women and children and SAARC, the newly proposed ASEAN Commission on Women's and Children's Rights and ASEAN, and the potential of a sub-regional machinery with the Pacific Islands Forum

Third, it is timely to reflect on the current regional programming, born of the Tehran Framework, under the OHCHR, with its four pillars, related annual governmental Asia-Pacific workshops and inter-sessional activities, from the angle of how best to strategize so as to make effective use of resources and maximize impact. The pillar which responds most closely to the search for "regional arrangements" is the development of national human rights commissions with its network under the APF. In future, the other three pillars may be better served through country programming in cooperation with the UNCT rather than OHCHR's link with the Asia-Pacific Framework and related budgeting, bearing in mind that the UNCT has more resources than the OHCHR.

Fourth, that Framework has primarily depended on a workshop style of discourse and cooperation. On the constructive side, it has promoted a degree of confidence-building on human rights and dialogue between different countries. Yet, the various workshops have tended to be dialogue at the middle level rather than at the higher-highest political level. For instance, to date, there has not been a ministerial level meeting to ensure full-fledged commitment to regional cooperation or regional arrangements. There has also been a tendency to have workshops with little or no evaluation and follow-up, while carry-through activities have tended to be on an ad hoc project basis rather than a long-term programmatic approach.

Fifth, one innovative element at the most recent annual workshop in Doha was the proposal for the next workshop to be more focused on a theme. The theme chosen for the forthcoming workshop in Beijing will thus be on human trafficking. This thematic approach also invites reflection from the angle of sustainability, avoiding adhocism, and conducive to effective implementation measures, while using the OHCHR's value-added. In this regard, it should not be forgotten that there is already a multitude of workshops, programmes and agencies – national, bilateral and multilateral - working on the trafficking issue in the Asia-Pacific region. A pertinent consideration is that the OHCHR has evolved a set of guidelines on human rights and the trafficking issue, and the forthcoming workshop could be an opportunity to disseminate those guidelines. There is also the

challenge of interlinking with the other agencies working on the issue, including the various sub-regional organizations such as SAARC and ASEAN which have already adopted various commitments/actions against trafficking.

Sixth, the cycle of activities initiated in Tehran and now in the Doha phase has been based upon two years, while other UN agencies are now planning and working on a five year cycle. The new mindset for regional actions invites a more programmatic approach with a longer time frame, based upon fewer workshops, but more national and regional capacity-building to promote and protect human rights, revisiting the original intentions above: the search for a regional machinery to provide redress where the national setting is unable or unwilling to deliver justice, side by side with the need to build effective national protection systems.

Seventh, the increasing presence of the OHCHR in the Asia-Pacific region is welcome, especially to cover countries where there are key human rights challenges. Yet, there remains the question of how best to ensure that the regional/sub-regional offices and national human rights advisers are well supported to have effective impact, bearing in mind that the OHCHR, in cooperation with the UNCT, may have to fill in gaps in relation to the promotion and protection of human rights, where the national level does not have the capacity to respond.

Eighth, the UN scenario in the region is changing with more UN agencies now integrating human rights into their programming both national and regionally. There is the challenge of how to capitalize on the OHCHR's value-added while ensuring effective sharing of tasks between the UN agencies represented in the UNCT, especially UNDP, to avoid duplication and maximize impact on a sustained basis with effective access to key target groups.

The Track(s) Ahead:

In view of the above, the quest for an effective regional framework for the promotion and protection of human rights in the Asia-Pacific region should follow these steps in the region's voyage of self-discovery:

- 1) invite sub-regional organizations from the Asia-Pacific region (particularly the Arab League, SAARC, ASEAN and Pacific Islands Forum) which are now exploring human rights initiatives to join the forthcoming Asia-Pacific Workshop to be held in Beijing (2005) and network accordingly; before participating in the plenary with Asia-Pacific Governments at the Workshop, they should meet in a pre-session workshop of their own to share their experiences and coordinate with the OHCHR to discuss avenues for mutual engagement, possibly leading to Memoranda of Understanding to propel cooperation and bearing in mind the theme to be addressed at the Workshop (i.e. the human trafficking issue chosen for special attention in 2005);

- 2) expand the space for NGOs and national human rights institutions to participate in the Beijing workshop (preceded by the pre-sessional

workshop(s) for these actors which have been taking place at the annual Asia-Pacific Workshops for the past few years);

3) move towards a five-year programme for the Asia-Pacific region, supported by the OHCHR and in consultation with a broad range of stakeholders;

4) initiate the five-year regional programme with the blessing of a high level/ministerial level workshop next year with strong commitment to the programme;

5) ensure that the five-year regional programme integrates and operationalizes the following:

- engage with those sub-regional organizations with human rights initiatives, especially to highlight the need for a machinery to review the human rights situation, provide redress where the national level is unable or unwilling to deliver justice, and support effective implementation of human rights standards consistent with international law;
- continue to support the pillar on national human rights institutions and the APF network as part of the regional programme, based on a sustainable partnership relationship;
- shift the other three pillars of the current Asia-Pacific framework(i.e. on national human rights action plans, human rights education and economic/social/cultural rights/the right to development) to country programming, as appropriate, and interlink with the UNCT on a national and/or regional/sub-regional basis, if countries wish to promote the pillars;
- use the regional framework to encourage States to accede to human rights treaties and implement them, as well as to follow-up the various recommendations of the human rights treaty bodies and special procedures, in cooperation with the OHCHR presence in the Asia-Pacific region and other UN agencies;
- enable actions to be planned and implemented with a variety of stakeholders – governmental, inter-governmental and non-governmental, and in a spirit of UN inter-agency cooperation;
- report back on developments half way through the five-year cycle by holding a high level mid-term review workshop (about two and a half years after the cycle begins) and a final review workshop (at the end of the five years), without the need for annual Asia-Pacific workshops;
- provide space , in-between the review workshops, for a variety of integrated actions, as appropriate, moving

away from the ad hoc workshop style of the past, and share tasks well with a variety of stakeholders and the UNCT, especially UNDP, linked with capacity-building and follow-up for needed reforms and implementation of human rights ;

- test all actions under the programme from the angle of sustainability in the promotion and protection of human rights, bearing in mind the presence of the UNCT, the value-added of each UN agency, and the general UN development planning cycle and related resources.

6) Support the decentralization process of the OHCHR to have sub-regional offices in the Asia-Pacific region with adequate back-up in terms of resources and personnel; the current Asia-Pacific regional OHCHR office in Bangkok should become the sub-regional office for South-east Asia; step-by-step, sub-regional offices should be set up for the Pacific, South Asia, (South-)West Asia, North-east Asia and Central Asia;

7) Expand the OHCHR presence through national human rights advisers attached to the UNCT at the national level gradually in key countries and set up stand-alone offices , where appropriate, supported by the sub-regional offices; the latter could also have some thematic advisers attached to them to support the national advisers and OHCHR presence at the national level, e.g. on the issue of administration of justice reform;

8) Promote cooperation and complementarity between the OHCHR and UNCT, bearing in mind that a key value-added of the OHCHR is in regard to human rights protection – the protection of individuals and peoples from the negative impact of the human rights situation, and the encouragement of State and non-State actors to comply with international human rights standards;

9) Maximize the role of the OHCHR in relation to areas under its mandate where other UN agencies are unable or unwilling to tread, even though they are all now supposed to mainstream human rights into their programming, and ensure that the OHCHR acts as a check-and-balance to promote respect for human rights by the UN family;

10) Systematize the programming and implementation processes by mainstreaming a participatory, gender-sensitive and victim-responsive approach, with consistent monitoring, evaluation and follow-up, based upon effective preventive actions, protection of human rights and access to redress.

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