

22 June 2009

H.E. Sihasak Phuangketkeow
Chairperson
High Level Panel (HLP) on the establishment of the ASEAN Human Rights Body
Ministry of Foreign Affairs
No. 443 Sri Ayudhya Road
Rajthevi District
Bangkok 10400, Thailand

Cc.

H.E. Dato Paduka Haji Shofry Abdul Ghafor (HLP member, Brunei Darussalam)
H.E. Om Yentieng (HLP member, Cambodia)
H.E. Rahmat Budiman (HLP member, Indonesia)
H.E. Bounkeut Sangsomsak (HLP member, Lao PDR)
H.E. Tan Sri Ahmad Fuzi Abdul Razak (HLP member, Malaysia)
H.E. U Myat Ko (HLP member, Myanmar/Burma)
H.E. Rosario G Manalo (HLP member, Philippines)
H.E. Bilahari Kausikan (HLP member, Singapore)
Prof. Vitit Muntarbhorn (HLP member, Thailand)
H.E. Pham Quang Vinh (HLP member, Vietnam)
H.E. Surin Pitsuwan (Secretary General of ASEAN)

Your Excellency,

The Terms of Reference of the ASEAN human rights body should include protection mandates and the appointment of independent experts

One of the main purposes of ASEAN is to “promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building” (Article 1.13, ASEAN Charter). Therefore, we, the undersigned organisations, would like to convey our concerns regarding the absence of a protection mandate and the appointment of independent experts in the draft of the Terms of Reference (TOR) on the establishment of an ASEAN human rights body.

We urge the High Level Panel members to submit to the ASEAN Foreign Ministers at the 42nd ASEAN Ministerial Meeting in July 2009, the TOR which includes provisions empowering the ASEAN human rights body to:

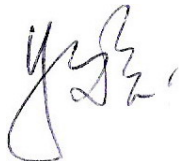
- a) Conduct country visits;
- b) Receive complaints, both from individuals and groups, and initiate investigations;
and
- c) Conduct periodic reviews on the human rights situations in all member states as part of its protection mandate

We also urge you to include the appointment and the selection of independent human rights experts in the TOR to ensure the independence of the body. To ensure that the human rights body is credible, and that it will act on human rights violations without fear or favor, the body must be independent from ASEAN member states' governments. The TOR should provide for the appointment of independent experts to the body through a transparent process and in consultation with civil society and the general public.

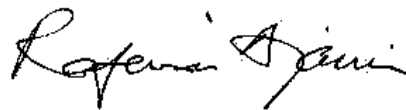
Without a mandate to protect and appointment of independent experts, the ASEAN human rights body will be unable to effectively realize the purposes and principles of ASEAN as stipulated in Article 2 (i) to respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice. This would reflect badly on ASEAN as being unable to live up to the spirit of its own Charter and further dent the credibility of ASEAN in the eyes of the international community for setting up a sub-standard regional human rights mechanism as compared to those in the African, Inter-American and European systems.

We respectfully request that you review the content of the draft TOR in light of our concerns outlined above and incorporate the necessary changes into the final draft of the TOR for submission at the upcoming ASEAN Ministerial Meeting. In the mean time, should you have any further inquiry regarding the above, please do not hesitate to contact Ms. Yuyun Wahyuningrum, East Asia Program Manager of FORUM-ASIA at yuyun@forum-asia.org or at +66 87991 4451.

Yours sincerely,



Yap Swee Seng
Executive Director
Asian Forum for Human Rights and
Development (FORUM-ASIA)



Rafendi Djamin
Convenor
SAPA Task Force on ASEAN and Human
Rights (SAPA TF-AHR)

Endorsed by:

ASEAN Countries

Burma

1. All Burma Federation of Student Unions (Foreign Affairs Committee)
2. Arakan Oil watch
3. Burma Partnership (BP)
4. Burma Rivers Network (BRN)
5. Chin Human Rights Organization

6. Committee on Internally Displaced Karen People (CIDKP)
7. Ethnic Community Development Forum of Burma (ECDF)
8. Ethnic Nationalities Council
9. Forum Democracy in Burma
10. Human Rights Education Institute of Burma (HREIB)
11. Kachin Women's Association Thailand
12. Karen Office of Relief and Development (KORD)
13. Karen Students Network Group (KSNG)
14. Karen Teacher Working Group (KTWG)
15. Karen University Student Group (KUSG)
16. Karen Women Organization (KWO)
17. Karen Youth Organization (KYO)
18. Lahu National Development Organization (LNDO)
19. National Healthy and Education Committee (NHEC)
20. Nationalities Youth Forum (NY Forum)
21. NCGUB - National Coalition Government of the Union of Burma
22. Network for Democracy and Development
23. Palaung Womens Organization
24. Salween Watch
25. Shan Women's Action Network (SWAN)
26. Shan Relief and Development Committee (SRDC)
27. Shan Health Committee (SHC)
28. Shan Sapawa Environment Organization (Sapawa)
29. Shan Youth Power (SYP)
30. Shan Human Rights Foundation (SHRF)
31. Shwe Gas Movement
32. Students & Youth Congress of Burma (SYCB)
33. Women's League of Burma

Cambodia

34. Cambodia Housing Rights Task Force (CHRTF)
35. Cambodian Human Rights and Development (ADHOC)
36. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

Indonesia

37. Alliance of Independent Journalists (AJI)
38. Biak West Papua Customary Council
39. Center for Indonesian Migrant Workers - CIMW
40. Center for Popular Education
41. Child's Rights Protection Foundation (YPHA)
42. Indonesia's NGO Coalition for International Human Rights Advocacy (HRWG)
43. Indonesian Human Rights Committee for Social Justice (IHCS)
44. Indonesian Human Rights Monitor (IMPARSIAL)
45. Indonesia Legal Aid Foundation (YLBHI)
46. International NGO Forum on Indonesia's Development (INFID)

47. Federation of Commission for Disappearances and Victims of Violence (KONTRAS)
48. Legal Aid Society and Human Rights Indonesia (PBHI)
49. PMK HKBP Jakarta
50. SATUNAMA, Yogyakarta
51. Sekretariat Anak Merdeka Indonesia (SAMIN Foundation)
52. Voice of Human Rights

Laos

53. Gender & Development Group

Malaysia

54. All Women's Action Society (AWAM)
55. Center for Orang Asli Concerns (COAC)
56. Health Equity Initiatives
57. Indigenous Peoples Network of Malaysia (JOAS)
58. Institute of Strategic Analysis and Policy Research (INSAP)
59. P.S. The Children
60. Suara Rakyat Malaysia (SUARAM)
61. Persatuan Kesedaran Komuniti Selangor (Empower)
62. PILIPINA Legal Resources Center
63. Pusat Komas
64. Women's Aid Organisation (WAO)
65. Women's Candidacy Initiative (WCI)

Philippines

66. Alyansa Tigil Mina (ATM)
67. AMIHAN, National Federation of Peasant Women – Philippines
68. Center for Migrant Advocacy Philippines
69. Cordillera Human Rights Alliance (Philippines)
70. Cordillera Indigenous Peoples Legal Center-Dinteg (Philippines)
71. Cordillera Peoples Alliance
72. Development Action for Women Network (DAWN)
73. Foundation for Media Alternatives (FMA)
74. GABRIELA
75. Indigenous Peoples Rights Monitor (Philippines)
76. Institute for Popular Democracy
77. Libertas
78. Management and Organizational Development for Empowerment (MODE)
79. Mindanao Peaceweavers (MPW)
80. Pamalakaya fisherfolk alliance
81. Peoples Partner for Development and Democracy (PPDD)
82. Philippines Alliance of Human Rights Advocate (PAHRA)
83. Sibuyan Island Sentinels League for Environment Inc. (Sibuyan ISLE)
84. Tanggol Kalikasan
85. Task Force Detainees of the Philippines (TFDP)

Singapore

86. Food #03, Singapore
87. Organization for the Empowerment of Singapore (OFES)
88. Singapore Democratic Party
89. Singapore Working Group for ASEAN (SWGGA)
90. Think Centre

Thailand

91. USCRI-Thailand
92. Hmong Association
93. People's Empowerment Foundation
94. Rangsit and Area Labour Union Group
95. Thai Volunteer Service Foundation

ASEAN Dialogue Countries**Australia**

96. Australia Tibet Council
97. Fahamu Refugee Programme (FRP)
98. Human Rights Council of Australia (HRCA)
99. Indonesian Solidarity - Australia
100. Refugee Council of Australia

Belgium

101. Law and Development of the Law Faculty of the University of Antwerp

India

102. Banglar Manabdhikar Suraksha Mancha (MASUM)
103. Burma Centre Delhi (BCD)
104. Centre For Democracy & Human Rights
105. Migrant Domestic Workers' Welfare Trust
106. Migrant Forum India- Tamilnadu
107. National Convenor Programme Against Custodial Torture & Impunity (PACTI)
108. National Domestic Workers Movement- Tamilnadu
109. OpenSpace
110. People's Watch
111. Institute of Human Rights Education,
112. Sudhanthra (A Rehabilitation Centre for Victims of Domestic Violence and torture)
113. Tamilnadu Domestic Workers' Welfare Trust

United Kingdom

114. Forest Peoples Programme

United States

115. Boat People SOS (BPSOS)

116. UNANIMA International

ASEAN+3

China

117. St. John's Cathedral HIV Education Centre, Hong Kong, SAR, China

118. Hong Kong Refugee Advice Centre Ltd (HKRAC)

Japan

119. Citizen for Human Rights in Japan

120. Peace Boat Japan

South Korea

121. Korea House for International Solidarity (KHIS)

122. People's Solidarity for Participatory Democracy (PSPD)

Non-ASEAN countries

Bahrain

123. Bahrain center for Human Rights

Bangladesh

124. Ain o Salish Kendra (ASK)

125. Human Rights Development Information Center (HRDIC)

126. Madaripur Legal Aid Association

127. Ovibashi Karmi Unnayan Program (OKUP)

128. WARBE Development Foundation

Brazil

129. Associacao Juizes para Democracia (Judges for Democracy Association) - Brazil

Lebanon

130. The Palestinian Human Rights Organization (PHRO), Lebanon

Mongolia

131. Center for Human Rights and Development (CHRD)

132. Globe International

Nauru Island

133. Nauru Island Association of NGOs (NIANGO)

Nepal

134. Informal Sector Service Centre (INSEC)

135. Human Rights Treaty Monitoring Coordination Committee (HRTMCC)

136. INHURED International

137. Protection of People's Rights Nepal (PPR Nepal)

- 138. National Alliance of Women Human Rights Defenders(NAWHRD)
- 139. National Coalition for the ICC in Nepal (NCICC-Nepal)
- 140. Women's Rehabilitation center (WOREC)

Pakistan

- 141. ESCR-Asia
- 142. Human Rights and Corporate Social Responsibility Forum
- 143. Pakistan International Human Rights Organization (PIHRO)

Taiwan

- 144. Taiwan Association for Human Rights (TAHR)

Timor-Leste

- 145. Human Rights and Justice (HAK Association)
- 146. Judicial System Monitoring Program (JSMP)

Switzerland

- 147. Tibetan U.N. Advocacy, Switzerland
- 148. Pax Romana

Regional

- 149. Alternative ASEAN Network on Burma (ALTSEAN)
- 150. Asia Indigenous Peoples Pact (AIPP)
- 151. Asia Pacific Forum on Women, Law and Development (APWLD)
- 152. Asian Federation Against Involuntary Disappearances (AFAD)
- 153. Asian Forum for Human Rights and Development (FORUM-ASIA)
- 154. Asia-Pacific Solidarity Coalition (APSOC)
- 155. Asian Peasant Women Network (APWN)
- 156. CARAM Asia
- 157. Coalition to Abolish Modern-day Slavery in Asia (CAMSA)
- 158. Committee for Asian Women (CAW)
- 159. Indigenous Knowledge and Peoples (IKAP)
- 160. Initiatives for International Dialogue
- 161. International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific)
- 162. Global Partnership for the Prevention of Armed Conflict- Southeast Asia (GPPAC-SEA)
- 163. Migrant Forum in Asia (MFA)
- 164. Nonviolence International Southeast Asia (NISEA)
- 165. Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS)
- 166. South East Asian Committee for Advocacy (SEACA)
- 167. South East Asian Fisherfolk Collective
- 168. Southeast Asian Press Alliance (SEAPA)
- 169. World Forum for Democratization in Asia

International

- 170. Centre on Housing Rights and Evictions (COHRE)

- 171. Development and Civilizations Lebret-Irfed
- 172. Dignity International
- 173. Front Line
- 174. Global Alliance Against Trafficking of Women (GAATW)
- 175. International Detention Coalition (IDC)
- 176. World Organisation Against Torture (OMCT)

Individuals

- 177. Mr. Alexander C. Chandra, Southeast Asia coordinator, Trade Knowledge Network (TKN)
- 178. Mr. Amitav Acharya, Professor of International Relations, School of International Service, American University, US
- 179. Mr. Augusto N. Miclat, Jr., Executive Director, Initiatives for International Dialogue (IID)
- 180. Mr. Chamnan Chanruang, Chiang Mai, Thailand
- 181. Ms. Cheryl L. Daytec, Associate Professor, St. Louis University
- 182. Ms. Corazon Valdez Fabros, Attorney, Philippines
- 183. Ms. Diana, Indonesia
- 184. Mr. Eric Tan Heng Chong, Singapore
- 185. Ms. Eunsook Jung, Ph.D. candidate, University of Wisconsin, Madison, US
- 186. Mr. Hadi Susastro, CSIS, Indonesia
- 187. Mr. Irwanto, Chair, Institute of Research and Community Services, Atma Jaya Catholic University, Indonesia
- 188. Mrs. Isabel Maria Sampaio Oliveira Lima, Full Professor, Post-Graduation Program "Family in Contemporary Society", The Catholic University of Salvador, Brazil
- 189. Ms. Leena Ghosh, Malaysia
- 190. Mr. Muhd Shafie Syahmi, Singapore
- 191. Mr. Rahul Choudhary, Environment and Human Rights Lawyer, (Legal Initiative for Forest and Environment), New Delhi, India
- 192. Mr. Ruixiang Huang, Singapore
- 193. Ms. Seelan Palay, Independent Human Rights Activist, Singapore
- 194. Mr. Shaun Narine, Associate Professor, Department of Political Science, St. Thomas University Fredericton, NB, Canada
- 195. Mr. Soe Min Than, Singapore
- 196. Mr. Teodoro Baguilat Jr., Governor of Ifugao province in the Philippines
- 197. Mr. Todung Mulya Lubis, Human Rights Lawyer, Indonesia
- 198. Mr. Thitinan Pongsudhirak, Professor, Department of International Relations, Faculty of Political Science, Chulalongkorn University, Thailand
- 199. Mr. Watson Chong Cham Weng, Singapore
- 200. Mr. Yasumasa Komori, Assistant Professor of International Relations, James Madison College, Michigan State University, US