

Phuket, Thailand, 18 July 2009

H.E. Kasit Piromya
Foreign Minister of Thailand
ASEAN Chair

Ministry of Foreign Affairs
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Cc.

1. Ms. Jaithai Upakarnitikaset, First Secretary
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2. H.E. Surin Pitsuwan, SG ASEAN
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Re: Harmonisation between the AHRB, ACWC and ACMW

Your Excellencies,

We applaud the openness to civil society participation demonstrated under Thailand's chairmanship in 2008-2009.

We submit this letter in response to the suggestion made by H.E. Kasit Piromya at the meeting on 13 July 2009 at the office of Ministry of Foreign Affairs of the Kingdom of Thailand that civil society share a written proposal of possible issues to be tabled at the 42nd ASEAN Ministerial Meeting (AMM) in Phuket from 16 - 23 July 2009.

Civil society organisations in Southeast Asia call for the need to address the synergy and harmonisation between different ASEAN human rights mechanisms: *ASEAN Human Rights Body (AHRB)*, *ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)* and *ASEAN Commission on the Promotion and Protection of Migrant Workers (ACMW)* at the 42nd AMM.

At present all discussions and negotiations around these 3 mechanisms are taking place on parallel tracks. The position, actors and levels of decision making on these mechanisms vary and there is a lack of coordinated effort and commitment to ensure that these processes are integrated under the overarching human rights framework.

We call for the integration of these 3 mechanisms into the agenda of the Annual Ministerial Meeting and all discussions under the respective pillars is consolidated and final decisions are made by the AMM and the ASEAN Summit.

In addition, civil society calls for the following to be addressed without delay by the AMM:

- i) All 3 mechanisms which are human rights mechanism shall be integrated under the same purview and decision making powers, giving it the same stature within the ASEAN structure. It should be recognised that human rights are inherent, interrelated

and indivisible, and as such should be given equal status and consideration. Mechanisms on the rights of women, children and migrant workers should not be distinguished from the overarching human rights framework.

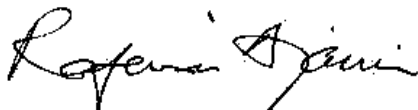
- ii) The 3 mechanisms to be empowered with a strong protection mandate, which include:
 - a. a framework for periodic peer review;
 - b. the capacity to conduct on-site country visits; and
 - c. a mechanism for receiving and addressing complaints by investigating and issuing recommendations as form of redress for victims of human rights violations.

- iii) The 3 mechanisms to be established as an independent, effective and credible body incorporating the universal principles of human rights, with the following requisites:
 - a. Independent Commissioners selected through transparent process which includes constructive and meaningful consultations with civil society.
 - b. Equal representation of women in the composition of the bodies and within the institutional structures.
 - c. Equal representation, inclusion and integration of all crosscutting sectors and issues such as recognising the rights of children, indigenous, ethnic minorities, sexual minorities, disabled, elderly, migrants, refugees and stateless persons amongst others.

We call on the AMM to provide a plan of action, with specific timeline, on how these 3 mechanisms will be organically coordinated and integrated.

In the mean time, should you have any further inquiry regarding the above, please do not hesitate to contact Ms. Yuyun Wahyuningrum, FORUM-ASIA at yuyun@forum-asia.org or at +66 (0) 8 7991 4451.

Sincerely,



Rafendi Djamin

On behalf of
Solidarity for Asian People's Advocacy (SAPA) Taskforce on ASEAN and Human Rights (TF-AHR)
Women's Caucus on ASEAN Human Rights Body
Taskforce on ASEAN Migrant Workers (TF-AMW)