

ANNUAL PERFORMANCE EVALUATION ASSESSMENT

BY FORUM-ASIA AND SAPA

HIGHLIGHTS OF THE ACWC

2017

The highlights of ACWC 2017 performance is an exclusive sneak peak for The performance evaluation of the human rights mechanisms of the Association of Southeast Asian Nations (ASEAN) – the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC) – in 2017. This eight annual review is produced by the Asian Forum for Human Rights and Development (FORUM-ASIA) and the Solidarity for Asian People's Advocacy (SAPA) Task Force on ASEAN and Human Rights and Working Group on ASEAN (SAPA TFAHR & WGA).

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WHAT IS ACWC?

The ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC) is a regional human rights institution established on 7 April 2010, comprising of 20 representatives, two from each of the ASEAN ten Member States to focus on women's rights and children's rights, respectively. The purpose, mandate, and functions of the body are defined in its Term of Reference (TOR). ACWC's primary goal is to promote and protect the human rights and fundamental freedoms of women and children in ASEAN. It is also tasked with upholding the rights contained in the Convention on the Elimination of Violence Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), which all ten ASEAN Member States have ratified. ACWC reports its activities to the ASEAN Ministerial Meeting on Social Welfare and Development (AMMSWD) under the ASEAN Socio-Cultural Pillar.

THE ACWC MILESTONES IN 2017

ACWC conducted two meetings in 2017, namely: 1) 14th meeting of the ACWC in 28 February – 2 March 2017 which took place in ASEAN Secretariat, Jakarta; 2) 15th Meeting of ACWC on 4th – 6th October 2017 in Phuket, Thailand. These two meetings discussed about ACWC milestones, such as:

- Finalization of the draft Progress Report on Gender Equality and Women's Rights in ASEAN, led by the Philippines representative to the ACWC for Women's Rights;
- Finalization of the draft Baseline Study on Child protection systems in ASEAN Member States led by Indonesia representative to the ACWC for Children's Rights;
- Completion of the AICHR-ACWC Training Workshop on the United Convention on the Rights of the Child by Singapore representative to the ACWC for Children's Rights;
- Completion of the report on Institutional Strengthening of the ACWC by the ACWC Philippines;

- Completion of the International Workshop and International Conference on Diversion through Restorative Justice by the Thailand representative to the ACWC Children Rights; and
- Completion of the public campaign video to end Violence Against Women (VAW) by the Thailand representative to the ACWC for women's rights.

The meeting also resulted in the finalization of the ACWC Work-plan for 2016-2020. In addition to that, the ACWC also contributed to the creation of a comparative studies on appraising progress in securing the rights of women and children in alignment with ASEAN 50th anniversary and joined a fellowship program about women, peace, and security, responsibility to protect, and countering violent extremism in ASEAN, organized by the Asia Pacific Center for Responsibility to Protect at the University of Queensland.

THE ASSESSMENT OF ACWC'S PERFORMANCE IN 2017

Despite the milestones of ACWC in 2017, it still faces challenges that hinder the implementation of its work plan. Lack of the intragovernmental coordination and support within the countries become one of the hindrances faced by ACWC representatives to push forward their agenda as they are rarely getting access into the decision and policy-making process in the national level. The role of ACWC in the region is also being compromised and sidelined given the lack of political ownership from the ASEAN member states (AMS) on women and children's rights within the region. As a result, the body suffered from the lack of resources, especially funding to sustain their works as planned.

On tracking the implementation of its activities, it is perceptible that there is a lack of continuation, linkage, and sustainability within the ACWC's initiatives as a result of the absence of monitoring and evaluation mechanism that holds the body accountable. We welcome the plan to come up with a blueprint of the Monitoring and Evaluation (M&E) framework for

the Socio-Cultural pillar. Hence, we propose for the utilization of such framework for ACWC.

The body also faced difficulties in reaching the consensus given the diverse composition of background and interests for the ACWC reps. It takes a toll on the performance of ACWC, particularly in the area of selecting and prioritizing their work plan.

This situation makes the decision-making process arduous since they are unable to reach the consensus. Some sensitive issues, namely Sexual and Reproductive Rights as well as the LGBT Rights remain unaddressed given the inability to achieve consensus among the reps.

Also, the ACWC's visibility is lacking compared to the other ASEAN Human Rights institution hence often being sideline despite the importance mandate embedded to them. Unless the ACWC is advancing their profile, they have weak bargaining power in-front of development partners and AMS.

STRATEGY FOR IMPROVEMENT

It is important for ACWC to adopt measures to increase its visibility, as it is vital toward opening the engagement with various stakeholders in national, regional, and international level. This can be done both through offline, such as lobbying with related stakeholders to showcase the role of ACWC and its mandate to promote and protect women and children and its relation to international standards such as CEDAW, CRC, and SDGs Goal no. 5 and 16., and online platform by utilizing website and social media to boost its campaign in order to reach wider audience and to increase ownership of ASEAN Member States on the issue of women's and children's rights.

In national level, the body can loosely engage with National Commission on Women of each country to ensure the continuation of their work-plan and ensure the reflection of the work-plan in accordance to national priority.

The body might also leverage on its engagement with civil society organizations in

various thematic issues and help on increasing visibility. Comparing with AICHR, which has its own consultative guideline that somehow limiting the participation of CSOs to the body, ACWC has the opportunity to explore various collaborative plans as long as it is under their mandates. The form of engagement might vary among other from submitting programmatic proposal, co-implementing action plans, engaging in public campaign, as well as involving CSOs on monitoring the implementation of ACWC work-plan.

Furthermore, there is a need to establish a comprehensive monitoring and evaluation mechanisms that will include the involvement of various ASEAN bodies, including AICHR to provide a clear direction and help to track its activities. With this, ACWC can have a framework to continue, sustain, and link its activities one to another.

Lastly, Internal consolidation is important to reduce the configuration of interests and find equal frequencies among the Representatives as well as between ACWC and AICHR. In this case, ACWC can focus on women and children issues, in which will leverage the work of AICHR as overarching institution for promotion and protection and human rights in general.

RECOMMENDATION

FOLLOW UP ON THE ASEAN RPAS

Follow up on the ASEAN RPAs on ERAW and EVAC, so that they evolve from public campaigns into plans of action at the national level.

BE MORE OPEN AND UP TO DATE

Be more open and up to date in providing information to the public, including on relevant human rights developments in the region and within countries, but also budgets and work plans.

UTILIZE ITS MANDATE AND FUNCTIONS TO ADVOCATE ON BEHALF OF WOMEN AND CHILDREN

Utilize its mandate and functions to advocate on behalf of women and children, especially the most vulnerable and marginalized, and encourage AMS to ensure respect and protection of their rights and improve their situation, as stipulated in paragraph 5.4 of the ToR.

ESTABLISH MONITORING AND EVALUATION MECHANISM

Establish Monitoring and Evaluation mechanism to objectively assess the outcome and impact of the ACWC's performance on the promotion of women and children's rights and its connectivity with the ASEAN pillar and other human rights institution, such as AICHR. ACWC should look beyond its current modality, from activity based to programmatic approach;

LEVERAGE ON CSOS INVOLVEMENT

Leverage on CSOs involvement. CSOs should be seen as partners in work and have large resources. This engagement is expected to start from the beginning of the preparation of work plans, activities, report preparation, and impact measurement.

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FOLLOW UP ON THE REGIONAL REVIEW

Follow up on the Regional Review on Laws, Policies and Practices within ASEAN related to the identification, management and treatment of victims of trafficking especially women and children with in-depth and more specific analysis for different sub-topics.

CONSIDER AND DELIBERATE ON THE POSSIBILITY OF HAVING A COMPLAINT MECHANISM

Consider and deliberate on the possibility of having a complaint mechanism similar to that existing at the international level under CEDAW and CRC Committees, as part of its function as stated in paragraph 5.12 of the TOR, to propose and promote appropriate measures, mechanisms and strategies for the prevention and elimination of all forms of violations of the rights of women and children, including the protection of victims.

CREATE A BETTER ALIGNMENT STRATEGY

Create a better alignment strategy for engaging with the AICHR and other ASEAN Sectoral Bodies beyond invitations to events and short meetings.

EXPLORE VARIOUS FUNDING OPPORTUNITIES

Explore various funding opportunities. This can be done through lobbying with development partners in collaboration with civil society organizations, think tank, and other bodies;