

Celebrating 'Progress for All' on International Women's Day 2010 APWLD Celebrates a New Human Rights Mechanism for Women and Children in Southeast Asia

Southeast Asia women welcome the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). Setting another milestone in the evolution of ASEAN, the new Commission will be established in April 2010 during the 16th ASEAN Summit in Hanoi, Vietnam. After witnessing the establishment of the ASEAN Inter-Governmental Commission on Human Rights (AICHR) in October 2009, women in Southeast Asia (SEA) are expecting the establishment of the ACWC to unfold as a specialised commission to further promote and protect the rights of women and children in the region.

The terms of reference (TOR) of the ACWC which empower the body with protection and promotion mandates were adopted in October 2009.^[1] At present, the nomination and selection of the ACWC representatives are in process at the national level. We are encouraged by several member states' move to open up the process by having consultations with civil society on the nomination and selection of the Commission's representatives.

We applaud the initiatives taken by Indonesia, Malaysia and Thailand to consult with civil society in selecting the representatives to the ACWC and encourage these governments to fully incorporate the consultations when making their selections. We ask that such consultation processes not only be guaranteed but also that the selection criteria be clarified and made more transparent.

We encourage other member states of the ASEAN to live up to their commitment, in line with article 1 of the ASEAN Charter, to promote a 'people-oriented' ASEAN and initiate an open, transparent and inclusive consultation process to nominate and select the ACWC representatives.

[1] The TORs have an emphasis on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Convention on the Rights of the Child (CRC) in all ASEAN member states. There is however an inherent weakness and protection gap in the TOR which has to be reviewed and strengthened to fulfill the obligations of all ten member states who have ratified various international human rights mechanisms, specifically CEDAW and CRC. ASEAN member states should commit to uphold the paramount principle of justice for women even while recognising the cultural diversity and pluralism of ASEAN and having due regard to legal obligations of the State under CEDAW to eliminate cultural and religious norms that perpetuate discrimination against women.

In Indonesia, the government opened registration for the post on 1-19 February 2010 and women's groups have nominated 3 women's rights expert for the position.

The Selection Committee consists of relevant agencies including the Ministry of Foreign Affairs and Ministry of Law and Human Rights had a meeting on 22-23 February 2010 to select candidates for the position.

The final appointment is to be announced shortly and the ACWC representative's names will be submitted to Ministry of Foreign Affairs by 15 March 2010.

In Malaysia, women's and children's groups were invited to submit nominations for the Malaysian representatives to the ACWC. Women's groups had nominated three women's rights experts and one child rights expert for the position.

On 3 March 2010, appointment of the Malaysian representatives to the ACWC was announced, Representative for women's rights: Dato' Dr. Noorul Anur Modh Nur, Deputy Secretary General of Ministry of Women, Family and Community Development and Representative for children's rights: Prof. Datuk Dr. Chiam Heng Keng, Human Rights Commission of Malaysia (SUHAKAM).

Unfortunately, none of the three nominees submitted by women's and children's groups was selected and no official announcement was made in the media on the final appointment of the representatives.

We reiterate our principles on the representatives of the ACWC:

- The nomination and selection process for membership in the ACWC shall be democratic and transparent with direct participation and consultation with civil society, and include open nominations from civil society, academia and government.
- The ACWC shall be composed of independent experts with demonstrated commitment to human rights and competence in the field of women's human rights and children's rights. Their terms in office should be fixed.
- Due consideration shall be given to equal and expert representation in the ACWC of all crosscutting sectors such as women, children, indigenous, ethnic minorities, sexual minorities, women with disabilities, migrants, refugees and stateless persons amongst others and that women shall constitute a majority of the membership of the ACWC.
- The ACWC experts shall not or have ever been be associated with the military, have not been charged of or in any way implicated with the commission of human rights violations, and have no conflict of interest whatsoever in their national capacity.

In order for the ACWC to reach its full potential as a specialised body to promote and protect women's and children's human rights, we ask for further consultation with civil society to define and harmonise the Commission within the overarching framework of the AICHR as the primary body responsible for human rights within ASEAN.

On behalf of the Southeast Asia Women's Caucus on ASEAN [2], APWLD would like to mark the achievements of ASEAN's new human rights mechanisms to date and celebrate those to come. On International Women's Day we call for an independent, responsive and credible new Commission that is cultivated by inclusion and transparency. We are confident that such a body will be a powerful tool in the fulfillment of the rights of women and children in Southeast Asia.

[2] The *Southeast Asia Women's Caucus on ASEAN* or *Women's Caucus*, represents a network of women's human rights groups from Burma, Cambodia, Indonesia, Lao PDR, Philippines, Malaysia, Thailand and Vietnam engaging with key ASEAN structures and in key processes towards ensuring the realisation and protection of women's human rights to ensure more effective and integrated regional human rights mechanisms for the promotion and protection of human rights and fundamental freedoms. *Women's Caucus* is coordinated by two regional organisations, Asia Pacific Forum on Women, Law and Development (APWLD) and International Women's Rights Action Watch (IWRAP Asia Pacific).

In Thailand, the Selection Committee composed of 11 members was announced on 12 January 2010 to select candidates. A few weeks later on 1 February 2010, civil society received a letter and invited to submit nominations by 25 February 2010.

The deadline for submission of nominees has been extended to 7 March 2010 in response to the request of women's groups for more open and consultative process.

In the Philippines, on 10 January 2010 women's rights groups were invited to submit nominations by 5 February 2010 for the Philippine women's rights representative to the ACWC.

However, on 20 January 2010, a notice was issued by the Philippine Commission on Women informing that the nomination/selection process has been held in abeyance following the discussion among ASEAN countries and developments during the ASEAN Coordinating Committee meeting held on 14 January 2010 in Da Nang, Vietnam.

The selection process with women and children representatives to ACWC has been held in abeyance since then without further development.



APWLD is an independent, non-government, non-profit organisation committed to enabling women to use law as instrument of change to achieve equality, justice, peace and development.