



TIGO IOR 64/2008.001

Dr. Thongloun Sisoulith,
Minister of Foreign Affairs
Ministry of Foreign Affairs
That Luang
Vientiane
Lao People's Democratic Republic

19 February 2008

Your Excellency,

Amnesty International would like to take the opportunity of the Association of Southeast Asian Nations (ASEAN) Foreign Ministers' Retreat, being held in Singapore on 19-20 February, to call for the timely establishment of an effective and independent human rights body in the ASEAN region.

Amnesty International has welcomed the inclusion of a commitment to the realization of human rights in the ASEAN Charter, which was signed at the 13th ASEAN summit in November 2007. The organisation also noted with satisfaction the commitment within Article 14 of the Charter to establish a regional human rights body. As you will know, Article 14 charged the Foreign Ministers of the ASEAN member states with the task of determining the terms of reference for this human rights body, and it is in this context that Amnesty International is writing to you.

Amnesty International urges the Foreign Ministers to ensure that a transparent and participatory process is put in place to set up the ASEAN human rights body. In this context, the organisation notes the vital contribution that civil society can make to the process of drafting the human rights body's terms of reference. A transparent and consultative process will give the human rights body, and the ASEAN Charter more generally, enhanced credibility and effectiveness both regionally and internationally. It is our experience, accumulated over decades of human rights work all over the world, that the work of regional and international human rights monitoring mechanisms is greatly enriched by input from human rights defenders and civil society. Such mechanisms often rely in part on civil society information on the general human rights situation or on individual cases that is not potentially compromised by political motivations, for contacts with victims of human rights violations and more. It is therefore vital that civil society is included from the beginning in the process, and we call on you to harness the expertise of civil society, and ensure that effective avenues are opened to enable broad and meaningful participation in the process of setting up the human rights body. This would be accord with the declared purpose of the Charter, which 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."

Amnesty International therefore urges the Foreign Ministers to ensure the following:

- The human rights body should be established within a reasonable timeframe that allows for meaningful participation;
- The Foreign Ministers, or an independent group of experts assigned by them to elaborate the terms of reference of the human rights body, should consult widely, including with representatives of human rights defenders, women's organizations, minority groups, indigenous people, trade unions and other sectors of society;

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT

Peter Benenson House, 1 Easton Street, London WC1X 0DW, United Kingdom

Tel: Int. Code: 44 (20) 7413 5500. UK Code: 020 7413 5500. Fax: Int. Code: 44 (20) 7956 1157. UK Code: 020 7956 1157.

E-mail: amnestyis@amnesty.org

Web: <http://www.amnesty.org>

representatives of human rights defenders, women's organizations, minority groups, indigenous people, trade unions and other sectors of society;

- Draft terms of reference of the human rights body should be posted on the ASEAN Secretariat website for comments by all interested persons and organizations well in advance of their finalisation.

Amnesty International calls on the Foreign Ministers to establish an effective, independent and robust ASEAN human rights body, in order *inter alia* to achieve the vision set forth in the Charter to “live in a region of lasting peace, security and stability, sustained economic growth, shared prosperity and social progress”. The organisation has previously issued a number of recommendations on the substance of the human rights body, which are reiterated below.

The ASEAN human rights body must itself be – or else, if representative of governments, must have the power to appoint - an independent, impartial, competent, well-resourced, professional institution, whose membership reflects the region's diverse peoples and cultures as well as gender parity. Members should be nominated and elected in a transparent process involving civil society at every stage of the proceedings.

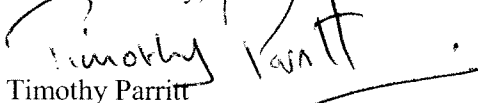
As for its tasks and responsibilities, as a minimum, the human rights body should:

- Work for and provide advice on the ratification and implementation of human rights and international humanitarian law treaties, including establishing effective training;
- Encourage and support states parties' timely and adequate reporting to UN human rights treaty-monitoring bodies;
- Urge member states to invite UN Special Procedures to visit and to provide them with full assistance and access;
- Encourage states to implement recommendations of UN treaty bodies and Special Procedures, and provide advice regarding such implementation;
- Encourage the establishment and operation of national human rights institutions in all ASEAN countries in accordance with the UN Principles relating to the status of national institutions (the “Paris Principles”);
- Examine, with the support of independent experts, specific human rights situations, in response to submissions by individuals, organisations or states, or on its own motion ;
- Develop tools and materials for human rights education and help member states in providing human rights education and training, both for state officials and for the public as a whole; and
- Work with and provide advice to national and regional human rights defenders, as well as ensuring that states allow them to carry out their work unhindered.

The human rights body must be given the effective authority and adequate resources in order to carry out these tasks.

Finally, Amnesty International strongly recommends that the human rights body's initial mandate should be phrased so as to allow the future development, expansion and elaboration of an ASEAN mechanism for the promotion and protection of human rights in the region

Yours Sincerely,



Timothy Parritt
Acting Director, Asia-Pacific Programme
Amnesty International