



Fédération Internationale des Ligues des Droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
ET DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

INTERNATIONAL FEDERATION
OF HUMAN RIGHTS

FEDERACION INTERNACIONAL
DE LOS DERECHOS HUMANOS

الفدرالية الدولية لحقوق الانسان

Attn.

ASEAN Foreign Affairs Ministers

Paris, 27th July 2007

Re. OPEN LETTER – 40th ASEAN Ministerial meeting

“for a Robust, Independent and Effective ASEAN Human Rights Commission”

Excellencies,

The International Federation for Human Rights (FIDH) wishes to call upon you to support the prompt creation of a Human Rights Commission, as proposed in the first draft of the ASEAN Charter, that you will discuss on the occasion of the 40th ASEAN Ministerial Meeting.

The protection of human rights is a matter of universal concern. The member States of the United Nations have recently reaffirmed human rights to be "*universal, indivisible, interrelated, interdependent and mutually reinforcing*"¹. The experience of other regions throughout the world, notably Africa, Europe, and the Americas, shows that human rights can be well addressed by regional organisations. Regardless of a region's political, economic and cultural systems, states have the duty to promote and respect human rights and fundamental freedoms. Their work at a regional level has always helped promote the realisation of these obligations.

ASEAN members already recognised the importance of human rights. All members have ratified the United Nations Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Other members have ratified the International Bill of Rights -- the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration of Human Rights. Four member states have national Human Rights Commissions. ASEAN has also produced its own human rights instruments, such as the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. Finally, as

¹ See Resolution of the General Assembly A/RES/60/251, adopted on April 3rd 2006

members of the United Nations Human Rights Council, some ASEAN members are obliged to abide by the highest standards of human rights.

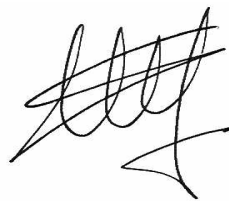
FIDH fully supports the Working Group for an ASEAN Human Rights Mechanism and has been encouraged by its work thus far.

However, in the context of your discussions at your ministerial conference, FIDH would like to put forward several key principles that should be adopted, in order to shape the future creation of a robust, effective and independent ASEAN human rights Commission:

- The HR Commission should have a mandate over all human rights, as enshrined in the Universal declaration for Human rights. This would put the mechanism in line with obligations incumbent upon ASEAN member States following GA resolution A/RES/60/251, and in conformity with the coverage of the Universal Periodic Review set up within the UN Human Rights Council. FIDH takes note that the High-Level Task Force on the ASEAN Charter has proposed Terms of Reference outlining that any future Commission would be concerned initially only with the international conventions that have been ratified by all ten ASEAN members. This proposal represents an important first step. It is, however, manifestly insufficient in both the short and longer term.
- The ASEAN Human Rights Commission should be an independent body composed of experts named following an open, inclusive and transparent process, with a list of criteria guaranteeing their independence from governments and their expertise on human rights.
- The ASEAN Human Rights Commission should be supervised by a ministerial oversight commission, that would follow-up on and promote the implementation of the decisions of the Commission.
- Finally, the ASEAN Human Rights Commission should be able to receive individual and collective complaints, following infringements of human rights in the ASEAN countries.

FIDH conveys to you its fervent hope that the ASEAN Charter, when approved later this year in Singapore, will include a human rights organ that commits ASEAN and its member countries, through both words and deeds, to upholding human rights. FIDH urges you to lend your full support to this potentially historic advance of human rights in the South East Asian region.

Yours Sincerely,



Souhayr Belhassen

President

The International Federation for Human Rights (FIDH) is an international non-governmental organisation based in Paris, bringing together 155 national human rights organisations throughout the world with the goal of promoting respect for the rights set out in the Universal Declaration of Human Rights (for more information, please visit :www.fidh.org).