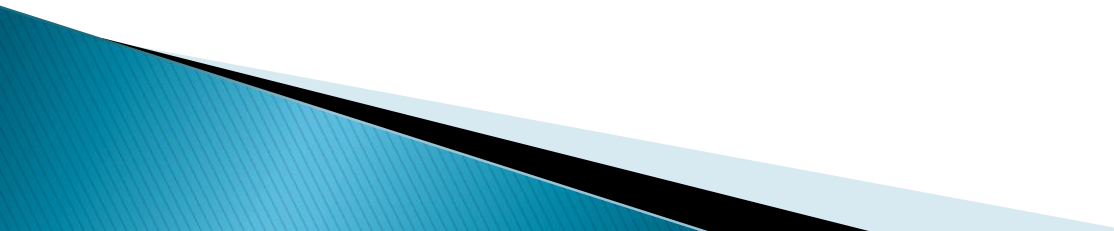
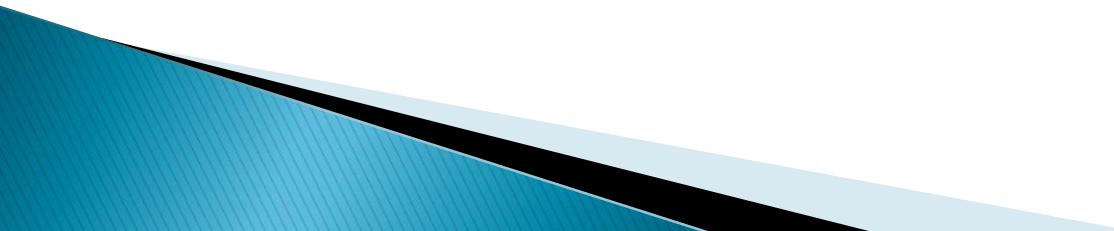




CIVIL SOCIETY CRITIQUE OF AICHR TOR: TOWARDS THE TOR'S REVIEW 2014

Sr. Crescencia Lucero, sfic
Co-Chairperson
Task Force Detainees of the Philippines

- ▶ Pursuant to Article 14 of the ASEAN Charter, the ASEAN Intergovernmental Commission on Human Rights (AICHR) shall operate in accordance with a Terms of Reference (TOR).
 - ▶ TOR is a guiding document and AICHR is bounded to abide by it.
- 

- ▶ **Mandated to be reviewed on 2014**
 - ▶ ToR review is an opportunity for CSOs submission/engagement
 - ▶ Ultimately the task and adoption by the ASEAN Foreign Ministries (AMM)
- 

2 channels to take note on the coming review of TOR

- ▶ To be done at the AMM/HLP
- ▶ We have no information – Check with actors involved

Ensure in the review process TOR doesn't get diluted

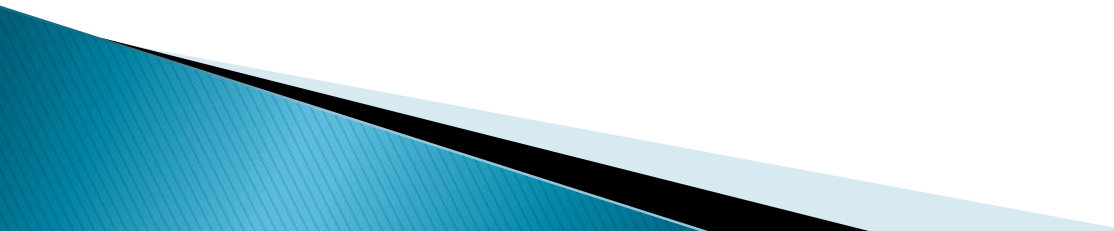


MAJOR POINTS

The CSO critique on the TOR deals with:

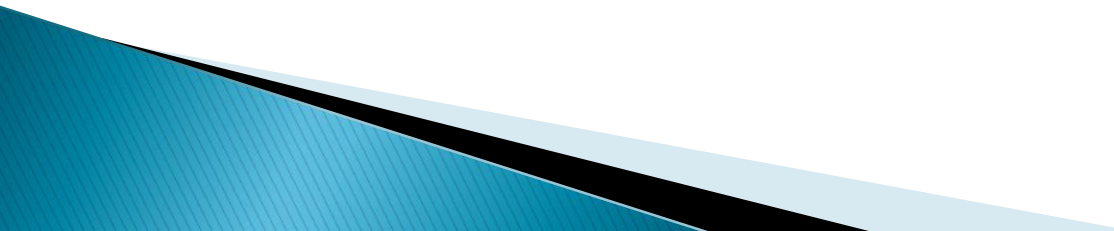
- ▶ Purposes, Principles, Mandate & Functions
 - ▶ Composition & Modalities

 - ▶ Overview & Assessment of the AICHR ToR–
June 19 2013

 - ▶ Contradictions between text and practice
 - ▶ Aside from weaknesses, it's not fully implemented
- 

MAJOR POINTS

Main issues in the critique are:

- ▶ Decision making– Non–Interference, consensus principles of the AICHR
 - ▶ CSO participation
 - ▶ Alignment to other HR Bodies
- 

MAJOR POINTS

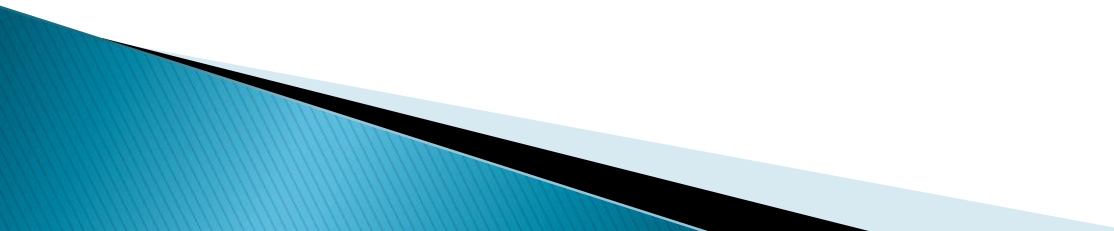
On the issue of Promotion and Protection

AICHR HAS NO SUFFICIENT MANDATE FOR HR PROTECTION

- ▶ Need more explicit stronger protection mandate
- ▶ There has been no resolved or action on issues or complaints received either individually or collectively as a body

MAJOR POINTS

On the issue of Promotion and Protection

- ▶ AICHR meetings mostly centered on procedural and activity issues, discussions on budget, rather than addressing substantive issues of HR.
 - ▶ Most AICHR members' sentiment— Submissions/communications should be dealt with at the member states level
- 

MAJOR POINTS

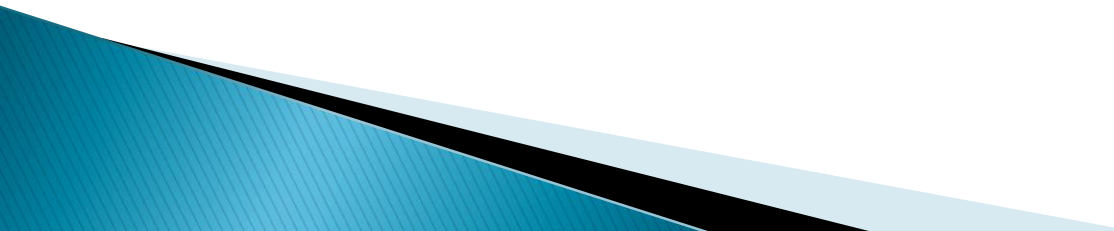
On the issue of Promotion and Protection

- ▶ AICHR meetings mostly centered on procedural and activity issues, discussions on budget, rather than addressing substantive issues of HR.
- ▶ Most AICHR members' sentiment– Submissions/communications should be dealt with at the member states level
- ▶ Because of non–interference and consensus policy Members refuse to discuss other country's human rights situation/issues.

MAJOR POINTS

On the issue of Independence

- ▶ **Decision making process**
 - ▶ Non-interference principle, consensus policy

 - ▶ **Independence of Reps**
 - ▶ Government representatives vs. Country Representatives
- 

MAJOR POINTS

On the issue of Independence

- ▶ **Selection Process**
- ▶ AICHR reps were appointed by the Govs
- ▶ Qualifications, criteria

MAJOR POINTS

On the issue of Coordination or alignment with other HR bodies

- ▶ ASEAN charter, ACWC and others

▶ Thank you very much.