



Indonesia's NGO Coalition for International Human Rights Advocacy

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H.E. Dr RM Marty Natalegawa
Minister of Foreign Affairs
Ministry of Foreign Affairs
Republic of Indonesia

Re: The Review of Terms of Reference of AICHR

Excellency Dr Marty Natalegawa,

On behalf of Human Rights Working Group (HRWG), a network of more than 50 organizations working on human rights in Indonesia, we would like to draw your attention on the following concerns, which we hope to be included in your talking points in the next AMM Retreat in Myanmar in 2014.

The Article 9.6 of the Terms of Reference (TOR) of the ASEAN Intergovernmental Commission on Human Rights (AICHR) stipulates that the TOR will be reviewed five years after its entry into force. We are pleased to learn that Indonesia is taking a lead on this process in 2014-2015.

We still remember that in 2009 during the 42nd AMM in 2009, Indonesia's persistence to have a balance mandate on promotion and protection for AICHR has lead to the release of the Hua-Hin Declaration to launch the ASEAN Intergovernmental Commission on Human Rights. We, therefore, would like to encourage the Government of Indonesia to continue this position in the process of reviewing the TOR AICHR in the coming years.

Our experience in the last four years should now confirm the need to address four weaknesses of AICHR:

- a) Lack of protection mandates: to receive, analyse and investigate individual petitions; capacity to call ASEAN Member States to adopt precautionary measures to avoid serious and irreparable harm to human life and personal integrity; to appoint independent special rapporteurs, working groups etc. as may be needed; to conduct on-site visits to monitor the situation of human rights of ASEAN Member States; and to establish an effective response to emergency situations;
- b) Lack of independency of AICHR members. Indonesia should continue to insist that domestic selection process in an open and transparent manner is obligatory rather than voluntary and once selected they are accountable to the people of ASEAN;
- c) Lack of ASEAN's recognition as an overarching body to promote and protect human rights. AICHR needs to correct its way of working in promoting human rights by establishing/institutionalizing number of open sessions to interact with the stakeholders, including civil society organizations as well as the national human rights institutions in its regular meeting;

Member of the Coalition:

AJI, AJMI, AMAN, Arus Pelangi, BWI, DEMOS, ELPAGAR, ELSAM, FOKER LSM Papua, GANDI, GAYA Nusantara, HUMA, IDSPS, IKOHI, ILRC, IMPARSIAL, Institute of ECOSOC Rights, ITP, JATAM, Kalyanamitra, Kapal Perempuan, KBH Bengkulu, Koalisi NGO HAM Aceh, KontraS, KPI, KRHN, LBH ACEH, LBH APIK, LBH JAKARTA, LBH Pers, Mitra Perempuan, Migrant CARE, PBHI, PIAR-NTT, RACA Institute, RPUK Aceh, SAPA-Indonesia, Setara Institute, SKPKC-Fransiskan Papua, Solidaritas Perempuan, VHR, WALHI, YAPPIKA, Yayasan PULIH, YLBHI, YPHA

- d) The absence of dedicated secretariat, which is independent from the ASEAN Secretariat to carry out the decisions made by AICHR in their meetings. Having such secretariat will ensure that the work of AICHR to effectively achieve the common goal to be a people-oriented institution.

We also would like to acknowledge some of the breakthroughs in AICHR's work in 2013, such as Human Rights Dialogue in June 2013, Visit Prison (during the training in Bangkok) in November 2013 and the discussion on human rights cases in May 2013. The main challenge for these initiatives is the continuity. In this line, we would like to, once again, encourage the Government of Indonesia to be at the forefront of projecting its foreign policy's goal on human rights in the region.

Please allow us to bring your attention to our collected findings from the training and workshops that we organized in different provinces in Indonesia and countries in Southeast Asia in the last three years. Despite disappointment to have a weak AICHR, people expect that in the near future AICHR to function as: a) the institution that practicing human rights and its principles, including respecting participatory, inclusivity and universality, b) rules-making/referring on human rights norms institution, and c) the institution that has capacity to act as behavior-influencing norms on human rights to ASEAN Member States and beyond. In short, people would like to have AICHR as an institution that they can rely on and be proud of when it comes to human rights in the region.

Inspired by the Charter Article 1.13, "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", we would like to emphasize again and again that the participation of the people in the process of review is necessary.

The above aspirations are parallel with the 2009 Hua-Hin Declaration, which indicates Head of States/Governments' visions for AICHR to be a human rights institution that: a) provide a forward looking strategy to strengthen regional cooperation on human rights in the region, b) serve as a vehicle for progressive social development and justice and the full realization of human dignity and the attainment of higher quality of life for ASEAN people, c) receive full support and provision of adequate resources by ASEAN member states, and d) acknowledge the contribution of stakeholders in the promotion and protection of human rights in ASEAN, and encouraged their continuing engagement and dialogue.

We humbly appeal to you as the intellectual leader in ASEAN to highlight our concerns in human rights institutionalization measures and the participation of stakeholders in the review process during your meetings. We look forward to hear back from you. Shall you need further information and clarification, please contact Ms Yuyun Wahyuningrum, Senior Advisor of ASEAN and Human Rights in HRWG, at wahyuningrum@gmail.com, or hrwg.indonesia@gmail.com .

Thank you very much.

Your Sincerely,



Choirul Anam
Deputy Executive Director