



Women's Caucus on ASEAN is the primary civil society network that engages ASEAN to advance women's human rights in the region. We are an extensive alliance of women's organisations across Southeast Asia, with over 55 partners in 11 countries.

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Hon. Kanda Vajrabhaya
Chair on Women's Rights
ASEAN Commission for the Promotion and Protection
of the Rights of Women and Children

24 January 2012

Dear Madam Kanda,

Warmest greetings.

We thank you once again for the invitation to participate in and contribute to the dialogue between civil society and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) on violence against women and violence against children last 18 January 2012 in Manila, Philippines. Aside from being able to submit a paper titled, "Due Diligence and Violence against Women: Enhancing Accountability to ASEAN Women and Girls" with the Asia Pacific Forum on Women, Law and Development (APWLD) and the International Women's Rights Action Watch-Asia Pacific (IWRAP Asia Pacific), we were able to articulate some of our visions for ACWC.

As the ACWC will meet in Laos next month to collectively review ideas from this dialogue and strengthen ACWC's direction in the near future, we would like to reiterate the following:

Inquiry on VAW – We believe that ACWC has the mandate¹ to undertake its own inquiry on cases of VAW, with the goals of facilitating women's access to justice, enhancing a common understanding of VAW in the region and aiding ASEAN member states to comply with their commitments both to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). Such inquiry, even taking the form of country visits, can deal with the most pressing issues and concerns of violence against women, particularly in the context of women in situations of conflict, women human rights defenders, sexual minorities, indigenous and rural women, among others. Any inquiry must also come with corresponding terms of reference (TOR).

VAW on Migrant Domestic Workers – One specific area of inquiry which we urge ACWC to prioritize is violence against women in the context of migrant domestic workers. Bulks of the people who migrate elsewhere to work are women, who in turn, are concentrated in domestic work. Workers from Southeast Asia have typically gone to the Middle East but there have been an increasingly active migration pattern even within ASEAN which consists of both labor-sending and receiving countries. Ninety per cent of the 240,000 domestic workers in Malaysia

are Indonesians.¹ Every year, Singapore absorbs more than 120,000 Filipino and Indonesian women domestic workers who also go to Brunei.² Thailand has likewise been the most convenient destination for domestic workers in the Mekong, such as Burma, Cambodia and Laos. In 2009³, when Indonesia negotiated for a better deal for their workers, by halting the deployment of their workers to Malaysia, the trade turned to Cambodia, leaving Indonesia little room for negotiation, until late 2011 when Cambodia also imposed a ban on sending the workers to Malaysia, with the deaths of nine women domestic workers in 2011 in Malaysia. Domestic work typically pays the least yet it is an occupation that is quite prone to violence and exploitation as domestic workers are in a private environment that is difficult for law enforcers to monitor. The situation becomes even more difficult for undocumented women migrant workers, who have less leverage and protection. In 2011, the International Labor Migration had the Convention on Domestic Work approved.⁴ Within ASEAN, only the Philippines and Indonesia have signified their intention to ratify the Convention. Globally it is estimated that 83 per cent of domestic workers are women and girls.⁵ Should ACWC decide to take this as a subject of inquiry, the Women's Caucus would be happy to submit data and analysis on this issue, including through the sharing of a tool/monitoring guide⁶ to gather the relevant data and analysis.

Institutionalizing civil society participation – We laud the consistent efforts of ACWC in engaging with civil society organizations (CSOs) in the region. We however note with disappointment that the selection of CSO representatives to this dialogue was not through an open and inclusive process in most countries as the relevant state machineries had identified the representatives with almost no consultation with all relevant CSOs. The dialogues between civil society and ACWC are a promising model of confidence-building, that when institutionalised can lead to more meaningful and constructive collaboration. There remains several ways to enhance ACWC's openness to civil society. There must be a clear and transparent set of criteria and process for civil society participation. There must also be a more concrete space for civil society presentation during meetings.

Women's Caucus in the Task Force – We welcome the ACWC's plan to set up task forces as it implements its work plan. We urge ACWC to engage civil society in this undertaking, given the latter's experience and resources in dealing with issues and concerns on women and children. In

¹ Amarjit Kaur (2007). "International Labour Migration in Southeast Asia: Governance of Migration and Women Domestic Workers," In *Intersections: Gender, History and Culture in the Asian Context*. URL: <http://intersections.anu.edu.au/issue15/kaur.htm>

² Ibid.

³ Matheu Ruilo Women;s Women Rights Division Associate at Human Rights Watch, Opinion page 16, Phnom Penh Post, 24 Jan 2012.

⁴ ILO (2011). "100th ILO annual Conference decides to bring an estimated 53 to 100 million domestic workers worldwide under the realm of labour standards." URL: http://www.ilo.org/ilc/ILCSessions/100thSession/media-centre/press-releases/WCMS_157891/lang--en/index.htm

⁵ Ibid.

⁶ A model for monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination against Women on specific issues, Developed through the project: Facilitating the Fulfilment of State Obligation to Women's Equality, International Women's Rights Action Watch Asia Pacific, 2004

bringing this opportunity to all segments of civil society, it is important for ACWC to create a set of criteria based on the nature of work.

Mapping of experts – We likewise urge ACWC to map the women’s human rights experts and available tools and resources from the region and invite these experts and use these tools in more focused meetings and studies. While it is encouraging that ACWC is reaching out to international and regional experts to support its work, we feel that ACWC may be missing out homegrown resource persons who are equally competent and who have a better appreciation and understanding of the issues and contexts in the region.

We wish to reiterate Women’s Caucus commitment in supporting the work of the ACWC and constructively engaging with the different ASEAN structures and mechanisms in protecting and promoting the human rights of women in the region.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Nina Somera'. The signature is stylized with a large, prominent initial 'N'.

Nina Somera
Secretariat
South East Asia Women’s Caucus on ASEAN