

2010 RULES OF PROCEDURE FOR THE ASEAN COMMISSION ON THE PROMOTION AND PROTECTION OF THE RIGHTS OF WOMEN AND CHILDREN

Adopted at Ha Noi, Vietnam on 7 April 2010

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The work of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (hereinafter shall be referred as “the ACWC”) shall be conducted in accordance with the following Rules of Procedure:

RULE 1: ACWC MEETINGS

REGULAR MEETINGS

1. The ACWC shall convene two regular meetings per year. Such regular meetings shall be held alternately at the ASEAN Secretariat and/or ASEAN Member States.
2. The ACWC shall decide on the dates of such regular meetings. Each meeting shall normally be no longer than 5 days.¹
3. Hosting of the regular meetings by ASEAN Member States shall be rotated on an alphabetical order. The host country shall oversee the organisation and arrangements of the meetings including administrative and logistics.
4. The meetings shall be convened on a cost-sharing basis whereby the organisational costs shall be borne by the host whilst the participation costs shall be borne by the respective ASEAN Member States.

SPECIAL MEETINGS

5. As and when appropriate, the ACWC may hold special meetings to discuss priority matters. Hosting of the special meetings by ASEAN Member States will be based on voluntary offers. When necessary, such special meetings may be convened through video/audio conferencing or online facilities.

RULE 2: DECISION MAKING

6. Decision making in the ACWC shall be based on consultation and consensus pursuant to Article 7.1 of the Terms of Reference of the ACWC in accordance with Article 20 of the ASEAN Charter.

¹ From the TOR of the ACWC, Article 7.2.

7. Any matters requiring the attention and/or decision of the ACWC shall be channeled through the Chair for consultation with the Representatives. Such consultation may be done through ad-referendum by the Chair or the ASEAN Secretariat as assigned by the Chair. Unless it is an urgent matter, the usual deadline for the Representatives to respond is two weeks after the matters conveyed to the Representatives in writing. The Representatives may request for time extension to respond as and when necessary. No response from the Representatives on matters that require approval by the given deadline may be taken into mean that there is no objection from the concerned Representatives.
8. Communications on matters concerning the ACWC shall be done by the Representatives themselves or by other officials as mandated by the concerned Representatives to communicate on their behalf.
9. The Representatives shall notify the Chair and the ASEAN Secretariat on any officials and/or supporting staff who should receive copies of regular communications on matters concerning the ACWC and/or are allowed to communicate on their behalf.

RULE 3: AGENDA

10. A provisional agenda for each meeting of the ACWC shall be prepared by the Chair, with support from the ASEAN Secretariat. The provisional agenda shall be circulated to all the Representatives for their comments and suggestions at least ten days prior to the meeting.
11. The Chair shall, through consultations with the Representatives, consolidate the proposed amendments in a revised provisional agenda. The revised provisional agenda shall be circulated to all the Representatives at least seven days prior to the meeting.
12. The agenda shall be adopted by the ACWC at the beginning of each meeting.

RULE 4: CONDUCT OF BUSINESS

BUSINESS ARRANGEMENT

13. Each Representative shall have a seat at the main table during the meetings of the ACWC. The Representatives from the same country shall be seated together in clockwise English alphabetical order of countries' names starting from Brunei Darussalam on the left-hand side of the Chair with a nameplate and national flag of the country placed in front of them.
14. The Chair and Vice-Chair shall be seated at the front table. The Vice-Chair shall be seated to the immediate right of the Chair.
15. Each Representative may be accompanied by other members of the delegation. Decision on the composition of the country delegations is at the discretion of the concerned ASEAN Member States.
16. The representatives of the ASEAN Secretariat shall be seated at the main table and to the immediate right of the Vice-Chair, with a nameplate of the ASEAN Secretariat and the ASEAN flag in front.

SESSIONS OF THE ACWC MEETINGS

Closed Session

17. The ACWC shall meet in closed and plenary sessions.
18. If and when necessary, the ACWC may so decide to meet among the Representatives only.

Open Session

19. The ACWC may decide to conduct a dialogue and/or consultation in an open session with representatives of other ASEAN sectoral bodies or national, regional and international institutions and entities concerning the promotion and protection of the rights of women and children.
20. The ACWC shall decide on the invitees. The letter of invitation shall be issued by the Chair.

RULE 5: PARTICIPATION

21. Participation of the Representatives in the meetings of the ACWC shall be pursuant to Article 6.10 of the Terms of Reference of the ACWC.
22. The Representatives shall notify the Chair and the ASEAN Secretariat or the Member State hosting the meeting, as the case may be, of their respective lists of delegates to attend the meeting at least five days prior to the meeting.
23. Notwithstanding Article 6.10 of the TOR of the ACWC, if a Representative is unable to attend a meeting due to exceptional circumstances, the Government of the concerned Representative may appoint/designate a temporary representative with a full mandate to represent the Member State concerned and therefore authorized to decide on matters discussed in the meeting of the ACWC. Such temporary representative shall represent the Member State concerned on an ad-hoc basis. The Government of the concerned Representative may also decide that a Representative who is unable to attend a meeting be represented by the other Representative from the same country. The Government of the concerned Representative shall send a notification letter to the Chair regarding the appointment/designation.

RULE 6: DOCUMENTATION

24. The documentation and distribution of documents, including those for the meetings of the ACWC, shall be done by the ASEAN Secretariat with the approval of the Chair.
25. Any Representative wishing to circulate documents for a meeting shall inform and transmit the documents to the ASEAN Secretariat at least seven working days prior to the meeting.

RULE 7: SUMMARY RECORDS

26. In coordination with the Chair, the ASEAN Secretariat shall be responsible for preparing a draft summary record of discussion after every meeting of the ACWC.

27. The Chair shall finalise the summary record through consultations with and endorsement by all the Representatives. Such endorsement may be done in plenary after the conclusion of a meeting or through ad-referendum within two weeks after the conclusion of the meeting.
28. The ASEAN Secretariat shall be the depository of all summary records and shall convey copies of the summary records to all Representatives, ASEAN Ministerial Meeting for Social Welfare and Development (AMMSWD), ASEAN Committee on Women (ACW) and the Committee of Permanent Representatives to ASEAN (CPR) for information, reference and/or consideration.
29. The ASEAN Secretariat may, upon the approval of the ACWC, transmit copies of the summary record or relevant issues/decisions of a meeting to other relevant ASEAN sectoral bodies for information and/or coordination.

RULE 8: COMMUNICATIONS

30. Unless the ACWC decides otherwise, all information, documents, materials and/or matters produced at the meeting may be made available to the public through appropriate media.
31. At the conclusion of each meeting, the ACWC shall release a press statement to inform the public on the outcomes of the meeting and updates of works of the ACWC.
32. Whenever deemed necessary, the Chair and Vice-Chair may hold a press briefing after the closing of each meeting in order to have a dialogue and consultation on the promotion and protection of the rights of women and children in ASEAN.

RULE 9: REPRESENTATIVES OF THE ACWC

APPOINTMENT OF THE REPRESENTATIVE

33. Each ASEAN Member State shall appoint two representatives, one representative on women's rights and one representative on children's rights, to the ACWC in accordance with Articles 6.1 to 6.4 of the Terms of Reference of the ACWC.
34. Each ASEAN Member State, through its relevant government agency, shall formally send a notification letter to the Chair of the ACWC and the Secretary-General of ASEAN regarding the appointment of its Representative to the ACWC. Such letter of notification must be sent at least fifteen working days prior to the date of expiry of the term of office of the previous Representative.
35. With reference to Articles 6.7 and 6.8 of the Terms of Reference of the ACWC, in the event that a Representative is replaced before the end of his/her term of office, the appointing Government shall send a letter of notification to the Chair of the ACWC and the Secretary-General of ASEAN regarding the appointment of a new Representative who will replace the previous Representative. The new Representative shall serve the remaining term of the previous one.

TERM OF OFFICE

36. The term of office of the Representatives shall be pursuant to Articles 6.5 and 6.6 of the Terms of Reference of the ACWC.

37. With reference of Articles 6.7 and 6.8 of the Terms of Reference of the ACWC, the term of office of the new Representative shall begin on the day after the date of expiry of the term of office of the Representative replaced.

RULE 10: CHAIR AND VICE-CHAIR

CHAIR

38. The Chair shall perform the functions conferred upon him/her by the Terms of Reference of the ACWC, the Rules of Procedure of the ACWC and the decisions of the ACWC.
39. With reference of Article 6.13 of the Terms of Reference of the ACWC, the Chair shall preside over all meetings of the ACWC.

VICE-CHAIR

40. The Vice-Chair will be responsible for the duties of the Chair in his/her absence and/or as delegated by the Chair.

RULE 11: ESTABLISHMENT OF COMMITTEES OR WORKING GROUPS

41. The ACWC may establish an ad-hoc working group, committee or task force for the ACWC to facilitate its work as and when necessary. The Terms of Reference for such ad-hoc working group, committee or task force shall be determined by the ACWC.

RULE 12: REPORTING PROCEDURE

42. In accordance with Article 7.5 of the Terms of Reference of the ACWC, the ACWC shall submit an annual report of its activities and other reports as deemed necessary to the AMMSWD with copies to the ACW and the CPR. Copies of such reports may also be conveyed to other relevant ASEAN sectoral bodies as decided by the ACWC. The Chair shall lead in the preparation of reports of the ACWC and presenting such reports to the AMMSWD. In case the Chair is unable to present the reports to the meeting of the AMMSWD, he/she can be represented by the Vice-Chair or the ASEAN Secretariat.
43. For the preparation and adoption of the reports to the AMMSWD, the ACWC shall gather information from all sources it deems necessary and appropriate, which include but not limited to information from ASEAN Member States and other relevant ASEAN sectoral bodies.
44. The contents of the reports to the AMMSWD and the decision to publish them shall be within the exclusive discretion of the ACWC.

RULE 13: INTERACTION WITH GOVERNMENTS OF ASEAN MEMBER STATES

45. The ACWC shall interact with the Governments of ASEAN Member States through their respective Focal Points to ASEAN bodies.
46. The ACWC shall consult, as may be appropriate, with national institutions and entities concerned with the promotion and protection of the rights of women and children. Such consultation shall be conducted in a manner as mutually agreed upon by both the ACWC and the national institutions/entities concerned.

RULE 14: RELATIONSHIP WITH OTHER ASEAN SECTORAL BODIES

47. The ACWC shall coordinate and collaborate with other ASEAN sectoral bodies dealing with the rights of women and children in undertaking the mandate and functions of the ACWC. The modalities for such coordination and collaboration may include, among others, the following:
 - a) convening joint consultations or special meetings with such sectoral bodies if deemed necessary;
 - b) attending each other's meetings with a view to sharing information and exchanging views;
 - c) working jointly with such sectoral bodies, including conducting joint projects/activities where possible; and
 - d) furnishing each other's reports and publications.
48. The ACWC shall provide advisory services on matters pertaining to the promotion and protection of the rights of women and children to ASEAN sectoral bodies upon request.

RULE 15: REPRESENTATION OF THE ACWC AT REGIONAL AND INTERNATIONAL EVENTS

49. The Chair shall represent the ACWC at regional and international events pertaining to the promotion and protection of the rights of women and children as entrusted by the ACWC.
50. The Chair may designate the Vice-Chair or other Representatives to represent the ACWC at the event.
51. Upon the receipt of an invitation to represent the ACWC at regional and international events pertaining to the promotion and protection of the rights of women and children, the Chair shall convey the invitation to all the Representatives in a speedy manner for their consideration and decision.
52. Any Representatives may attend, on the basis of invitation and in his/her personal capacity, any events pertaining to the promotion and protection of the rights of women and children. As the Representative does not represent the ACWC in this case, the ACWC shall not be committed to support or endorse any deeds or statements made by the Representative at such events.

RULE 16: EXTERNAL RELATIONS OF THE ACWC

53. The ACWC shall engage the participation of civil society and stakeholders wherever possible. Such participation shall respect the principles of transparency, effective and meaningful dialogue.
54. The ACWC shall engage in dialogue and consultation with national, regional and international institutions and entities concerning with the promotion and protection of the rights of women and children in accordance with Article 16 of the ASEAN Charter and the rules of procedure and criteria for engagement with entities associated with ASEAN as prescribed by the CPR.
55. The ACWC may also wish to engage in dialogue and consultation with entities concerning with the promotion and protection of the rights of women and children not listed in Annex 2 of the ASEAN Charter as and when necessary. The entities to be engaged are decided by the ACWC based on consensus.

RULE 17: RESOURCE MOBILISATION AND UTILISATION

RESOURCE MOBILISATION

56. With reference to Articles 8.3 and 8.4 of the Terms of Reference of the ACWC, the ACWC shall mobilise resources for the implementation of its Work Plan including technical and financial contributions from various sources.

PROJECT APPRAISAL AND APPROVAL

57. Project proposals to implement the Work Plan shall be developed by the ACWC, ASEAN Member States or the ASEAN Secretariat. The ACWC may also consider project proposals to implement its Work Plan that are developed by other ASEAN sectoral bodies, ASEAN Dialogue Partners, international organisations or other entities.
58. Project proposals that seek funding from ASEAN Dialogue Partners shall be coursed through the ASEAN appraisal and approval process as provided for in the ASEAN Secretariat's Document on Project Appraisal and Approval Process.²
59. Project proposals that seek funding from the ACWC's own fund and non-ASEAN Dialogue Partners shall follow the ACWC's project appraisal and approval process.

MANAGEMENT OF FUND

60. All funds under the purview of the ACWC shall be managed and disbursed in conformity with the respective guidelines of such funds and the ASEAN Secretariat Financial Rules and Procedures.³

² The ASEAN Secretariat's Document on Project Appraisal and Approval Process is an ISO-certified document aimed at providing a comprehensive appraisal and approval mechanism for projects seeking support from ASEAN central funds (e.g. ASEAN Development Fund) and some of the Dialogue Partners' funds managed by ASEC's trust funds.

³ The CPR is drafting the new ASEAN Secretariat Financial Rules and Procedures (AFRP) which will be submitted to the ASEAN Coordinating Council for approval. The AFRP prescribes procedures for the use and management of all funds entrusted with the ASEAN Secretariat.

AUDIT

61. The accounts of the funds under the purview of the ACWC which are entrusted to the ASEAN Secretariat shall be audited in conformity with the ASEAN Secretariat Financial Rules and Procedures.

RULE 18: SUPPORT FROM THE ASEAN SECRETARIAT

62. The ASEAN Secretariat shall provide the necessary secretariat support to the ACWC. **[agreed]**
63. To facilitate the ASEAN Secretariat's support to the ACWC, ASEAN Member States may, with the concurrence of the Secretary-General of ASEAN, second their officials to the ASEAN Secretariat.

RULE 19: GENERAL AND FINAL PROVISIONS

64. These Rules of Procedure shall be approved by the AMMSWD.
65. Amendments to the Rules of Procedure may be proposed by any Representative. The Representative proposing any amendments shall convey them to the Chair and all other Representatives. Decisions on the amendments shall be taken through consultation and consensus among all Representatives and approved by the AMMSWD.
66. Any difference arising from the interpretation of the Rules of Procedure shall be settled by consultation and consensus.
67. In case of inconsistency between these Rules of Procedures and the Terms of Reference of the ACWC, the latter shall prevail.