



8 July 2012

To the ASEAN Foreign Ministers & AICHR representatives,

Dear Sirs and Madams,

We take this opportunity to thank the members of the ASEAN Intergovernmental Commission on Human Rights (AICHR) for their dedication to the service at the regional level and to the teams that work with them.

In a very short period of time they have framed the most important document for ASEAN, with the help of the Drafting Group. We also thank the AICHR members for agreeing to meet Civil Society Organisations in a Regional Consultation on 22<sup>nd</sup> June 2012, which we found useful.

As a human rights organisation from Singapore, we submit the following key areas of concern as the deliberation over the ASEAN Human Rights Declaration continues. This consultation among civil society actors was done over a 3-hour interaction and we submit these humbly to ask for a consideration on the most important document that will drive ASEAN and its people to a better future in the years to come.

## **Main Concerns**

### Transparency, Openness, and Accountability

1. The draft of the ASEAN Human Rights Declaration needs to be shared with the people of ASEAN before it gets concretised any further. This is important as it signals that ASEAN governments are prepared to be open, transparent and accountable to the people – three important characteristics as both the people sector and the governments navigate on this approach to working and adhering to human rights as a norm. We humbly ask that consultations be held with civil society on the Draft AHRD document before it is submitted for acceptance at the ASEAN Summit.

### The ASEAN Human Rights Declaration (AHRD)

2. We urge that the Preamble spells out clearly that the AHRD can be no less than the universal norms as enshrined under the Universal Declaration of Human Rights<sup>1</sup> in 1948, Vienna Declaration and Programme of Action<sup>2</sup> in 1993, and the 9 core international human rights treaties, including the Convention on the Elimination of

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<sup>1</sup> <http://www.un.org/en/documents/udhr/>

<sup>2</sup> <http://www2.ohchr.org/english/law/vienna.htm>

All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), which all 10 ASEAN countries have ratified.

### **Specific Areas of Concern**

3. Human rights are fundamental rights inherent to all, by virtue of us being human. Any limitations should be limited solely for the purpose of securing due respect for the rights of others. In this regard, Article 29 of the UDHR should be used as a reference point. If there is a need for any form of limitation, we urge that open, transparent systems be put in place that can be publicly scrutinised for any breaches.
4. We ask that the Draft document include the following specificities:- the right to freedom of religion (including the right not to have a religion); the right to protection of intellectual property; the right to self-determination; the right to have fair and free elections (UDHR Article 21); the right to a clean and sustainable environment; the right to ethical business practices that do not violate human right norms of others; the right for workers to form independent unions and for everyone to be able to access the justice system.
5. We also ask that the rights of the marginalised communities be taken into account. These include (but not limited to) the right to secure sexual and reproductive health; the right for migrant workers to enjoy decent working conditions; the right of undocumented workers to be treated with dignity even as they face the laws of the land and not be physically tortured in the process.
6. Substantive equality<sup>3</sup>, a concept first seen in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), should be included in the AHRD, so that marginalised communities in ASEAN can enjoy equal access to opportunities, equal opportunities and also have equality of results.
7. Using the 3 pillars within the Responsibility to Protect<sup>4</sup>, it is important that the AHRD reiterate a commitment by ASEAN Member States to protect its own population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement. This, we see as a commitment to peace processes within ASEAN.

Whilst we are pleased that ASEAN will soon see a Human Rights document for the people of ASEAN, we need to acknowledge that the feedback given here is still not thorough or precise as we are working to a Draft that has not been released in the public domain.

In closing, Sirs and Madams, we hope the DRAFT AHRD will be reviewed thoroughly. The people of ASEAN and civil society organisations need to be more constructively engaged in this process.

We wish you well in the deliberations.

Ms Braema Mathi  
President  
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<sup>3</sup> <http://www.iwraw-ap.org/convention/equality.htm>

<sup>4</sup> <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>