



គណៈកម្មាធិការសង្គមស៊ីវិល Civil Society Committee

សន្និសីទសង្គមស៊ីវិលអាស៊ាន/វេទិកាប្រជាពលរដ្ឋអាស៊ាន ឆ្នាំ២០១២

ASEAN Civil Society Conference/ASEAN Peoples' Forum 2012

Phnom Penh, 24<sup>th</sup> April 2012

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**Re: Submission of ACSC/APF 2012 related to ASEAN Human Rights Declaration**

Dear Excellencies,

On behalf of the Civil Society Committee for ASEAN Civil Society Conference/ ASEAN Peoples' Forum (ACSC/APF 2012), we are pleased to submit to you civil society's aspirations related to ASEAN Human Rights Declaration (AHRD). More than 1,200 people attended the ACSC/APF 2012 that was organized in Lucky Star Hotel, Phnom Penh on 29-31 March 2012. They came from all ten ASEAN countries and beyond.

We also would like to use this opportunity to convey our interest to participate in the consultation that AICHR will be planning to do in the late June 2012. To ensure that the consultation would be meaningful, we encourage AICHR to make the draft available to the public. We understand that you value the trust and credibility from the people in ASEAN which can only be obtained through a transparent process.

Furthermore, we believe that AHRD is a very important document for the daily life of the people, which requires legitimacy from the population in ASEAN. With the advance of communication technology nowadays, AICHR could create a website to release the draft of



AHRD which allows more public participation in making comments and inputs.

Please feel free to contact Steering Committee should you have further question or clarification at the email [samath@ngoforum.org.kh](mailto:samath@ngoforum.org.kh) and [thida\\_khus@silaka.org](mailto:thida_khus@silaka.org).

Please, Excellency, accept our highest consideration.

Chair, Steering Committee ACSC/APF 2012



**Mr. Chhith Sam Ath**



**Mrs. Thida Khus**



## Aspirations of Civil Society's during the ACSC/APF 2012 on ASEAN Human Rights Declaration

1. We are deeply disappointed at the secret, exclusionary and opaque drafting process of the ASEAN Human Rights Declaration (AHRD). The ASEAN Intergovernmental Commission on Human Rights (AICHR) has failed to consult ASEAN civil society to a meaningful extent on the regional level, and only a few representatives consulted on the national level. A draft produced by the Drafting Group in January was never officially published. CSO submissions were left without response, resulting in CSOs being left in the dark as to whether their input has been taken into account.
2. Substantively, the Working Draft, which has not been officially published, discloses worrying tendencies among the drafters which, if they prevail, would provide the ASEAN people with a lower level of human rights protection than in universal and other regional instruments. There is heavy emphasis on concepts such as duties, national and regional particularities and noninterference – all of which may be abused to legitimise human rights violations.
3. Problematic terms such as “good citizens” and “public morality” may open the door to abusive and discriminatory interpretations, in particular regarding women, LGBTIQ people, children, IPs and minorities and other often-marginalised groups. Several provisions for specific rights are inadequate, open to abuse, or else are missing key components. Thus freedom of expression and assembly, freedom of LGBTIQ people from discrimination and gender rights are not properly provided for.
4. We recommend that the AICHR, ASEAN and/or its Member States:
  - Immediately publicize the most current draft of AHRD so that civil society can participate substantively in the drafting process;
  - Continue and expand meaningful consultations on national level, in particular by those AICHR representatives who have not yet done so;
  - Conduct wide-ranging and inclusive consultations, at both national and regional levels, during which the latest drafts of the AHRD should be discussed. AICHR should seriously consider submissions from CSOs, national human rights institutes and other stakeholders, and provide them with feedback;
  - Translate drafts of the AHRD into national languages and other local languages of the ASEAN countries in order to encourage broader public engagement in the region;
  - Include a) the “Right to Peace”, b) sexual orientation and gender identity (SOGI) provision AHRD – specifically the inclusion of reference to ‘gender identity’ and ‘sexual orientation’, and c) sexual reproductive health and rights in AHRD;
5. Recommendation in regard to women's human rights perspectives in AHRD:
  - AHRD should enable women's access to justice in Southeast Asia;
  - ASEAN governments take all appropriate measures to modify or abolish laws, regulations, customs and practices which limit women from enjoying their fundamental freedoms and rights;
  - Women's human rights perspectives, reflected in the CEDAW and the Vienna Declaration and Programme of Action must be integrated into AHRD;
  - There is no erosion of rights in the AHRD and no inclusion of ‘morality, moral value or traditional values’ clauses that serve to undermine rights; and
  - The AHRD drafting process must be subjected to public consultation and must involve women.

END