

**For immediate release  
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## **Civil Society Denounces Adoption of Flawed ASEAN Human Rights Declaration:**

### **AHRD falls far below international standards**

Disregarding the deep concerns expressed by senior United Nations officials, human rights experts and hundreds of civil society and grassroots organisations at the national, regional and international levels, ASEAN leaders nonetheless adopted yesterday an “ASEAN Human Rights Declaration” that undermines, rather than affirms, international human rights law and standards. The document is a declaration of government powers disguised as a declaration of human rights.

It is deplorable that the governments of ASEAN have insisted on making a Declaration that implies that their people are less deserving of human rights than the people of Europe, Africa or the Americas. The people of ASEAN should never accept a lower level of protection of their human rights than the rest of the world.

The ASEAN Human Rights Declaration should have reflected the universally held conviction that respecting human rights necessarily means imposing limitations on the powers of government. Instead, the Declaration that was adopted, through some of its deeply flawed “General Principles”, will serve to provide ready-made justifications for human rights violations of people within the jurisdiction of ASEAN governments. These include balancing the enjoyment of fundamental rights with government-imposed duties on individuals, subjecting the realisation of human rights to regional and national contexts, and broad and all-encompassing limitations on rights in the Declaration, including rights that should never be restricted. In many of its articles, the enjoyment of rights is made subject to national laws, instead of requiring that the laws be consistent with the rights.

The Declaration fails to include several key basic rights and fundamental freedoms, including the right to freedom of association and the right to be free from enforced disappearance.

The last-minute addition made to the leaders’ statement upon adopting the declaration, reaffirming ASEAN member governments’ commitment to the Universal Declaration of Human Rights and other human rights instruments in the implementation of the ASEAN Human Rights Declaration, does little to address the fundamental problem. As long as the Declaration’s General Principles and the loopholes they provide remain, a wrong signal will be sent to governments that international human rights obligations may be circumvented.

It is highly regrettable that governments in the ASEAN who are more democratic and open to human rights succumbed to the pressure of human rights-hostile governments into adopting a deeply flawed instrument.

We again raise our objections to the ASEAN's "consultation and consensus" decision-making system, which has failed its people again. This reveals that the ASEAN human rights agenda is dictated by its Member States with little meaningful consultation with the vast array of civil society and grassroots organizations that are working each day for the human rights of the people of the ASEAN region.

This Declaration is not worthy of its name. We therefore reject it. We will not use it in our work as groups engaged in the protection of human rights in the region. We will not invoke it in addressing ASEAN or ASEAN member states, except to condemn it as an anti-human rights instrument. We will continue to rely on international human rights law and standards, which, unlike the ASEAN Human Rights Declaration, provide all individuals, groups and peoples in ASEAN with the freedoms and protections to which they are entitled. We remind ASEAN member states that their obligations under international law supersede any conflicting provisions in this Declaration. This Declaration should never be the basis to excuse the failure of a state to meet its international human rights obligations.

Endorsed by:

1. Aliansi Masyarakat Adat Nusantara
2. ALTSEAN Burma
3. Amnesty International
4. Arus Pelangi
5. Asean Disability Forum (ADF)
6. ASEAN Watch Thailand
7. Asian Center for the Progress of the Peoples (ACPP)
8. Asian Federation Against Involuntary Disappearances (AFAD)
9. Asia Indigenous Peoples Pact (AIPP)
10. Asian Forum for Human Rights and Development (FORUM-ASIA)
11. ASEAN LGBTIQ Caucus
12. ARTICLE 19
13. Boat People SOS
14. Burma Partnership
15. Cambodian Food and Service Workers' Federation (CFSWF)
16. Cambodian Human Rights and Development Association (ADHOC)
17. Cambodian Independent of Civil-Servant Association (CICA)
18. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
19. Cambodian Workers Center for Development (CWCD)

20. Cambodian Youth Network (CYN)
21. Coalition of Cambodian Farmer Community (CCFC)
22. Development Alternatives with Women for a New Era (DAWN)
23. Dignity International
24. ERDA Foundation, Philippines
25. Forum for Democracy in Burma
26. Forum LGBTIQ Indonesia
27. Human Rights Defenders-Pilipinas (HRDP)
28. Human Rights Education Institute of Burma (HREIB)
29. Human Rights Watch
30. IMPARSIAL (The Indonesian Human Rights Monitor)
31. Independent Democratic of Informal Economy Association (IDEA)
32. Indonesia for Human's
33. Informal Service Center (INSEC)
34. International Commission of Jurists (ICJ)
35. International Federation for Human Rights (FIDH)
36. International Gay and Lesbian Human Rights Commission (IGLHRC)
37. Justice for Sisters, Malaysia
38. Knowledge and Rights with Young People Through Safer Spaces (KRYSS)
39. Lao Movement for Human Rights
40. Lawyers For Liberty (Malaysia)
41. Lawyers' Rights Watch Canada
42. Migrant Forum in Asia (MFA)
43. Myanmar Youth Empowerment Program
44. Myanmar Youth Forum
45. NGO Coordinating Committee on Development (NGO-COD), Thailand
46. Pax Romana-ICMICA Asia
47. People's Action for Change, Cambodia
48. People's Solidarity for Participatory Democracy (PSPD)
49. People's Watch (India)
50. Philippine Alliance of Human Rights Advocates (PAHRA)
51. Philippine Human Rights Information Center (PHILRIGHTS)
52. Philippine NGO Coalition on the UN Convention on the Rights of the Child

53. Quê Me: Action for Democracy in Vietnam
54. Sayoni, Singapore
55. Seksualiti Merdeka, Malaysia
56. South East Asian Committee for Advocacy (SEACA)
57. Suara Rakyat Malaysia (SUARAM)
58. Task Force Detainees of the Philippines (TFDP)
59. Thai Volunteer Service (TVS)
60. The Commission for Missing Persons and Victims of Violence (Kontras)
61. Towards Ecological Recovery and Regional Alliance (TERRA)
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