

**CIVIL SOCIETY SUBMISSION
FOR AN ASEAN COMMUNITY Post-2015
VISION and AGENDA (2016-2025)**

**SAPA Submission to the HLTF on
ASEAN Community Post-2015**



Asian Forum for Human Rights and Development

CIVIL SOCIETY SUBMISSION FOR AN ASEAN COMMUNITY Post-2015 VISION and AGENDA (2016-2025)

SAPA Submission to the HLTF on ASEAN Community Post-2015

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Cover design: Prachoomthong Printing Group Co., Ltd.

Layout: Prachoomthong Printing Group Co., Ltd.

Foreword

ASEAN civil society, through **the Solidarity for Asian Peoples' Advocacies – Working Group on ASEAN (SAPA -WGA)**'s engagement with ASEAN started in 2005 with the campaign for the creation of an ASEAN Charter. ASEAN formed the Eminent Persons Group (EPG) that was mandated to draw up the directions and nature of the ASEAN Charter and the ASEAN Community Blueprints, and propose a strategy for an ASEAN Charter drafting process.

Ten years later, as ASEAN formulates its Post-2015 Agenda, SAPA- WGA wishes to contribute to this important process. The contribution to the process came through the Submission of our collective inputs to the ASEAN Community's Post-2015 Vision/ ASEAN Vision 2025 to the High Level Task Force (HLTF) on ASEAN Community's Post-2015 Vision on 1 July 2015. For this, SAPA WGA received a letter of appreciation dated 9 July 2015 from the Chair of the HLTF, Ambassador Hsu King Bee.

The Submission was prepared through a series of consultations among civil society organizations, including the ASEAN Civil Society Conference/ ASEAN Peoples Forum 2015 held in Malaysia this year. A series of research, workshops, and consultations among SAPA WGA members and partners were also conducted. The Submission aims to reaffirm human rights as core ASEAN values and principles, and thus should be considered a main component of the ASEAN Community .

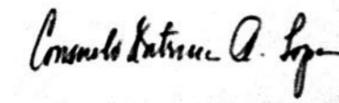
This Submission is a collective effort and we would like to thank all those in civil society who contributed to making it possible. We are also grateful to the Swedish International Development Cooperation Agency (Sida) and the Ford Foundation for their generous support to FORUM-ASIA that made possible the organizing of the workshops, conferences and other activities that produced the inputs for this Submission.

We will continue to engage the ASEAN and its mechanisms to ensure the implementation of the recommendations we have put forward through this Submission. And we look forward to a real people-centered ASEAN Community in the years to come.

Co-convenors of SAPA WGA,



Evelyn Balais-Serrano
Executive Director FORUM-ASIA



Consuelo Katrina A. Lopa
Regional Coordinator, SEACA

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CIVIL SOCIETY SUBMISSION FOR AN ASEAN COMMUNITY Post-2015 VISION and AGENDA (2016-2025) SAPA Submission to the HLTF on ASEAN Community Post-2015

I. Background & Objective

Background of the ASEAN Community Post-2015 Process

Proceeding from the ASEAN Community Building process from BALI Concord III and Plan of Action, to the ASEAN Vision 2020, hastened through the Roadmap for an ASEAN Community (2009-2015), ASEAN is currently in the process of envisioning an ASEAN Community Post-2015, covering the ten-year period of 2016-2025.

In November 2014, the Nay Pyi Taw Declaration on the ASEAN Community's Post-2015 Vision¹ affirmed the Consolidated Central Elements of the Post-2015 Vision, and tasked the ASEAN Coordinating Council (ACC) to constitute a High Level Task Force to work with the ACC Working Group to oversee the development of the ASEAN Community Post-2015 Vision and attendant Community Blueprints (2016-2025) for approval at the 27th ASEAN Summit in Malaysia on November 2015.

Objective of the Civil Society Submission for an ASEAN Community Post-2015 Vision and Agenda

The Solidarity for Asian Peoples' Advocacies (SAPA) welcomes the opportunity to present its recommendations and reiterations to the High Level Task Force (HLTF) tasked with drawing up an ASEAN Community Post-2015 Vision and Attendant ASEAN Community Blueprint Agenda for 2016-2025.

SAPA draws this document from the various civil society processes that have provided recommendations to the ASEAN from 2005 to 2015, in particular, its past submissions to the ASEAN, and those of the annual ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF) (2005-2015). The civil society recommendations cover principles for an ASEAN Community Post-2015 vision, as well as recommendations on agendas for political-security cooperation, economic cooperation, socio-cultural cooperation, and environment as a cross-cutting pillar of cooperation. This submission is accompanied by an Annex entitled **SPECIFIC CIVIL SOCIETY AGENDA for an ASEAN COMMUNITY Post-2015 ATTENDANT BLUEPRINT**

¹ ASEAN (2014): Nay Pyi Taw Declaration on the ASEAN Community's Post2015 Vision, Jakarta: ASEAN Secretariat

II. Elements of an ASEAN Community Post-2015 Vision

Civil Society Principles for an ASEAN Community Post-2015 Vision

Guiding Principles proposed by Civil Society for an ASEAN Community Post-2015 Vision:

1. ASEAN Regionalism

ASEAN envisions a region of peace, stability, prosperity; an inter-connected, caring and sharing community; with unity in diversity; espousing a regionalism involving ASEAN member states *and fully embracing the ASEAN peoples as integral to regional community building.*

2. Human rights as universal, indivisible, interdependent and interrelated; and compliance with international human rights law and standards

As ASEAN asserts its centrality in the regional architecture, and with ASEAN as a platform to discuss key global issues and concerns, ASEAN is equally committed to *its own harmonization with international standards, principles, conventions and other legal instruments, including international human rights law, humanitarian law, core labor and environmental standards.*

3. Equality and non-discrimination

ASEAN is committed to its people-orientedness, people-centeredness, and its active engagement with all relevant stakeholders, *especially with the most marginalized sectors of the ASEAN community to date, namely undocumented migrants, stateless peoples, the LGBTIQ (Lesbian/Gay/Bi-Sexual/Transsexual/Intersex/Queer), and other vulnerable sectors.*

The principle of equality and non-discrimination is rooted in Article 1 of the UDHR which states that *“All human beings are born free and equal in dignity and rights.”*

4. Rights to Development and to Justice

ASEAN is committed to the pursuit of inclusive, sustainable and equitable development, consistently guided by its human rights obligations.

5. Democracy and People’s Participation

ASEAN is committed to transforming itself into a people-oriented, people-centered association, and to actively engaging all relevant stakeholders. ASEAN is *cognizant of sectors of the community that have thus far remained invisible or marginalized* in the ASEAN community. ASEAN is committed to *institutionalizing mechanisms for civil society consultation and participation* at all levels of ASEAN life; ASEAN is committed to *making accessible relevant and up-to-date information* on ASEAN to enable meaningful people’s participation in ASEAN community building.

ASEAN is committed to guarantee *access to information* on regional intergovernmental institutions and processes, facilitated by ASEAN institutions and officials; including creating online platforms for open data on ASEAN matters in all aspects of the regional community, cognizant that it must respect and protect *access to information as an essential animator of civil society and peoples’ participation in regional community building.*

6. Revisiting the Principles of Non-Interference and Consensus

While affirming the aims of regional integration and regional cooperation, ASEAN is open to *revisiting the values of non-interference and of consensus*, acknowledging that, in practice, the latter translates to veto power by one member, thereby preventing real cooperation amongst ASEAN members. ASEAN is open to *reviewing the principle of non-interference, especially in light of systematic violations of human rights by member states, in the area of conflict prevention, and those of trans-boundary impacts of conflict.*

III. Civil Society Recommendations

ASEAN Political-Security Community Post-2015

ASEAN undertakes to realise:

- A Community committed to the principles of **good governance, the rule of law, anti-corruption, and democracy**, which guarantees free, fair and honest elections; committed to the establishment of independent election commissions; welcomes citizen and international election observers; guarantees a free and independent media.
- An ASEAN Community that guarantees the full protection of human rights and fundamental freedoms as guaranteed by international human rights law and standards.
- A Community that recognizes the phenomenon of **stateless peoples, internally displaced persons, refugees, and asylum seekers**, within ASEAN member states; and the attendant responsibilities of member states to stateless peoples, including their rights to citizenship.
- A Community that is **impunity** free; free from forced displacements and evictions, enforced disappearances, arbitrary detentions, torture and ill treatment, and political prisoners.
- A Community committed to the principles of **human rights**; with adequate sanctions for violations of human rights; promoting human rights education for all; with strengthened judicial systems; working towards establishing a regional human rights court to address cases where there is no recourse to justice in member states; able to effectively protect human rights defenders.
- A Community that has fully established **national human rights institutions** (NHRIs) organized according to the Paris Principles, in all member countries, so as to be able to respond to in-country complaints and cases; and, with enhanced mandates to ensure the human rights and protection of persons of diverse sexual orientation and gender identities and expression (SOGIE).
- A Community with an ASEAN Intergovernmental Commission on Human Rights (**AICHR**), with stronger protection functions, including the capacity to do periodic reviews of human rights situations; with ASEAN Special Rapporteurs; and the establishment of an AICHR Working Group on indigenous peoples, and a Working Group on sexual orientation and gender identity and expression.
- A Community with an ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (**ACWC**), with stronger protection functions, including the capacity to conduct country/on-site visits; and allow ACWC to receive, investigate and address complaints on issues and violations.

- A Community that continues to promote **peace, security, stability** in the region through its commitment to being a nuclear-free zone; through the peaceful settlement of disputes; using a comprehensive approach to security; maintaining maritime security and cooperation; and the promotion of peace values.
- A Community with a comprehensive **dispute settlement mechanism**; with a code of conduct for all parties, using various reconciliation mechanisms; with an ability to settle border conflicts with community participation; with early warning systems; pursuing post conflict processes; enforcing stricter arms control; with a regional peacekeeping force; and ensuring state obligations to protect citizens, especially women and children, in armed conflicts.

ASEAN Economic Community Post-2015

ASEAN undertakes to realise:

- An ASEAN Community committed to an integrated and cohesive economy; a facilitator of economic integration in East Asia, but cognizant of the potential ill effects of **free trade agreements** (FTAs) including Intellectual Property Rights (IPR) and Trade-Related Aspects of Intellectual Property Rights (TRIPS); and therefore ensuring transparency in FTA negotiations and the protection of people (free, prior and informed consent), livelihood and the environment. Among the measures to ensure transparency, ASEAN envisions parliamentary scrutiny of FTAs; reviews of FTAs with people's participation; ensuring UNDRIP FPIC in consultations, the inclusion of auto-review clauses in FTAs; and, regulating the privatization and commodification of services such as health, education, essential public utilities.
- A Community with a rationalized **investments** regime, cognizant of the ill effects that past investments have caused, namely, land and other resource grabbing, and the privatization of land, coastal, fresh water and fishery resources. To complement its investments regime, a Community committed to fair trade, and financing by cooperatives.
- A Community committed to equitable and inclusive growth to reduce poverty, with an **agricultural policy** geared towards food sovereignty and food security, supporting small-holder agriculture, giving preference for fishing industry workers and vulnerable fishers, as well as sustainable livelihoods linked to cultural and traditional livelihood and heritage; with a sustainable agricultural and land use policy. With regards livelihoods, a Community with increased employment and entrepreneurship amongst rural youth, women, and grassroots communities.
- A Community with a **regulatory role** guided by good governance, transparency, responsive regulations, with regulatory regimes in place for large scale projects and the extractive industries. A Community cognizant of the destruction of the environment resulting from past large scale development projects and extractive industries, including the destruction of communities of indigenous peoples, of their livelihoods and culture. In this respect, ASEAN would have cancelled the Xayaburi, Salween, and Sesan dam projects due to their adverse impacts on the Mekong, and the Sarawak transmission line running from Indonesia to Malaysia.
- A Community enforcing strong **corporate accountability and legal frameworks for extractive industry policy**; using various impact assessment instruments--such as human rights, health, social impact, environmental impact, impact on women--to regulate these industries.

- A Community exercising greater regulatory roles over corporations in **restoring environmental integrity and granting reparations**, and in implementing corporate accountability and a code of conduct for corporations to ensure the rights of labor, migrant labor, and children, and to work towards a balance in profit sharing and benefits.
- A Community with an effective *Instrument on the Protection and Promotion of the Rights of Migrant Workers* that recognizes undocumented and irregular migrants, and state obligations to ensure their rights and safety.
- A Community with a **liberalized labor migration policy**, ensuring the free flow of workers to include unskilled and other forms of labor.
- A Community that recognizes **domestic workers as workers**; cognizant of the realities of **forced labor and child labor**; cognizant of the perils of **short term contracting and labor outsourcing** on the integrity of the right to unionize and the right to collective bargaining agreements.

ASEAN Socio-Cultural Community Post-2015

ASEAN undertakes to realise:

Workers: An ASEAN Community with an ASEAN Social Charter; guaranteeing decent work for everyone, and the elimination of short-term contracting and labor outsourcing; and, recognizing domestic work as work.

Migrants: An ASEAN Community with an ASEAN Instrument for the Protection and Promotion of Migrants; upholding the principle of equal treatment; mutual recognition of the skills of workers; guaranteeing the rights of workers, migrant workers, women workers, domestic workers; guaranteeing rights to decent work, wages, to organize and form unions, to do collective bargaining agreements, and to the free movement of labor; upholding tripartite initiatives and participation of civil society and migrant workers; to safe and affordable health care, occupational safety, social security and protection from violence; removing mandatory testing; regularizing semi and low skilled labor; providing for labor protection for informal labor especially domestic workers; and, eliminating child labor.

Refugees and Stateless Peoples. An ASEAN Community with a Convention on the Status of Refugees, Stateless Persons, cognizant of refugees, internally displaced peoples, and stateless peoples, and of their needs such as access to basic rights, services and benefits; with provisions for no forcible repatriation; with a Maritime Search and Rescue Convention for seeking refugees and boat people; and, providing alternatives to detention of refugees and stateless persons.

Trafficked persons: An ASEAN Community with an Instrument on Trafficked Persons, guaranteeing redress, reparation, and reintegration for trafficked persons and victims of human smuggling.

Farmers: An ASEAN Community with a Convention on the Rights of Peasants

Indigenous Peoples. An ASEAN Community that honours the existence of Indigenous Peoples and their recognition as a distinct peoples, in the spirit of cultural diversity, and guided by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP); with rights to customary law and self governance, to self determination, to collective survival, development and protection, and, healthcare; and guarantees the principle of free, prior and informed consent in forms and languages understood and read by the people; and their meaningful participation in society.

Women: An ASEAN Community that upholds the principles of non-discrimination and substantive equality; providing for the meaningful representation of women; with a strong protection mandate for the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), composed of independent experts.

Youth: An ASEAN Community that recognizes the youth as a specific majority, and ensures youth participation in ASEAN life; provides for free basic education for youth, including sexual and reproductive health education; for healthcare; for youth empowerment through entrepreneurship; and, supports youth networking and youth volunteerism.

Children: An ASEAN Community with an ASEAN Action Plan for Children, that ensures the best interests of children and ensures child participation in ASEAN life. An Action Plan that guarantees the safety and welfare of children in armed conflict; that provides for the elimination of child labor and of violence against children; guarantees the rights of migrant children and children of migrant workers; and, secures children's access to nationality regardless of legal status.

SOGIE. An ASEAN Community with common and comprehensive anti-discrimination laws, ensuring the decriminalization of SOGIE (sexual orientation and gender identity and expression), eradicating cultural and traditional norms and practices that stigmatise LGBTIQ persons, and promoting the well-being of the lesbian, gay, bisexual, transsexual, intersex and queer (LBGBTIQ) community.

Elderly: An ASEAN Community that guarantees the representation of the elderly in ASEAN life; provides for adequate health care, and a universal pension for the region's elderly.

People with Disabilities: An ASEAN Community with an ASEAN Disability Forum, and a Convention on the Rights of Persons with Disabilities, that guarantees representation of people with disabilities in ASEAN life; and ensuring that their rights are prioritized and mainstreamed.

Sex Workers: An ASEAN Community that recognizes sex workers as workers; that has decriminalized the work of sex workers (removal of criminal, punitive laws); that guarantees non-discrimination of sex workers in immigration law; and, provides for the equal protection and benefits of sex workers.

Education: An ASEAN Community whose educational institutions guarantee Education for All including non-formal education, training, life skills; that provide for multi-lingual education on ASEAN identity, ensuring multi-culturalism and diversity; on politics and human rights; on peace education; on gender issues and sexuality; on child rights; on life skills, disaster risk reduction and emergency relief.

Social protection: An ASEAN Community with Social Protection and Health Promotion funds; providing social security to also cover migrant workers.

ASEAN identity: An ASEAN Community that engenders an understanding of diverse histories, languages, and cultures of ASEAN; using exchanges for understanding; protecting and preserving natural and ancient heritage sites in ASEAN.

Media: An ASEAN Community that recognises the role of a free, independent and impartial media in building critical engagement of peoples in the region with their respective governments and with ASEAN institutions. Journalists are a vital medium for the realization of the human right to freedom of opinion and expression, including access to information, and thus must be accorded protection against any violent attacks, legal harassment or official obstruction of their duty and responsibility as media persons.

Internet and ICT information and communications technology: An ASEAN Community that recognises and protects the Internet as an essential public utility that must be kept

accessible, open and free, where all human rights, especially communication rights, are guaranteed and protected, as within all countries and across national borders.

Disaster Risk Reduction and Management: An ASEAN Community with an ASEAN Disaster Research Center that looks at long-term transparent, accountable, participatory, community based disaster management plans; providing relief for victims of disasters; that guarantees the elimination of discrimination in disaster relief and humanitarian assistance, with special consideration for the plight of children in disasters

Environment as a Cross-Cutting Pillar of an ASEAN Community Post-2015

ASEAN undertakes to realise:

- An ASEAN Community with a **Fourth Pillar of ASEAN Cooperation, on the Environment**, to enable ASEAN to effectively respond to cross-pillar, trans-boundary issues such as natural resource extraction and large scale development projects, biodiversity issues, and climate change
- An **ASEAN Community Climate Change Framework** where participation of vulnerable communities especially women, indigenous peoples, farmers, fishers is central; where both indigenous knowledge and technologies are used to assess environmental, health and socio-economic impacts, including trans boundary implications; pushing for benefit sharing mechanisms in climate change adaptation and mitigation; the use of the principles of climate justice and equality; corporate accountability for restoration of environmental integrity and reparations; extreme weather events and quick responses
- An **ASEAN Community Natural Resource Management Framework** for governance with lenses for human rights protection, human security, human development, environmental and sustainable development, equality and revenue sharing, transparency and accountability; upholding community rights, ancestral land rights, and people's sovereignty over resources; assuring gender fairness; ensuring the right to water, and viewing water as part of the commons.
- An **ASEAN Sustainable Energy Development Program** that explores alternative and sustainable sources of energy; with the view to end privatization of water and power services, and instead explore indigenous sources of renewable energy.

IV. Annex

SPECIFIC CIVIL SOCIETY AGENDA for an ASEAN COMMUNITY Post-2015 ATTENDANT BLUEPRINT (2016-2025)

The Solidarity for Asian Peoples' Advocacies (SAPA) welcomes the opportunity to present its recommendations and reiterations on Agenda for the Attendant Blueprints to the High Level Task Force (HLTF) tasked with drawing up an ASEAN Community Post-2015 Vision and Attendant ASEAN Community Blueprint Agenda for 2016-2025. This document is an annex to **CIVIL SOCIETY SUBMISSION for an ASEAN COMMUNITY Post-2015 VISION and AGENDA.**

SAPA draws from the various civil society processes that have provided recommendations to the ASEAN from 2005 to 2015, in particular, its past submissions to the ASEAN, and those of the annual ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF) (2005-2015). The civil society recommendations cover principles for an ASEAN Community Post-2015 vision, as well as recommendations on agendas for political-security cooperation, economic cooperation, socio-cultural cooperation, and environment as a cross-cutting pillar of cooperation.

Civil Society Agenda for an ASEAN Political-Security Community Post-2015 Attendant Blueprint

"While ASEAN governments are heading towards developing the ASEAN Community's Post-2015 Vision, the people of ASEAN continue to suffer from authoritarian and military regimes, increased militarisation, violence and armed conflicts, unlawful foreign interference, lack of fundamental freedoms and human rights violations, undemocratic processes, corruption and poor governance, development injustice, discrimination, inequality, and religious extremism and intolerance. ASEAN's restrictive interpretation of the principles of state sovereignty and non-interference hamper the organisation's effectiveness in addressing regional challenges, and the people remain excluded from participating fully in influencing ASEAN decision-making processes." (ACSC Malaysia 2015)

1. ON GOOD GOVERNANCE, RULE OF LAW, ANTI-CORRUPTION, DEMOCRACY, ELECTIONS

Over the years, ASEAN has committed itself to the regional promotion of democracy and human rights. In a true democracy, the people have the right to full, meaningful, inclusive and representative participation by the people. Through transparent governance and free, fair and public elections in a truly multi-party, pluralistic system shall the will of the people be expressed. Yet no effective regional consultation mechanism exists for civil society in ASEAN to participate in crafting and critiquing regional policies. There has been a systemic breakdown in electoral processes in the region; and the people's will continues to be suppressed at both the regional and national levels. (ACSC Malaysia 2015)

- a) **Immediately reform all constitutions and laws** that restrict or deny full civil and political participation of its people in democratic and other processes, including those in accordance with the Bangkok Declaration on Free and Fair Elections (ACSC Malaysia 2015)
- b) Institute **laws that promote greater transparency and people's participation in governance**, including the right to form political parties and opposing voices. (ACSC Malaysia 2015)
- c) End and prevent **breaches of principles** that should be fundamental to the ASEAN, including the undemocratic change of governments, and systematic and gross violations of human rights (ACSC Singapore 2007)
- d) Move towards systems of **government that include checks and balances as well as free and fair elections** to prevent abuses of power and human rights violations (APF Vietnam 2010) For ASEAN states that do not currently hold elections, commit to periodic free and fair elections with the presence of both citizen observers and international observers, where Citizen Election Observers are fully recognized, accredited, and included in elections, and can promote the integrity and transparency of the entire election process. (ACSC Cambodia 2012)
- e) Have a **complete electoral/legal framework that ensures universal participation of citizens and functional independence** for Election Management Bodies; thereby **empowering minorities, marginalized citizens and other people with special challenges** while promoting the full **participation of women** in elections and facilitating voting for

- citizens living abroad.** ASEAN will address Key challenges to achieve a democratic framework within the electoral system, in particular the seat allocation formula, election administration, election dispute resolution, voter's registration, electoral justice, election observation, election and gender equality, equal access for people with disabilities and other vulnerable persons, party and campaign financing, transparent declaration of politician asset, equal and equitable access to media, military, police and civil servant neutrality, use of state resources, election-related conflict and the use of technology in elections. (ACSC Cambodia 2012)
- f) Establish **independent election commissions** to ensure that free, fair, and clean elections are held in member states. (APF Thailand 2009, ACSC Cambodia 2012)
 - g) Ensure **Voter lists are accurate** so as to ensure the right to vote for all citizens; noting that voter registration must be simple, convenient, accessible, available and conducted in a timely manner that results in an accurate, complete voter list. (ACSC Cambodia 2012)
 - h) Ensure proper **oversight of political parties' campaign finances, and that there will be no misuse or abuse of government resources** or interference by security services. (ACSC Cambodia 2012)
 - i) Ensure **fair voting operations**, including professional **polling station management** (ACSC Cambodia 2012)
 - j) Ensure that both citizens and election officials must have **adequate training and education** to perform their roles reliably and responsibly. (ACSC Cambodia 2012)
 - k) Integrate the **Universal Declaration of Human Rights** into the national framework of each member state to create an **environment for free and fair elections** (ACSC Cambodia 2012)
 - l) Join the International Parliamentary Union (IPU) and abide by the **IPU Declaration on Criteria for Free and Fair Elections**. (ACSC Cambodia 2012)
 - m) Systems for **Electoral Dispute Resolution** must ensure that all complaints and electoral disputes are settled in a timely and impartial manner with adequate investigation and neutral resolution mechanisms (ACSC Cambodia 2012)
 - n) **Extend citizenship within the region**, and guarantee free and honest elections, participatory governance, basic liberties, and a free and plural media. (ACSC Philippines 2006)

2. ON RIGHTS AND FREEDOMS

An alarming number of restrictions in the region deny freedom of expression and information, freedom of religion or belief, peaceful assembly, and association, in both online and offline spaces. Laws in some countries deny the right to life through the death penalty; to form civil society associations, people's movements, independent religious institutions, political parties, and free and independent labour unions. (ACSC Malaysia 2015)

- a) **End the suppression of civil and political rights**, and denial of social justice and human dignity in ASEAN member countries (ACSC Malaysia 2005, ACSC Indonesia 2011) Ratify the **International Covenant on Civil and Political Rights** (ACSC Cambodia 2012)

- b) Review ASEAN members' laws and policies to **ensure full protection of freedom of expression, association, assembly and religion**. (APF Thailand 2009)
- c) Ensure the rights of **freedom of expression and assembly and freedom of media to promote peace** through traditional and digital media (ACSC Myanmar 2014)
- d) End **ensorship of the media** and ensure the rights to **freedom of expression** for all. (ACSC Indonesia 2011)
- e) Promote **communication rights** of peoples and communities through ensuring citizens' **access to information** and upholding **freedom of expression** (ACSC Philippines 2006)
- f) Guarantee that all ASEAN peoples can **migrate and travel safely, with equal access to services** including health and legal services, regardless of occupation. This must include an end to **discriminatory immigration policies and practices that restrict the movement of sex workers**. (ACSC Cambodia 2012)
- g) Enable the people to exercise their **freedoms of organization and collective bargaining** (ACSC Singapore 2007). Ensure **migrant workers can organize** and have **freedom of association and collective bargaining** (ACSC Cambodia 2012)
- h) **Uphold workers' right to justice** by reforming judicial systems and increasing transparency (ACSC Cambodia 2012)
- i) Repeal **all laws that allow imprisonment, arbitrary detention, or other forms of detention for speech, religious practices and other activities deemed contrary** to the interests of the government or the ruling party (ACSC Indonesia 2011)
- j) Ensure that youth, women, and indigenous peoples are adequately **represented at all levels of decision making processes** within ASEAN (ACSC Malaysia 2005)
- k) **Modify or abolish laws, regulations, customs and practices which limit women** from enjoying their fundamental freedoms and rights (ACSC Cambodia 2012)
- l) Ensure that laws aimed at **protecting and promoting the rights of children** are strictly enforced (ACSC Cambodia 2012)
- m) **Repeal all laws that directly and indirectly criminalize sexual orientation and gender identities** (SOGI), recognize LGBTIQ rights as human rights and harmonize national laws, policies and practices with the Yogyakarta Principles. (ACSC Indonesia 2011)
- n) **Remove criminal and punitive laws and policies**, reducing stigma, providing the protections and benefits available to other workers; access to services...with no differentiation between migrant and non-migrant **sex workers**. (ACSC Indonesia 2011)
- o) **Eliminate public morality clauses and cultural relativist justifications used to deny and violate rights of the people**, especially women, LGBTIQ persons, and other marginalized and vulnerable groups; and **create accountability mechanisms especially to address violations by non-state actors** (ACSC Malaysia 2015)

3. ON STATELESS PEOPLES

- a) Address the issue of statelessness and ensure **stateless peoples** have access to basic rights and benefits in ASEAN society. (APF Thailand 2009) Ensure the **right to citizenship**,

- including **undocumented migrants**, especially for marriage migrants and refugees (ACSC Cambodia 2012)
- b) Grant **documentation to the stateless**, especially to those who have been denied recognition in their countries of origin, such as the Rohingya. (APF Thailand 2009)
Recognize children of refugees born in country of asylum through birth registration and birth certificates. (ACSC Indonesia 2011)
 - c) Address the persistent **failures and denial of the responsibilities of ASEAN States** to refugees, Internally Displaced Peoples (IDPs) and other persons of concern (APA Thailand 2009)
 - d) Call on the ASEAN member states to immediately **sign, ratify and implement the United Nations Convention on Refugees, the Convention on the Status of Stateless Persons, and the Convention on the Reduction of Statelessness** and to adhere to **Guiding Principles on Internal Displacement**; this would include implementing domestic legislation and policies such as respecting the principle of non-refoulement (no forcible repatriation to a place where the person might be again subjected to persecution), giving all refugees, asylum seekers and stateless persons, and their children the same rights as citizens, and ensuring that they be provided with employment, universal birth registration, health care and education. (APF Thailand 2009, APF Vietnam 2010, ACSC Indonesia 2011)
 - e) Create a **regional mechanism to support the rights of refugees and stateless people**. (APF Vietnam 2010)
 - f) Examine the **root causes of the Rohingya refugee crisis**, and find a **long lasting solution** taking a human rights approach in dealing with refugees staying in ASEAN countries (APF Thailand 2009)

4. ON IMPUNITY

States and non-state actors continue to commit violations with impunity, including police brutality, torture and enforced disappearances, against civil society activists. For example, the lack of immediate and transparent investigation into the case of Sombath Somphone by ASEAN governments, the ASEAN Intergovernmental Commission on Human Rights (AICHR), or any other human rights mechanisms in the region. Human rights defenders continue to be persecuted under oppressive laws, including laws against activities as “injuring the national unity”, “propaganda against the State”, “abusing democratic freedoms” and sedition laws, which deny the people safe and constructive political space. **(ACSC Malaysia 2015)**

Strict adherence to non-interference principle allows states to act with impunity, perpetuate or disregard human rights violations, such as those against the Rohingya; Montagnard, Hmong, and Khmer Krom; Bangsamoro; Patani; Papuan and in other conflicts in the region.

- a) Seriously address **justice, impunity and reconciliation issues, including regressions of democracy** in the region. (APF Thailand 2009)
- b) Coordinate a **regional agreement on impunity**, sign and ratify **the Rome Statute on the International Criminal Court (ICC)**. (ACSC Indonesia 2011)

- c) Strengthen genuine, just and a transparent **judicial system**, as well as create a mechanism to **protect human rights defenders** (ACSC Indonesia 2011) Ensure that **justice and reparation systems conform to international human rights frameworks**, including the **Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity** (2005), which is premised on the right to know, the right to justice, and the right to reparation/ guarantees of non-recurrence. (ACSC Malaysia 2015)
- d) Fully **investigate all acts of violence and disappearances**, and provide a safe space, both online and offline, and an **enabling environment** for human rights defenders, journalists, community activists and leaders, and other **civil society actors to meaningfully engage with authorities** and to carry out their legitimate activities without fear of physical or judicial harassment, arrest, imprisonment, killing or other violence, or restrictions on their fundamental freedoms (ACSC Myanmar 2014)
- e) Unconditionally **release all political prisoners** (APF Thailand, ACSC Brunei 2013, ACSC Myanmar 2014), including those who are charged under Lese Majeste laws and draconian laws in ASEAN member states (APF Thailand 2009), human rights defenders, community leaders, union leaders and development workers detained by ASEAN Member States (ACSC Myanmar 2014)
- f) Call for attainment of **justice for all the victims of extrajudicial killings, torture, sexual violence, and other grave human right violations** especially against women human right defenders (ACSC Brunei 2013)
- g) Secure the release of all **Burma’s political prisoners** as a condition for the country to proceed forward to national reconciliation and democratisation process (APF Thailand 2009)
- h) Push for the cessation of attacks and exploitative policies against **ethnic nationalities**, the use of **systematic rape** as weapon, and the use of **child soldiers** in Burma (APF Thailand 2009)
- i) **Reform the security sector** in all ASEAN governments, with the involvement of civil society in monitoring the reforms, using human rights and women’s rights perspectives, in collaboration with national parliaments to legislate policies consistent with democratisation. (ACSC Myanmar 2014)

5. ON HUMAN RIGHTS

Despite increasing human rights violations in Southeast Asia, no human rights mechanism in ASEAN is able to address these concerns. Both the AICHR and the ASEAN Commission on the Promotion and

Protection of the Rights of Women and Children (ACWC) lack strong monitoring, accountability and enforcement mechanisms and fail to provide human rights protection consistent with international human rights law and standards. **(ACSC Malaysia 2015)**

- a) Ensure **accountability to all people of ASEAN**: Protect, promote, fulfill, and realise **the individual and collective human rights of all peoples**, especially the more vulnerable and marginalised. This includes **extraterritorial obligations and recognition of primacy of**

- universal principles of human rights** over and above all other obligations. (ACSC Malaysia 2015)
- b) Establish robust **legal frameworks that are in line with international human rights standards and best practices**, ratify and implement **applicable international instruments, amend or repeal repressive laws, and ensure that all laws and regulations are properly enforced** by reformed judiciaries which are independent, competent and non-corrupt, including at the ASEAN level. (ACSC Myanmar 2014)
 - c) Urge all member states to **ratify and implement and enforce all international human rights treaties and agreements**. (APF Vietnam 2010, ACSC Indonesia 2011, ACSC Malaysia 2015) **Uphold international human rights principles and standards: Ratify and fully implement state obligations, including extraterritorial obligation under all international human rights treaties, including the Optional Protocols; withdraw all reservations, if any; and enact enabling legislation or establish other accountability mechanisms** that institutionalise and support implementation. All states to uphold the principle of non-derogation by **reforming and repealing all laws** that undermine the right to life, liberty and dignity, including death penalties (ACSC Malaysia 2015)
 - d) Reaffirm its commitment to the principles as confirmed in the **UN Human Rights Defenders Declaration** (ACSC Indonesia 2011)
 - e) Immediately put a **stop to all forms of torture** and all forms of **degrading treatment and punishment**. Recognize that specific health needs such as **physical and psycho-social related needs** should be fulfilled for those who are infringed their human rights **due to war and torture**. (ACSC Indonesia 2011)
 - f) Immediately investigate **ongoing systematic human rights violations**, including the criminalization of legitimate community actions, systematic rape and other forms of sexual violence against women and girl-children, use and/or recruitment of child soldiers, forced labour, and extrajudicial killings (APF Thailand 2009) women **refugees, IDPs and in places of detention**. (ACSC Indonesia 2011)
 - g) **Impose sanctions** on violators of human rights (ACSC Singapore 2007)
 - h) Halt human rights violations in this region, that address the **violence against civilians, women and children especially during armed conflict**, targeted on the basis of gender, ethnicity, religion, sexual orientation and gender identity (SOGI), **forced displacement of communities, enforced disappearances, and arbitrary detention** of those advocating for human rights (ACSC Brunei 2013)
 - i) Protect **Human Rights Defenders** (HRDs) (ACSC Malaysia 2015); including women HRDs (APF Thailand 2009); including immunity from civil and criminal liability. (ACSC Indonesia 2011)
 - j) Conduct **education** and enhance **public awareness on human rights** (ACSC Malaysia 2005)
 - k) **Raise awareness of human rights** and other UN Conventions among **government agencies** (ACSC Cambodia 2012)
 - l) There should be **no erosion of rights in the ASEAN Human Rights Declaration (AHRD) and no inclusion of 'morality, moral values or traditional values'** clauses that serve to undermine rights. **heavy emphasis on concepts such as duties, national and regional**

particularities and noninterference— all of which may be abused to legitimise human rights violations. 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. (ACSC Cambodia 2012)

- m) Integrate into the **AHRD women’s human rights perspectives**, as reflected in the CEDAW and the Vienna Declaration and Programme of Action (ACSC Cambodia 2012)
- n) Include the **‘right to peace’** in the **AHRD** (ACSC Cambodia 2012)
- o) Include **‘sexual orientation and gender identity’ (SOGI) in the AHRD** (ACSC Cambodia 2012)

6. ON THE AICHR / ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS

(Key regional human rights) situations fail to be addressed by AICHR and ACWC because of a lack of power as human rights bodies. One of the causes of weakness of the bodies stems from the weak Terms of Reference (TOR) of AICHR. (Improvement) to AICHR’s TOR can contribute to the strengthening of its mandate, particularly that of human rights protections. Key problems in the TOR are the existing principles of consensus, non-interference and the lack of independence of the Commission, which must be addressed by ASEAN Member States. In the review of the TOR, it is important to ensure the inclusive and meaningful participation of other human rights institutions, such as ACWC and national human rights institutions, as well as civil society. (ACSC Myanmar 2014)

- a) Establish a **regional human rights mechanism** for grievances and solutions (ACSC Malaysia 2005, ACSC Philippines 2006), **in accordance with international standards** (ACSC Singapore 2007); **guided by principles** of non-discrimination, self-determination, substantive equality, interdependence, inter-relatedness, universality, and indivisibility of human rights standards (APF Thailand 2009); with a mandate to actively **protect, not just promote**, human rights in ASEAN (APF Thailand 2009); ensuring a **transparent and inclusive process**, and the widest representation of organisations in the drafting, adoption, and implementation of its terms of reference (APF Thailand 2009, ACSC Cambodia 2012).
- b) AICHR must encourage ASEAN members to **ratify and implement all international mechanisms** relevant to human rights standards. Ratify the **International Convention on Economic, Social and Cultural Rights**, and ask the **AICHR** to ensure **full ratification**, and that its provisions are fully implemented in law and in practice. (APF Thailand 2009)
- c) Complement and support the **work of mechanisms and representatives of the UN Human Rights Council**, i.r. Special Rapporteurs on Burma/Myanmar and Cambodia, on thematic issues such as torture, violence against women, independence of the judiciary, and human rights defenders (APF Thailand 2009)

- d) **Refer to the ASEAN Summit for discussion serious breaches of the ASEAN Charter**, including violations of good governance, human rights and the rule of law (APF Thailand 2009)
- e) Ensure a **coherent and gender-responsive approach to human rights by implementing both international and ASEAN human rights instruments**, including an effective alignment of the functions and mandates of AICHR, ACWC, ACMW, and CEDAW with human rights mechanism at the national and international levels and across the ASEAN bodies, to promote, protect, and fulfil women's human rights in all areas of life.... (ACSC Indonesia 2011)
- f) The **AICHR TOR review should head towards effective cooperation** among the different human rights mechanisms and across the different pillars and sectoral bodies of ASEAN to ensure stronger human rights protection in the region. (ACSC Myanmar 2014)
- g) In the review of the TOR, **ensure the inclusive and meaningful participation of other human rights institutions, such as ACWC and national human rights institutions, as well as civil society.** (ACSC Myanmar 2014)
- h) Create human rights mechanisms by having **ASEAN special rapporteurs** to monitor human rights compliance on a national level for reporting to ASEAN human rights bodies and ASEAN governments (ACSC Brunei 2013)
- i) Create an **ASEAN human rights court** (ACSC Indonesia 2011, ACSC Brunei 2013)
- j) **Ensure inclusion of additional human rights protection mandates** in the TOR (including provisions that establish the review of the human rights record of ASEAN Member States; enable AICHR to **conduct country/on-site visits; and allow AICHR to receive, investigate and address complaints** on human rights issues and violations); **change/modify the principles of consensus rule and non-interference** in AICHR that have resulted in its ineffectiveness. Enable AICHR to **establish independent experts** (Special Procedures, including Special Rapporteurs), similar to the **Special Procedures mechanism** of the UN Human Rights Council and other regional mechanisms. (ACSC Myanmar 2014, ACSC Malaysia 2015); **issue binding recommendations to member states, provide for periodic peer reviews on human rights conditions, set up working groups on emerging thematic issues, and institutionalise an inclusive framework of engagement** with all relevant stakeholders, particularly civil society, national human rights institutions (NHRIs), and victims/affected communities. (ACSC Malaysia 2015)
- k) Establish national-level **mechanisms and review existing regional human rights instruments** (e.g. AICHR, ACWC) to include the **promotion and protection of the equal rights of all people regardless of SOGI** with the active engagement of the LGBTIQ community (ACSC Cambodia 2012)
- l) Establish an **independent working group and monitoring mechanism** within AICHR promoting and ensuring the protection of **Indigenous Peoples and Ethnic Minorities** rights, with their effective participation. (APF Vietnam 2010, ACSC Indonesia 2011, ACSC Cambodia 2012)
- m) The **rights of refugees and stateless persons** should be explicitly included in the mandate of the AICHR and safeguarded in the proposed ASEAN Declaration on Human Rights. (APF Vietnam 2010)

- n) Ensure that **women are involved in all levels of decision-making** nationally and internationally. Ensure the presence and active **role of women and peace organizations in the ACWC periodic consultations and dialogue-meetings** (ACSC Cambodia 2012)
- o) Ratify and fully implement the **UN Convention on the Rights of Persons with Disabilities (CRPD)** in law, policy and practice, including education, sexual and reproductive health and rights, social security, political participation, accessibility (ACSC Indonesia 2011, ACSC Cambodia 2012) and **mainstream disabilities** across all sectors including AICHR, ACWC and ACMW, and three pillars of ASEAN. (ACSC Indonesia 2011)
- p) Work for greater transparency in the **recruitment for AICHR.** (ACSC Cambodia 2012) Ensure the **independence of the AICHR members** as opposed to the current structure of the mechanism as an inter-governmental body. Adhere to the **principle of transparency, impartiality and independence**, and also as prescribed in the terms of reference of the AICHR and the ACWC5, and ensure that appointees meet minimum requirements such as **expertise in a human rights field, good human rights track record, and the ability to discharge their duties with integrity, probity and independence.** Develop a transparent, participatory, and **inclusive process involving civil society, NHRIs, and stakeholders** in their relevant selection and appointment. (ACSC Myanmar 2014)
- q) AICHR must **increase public awareness** so that everyone in the region understands its role. (ACSC Cambodia 2012)

7. ON THE ACWC / ASEAN COMMISSION ON THE PROMOTION AND PROTECTION OF THE RIGHTS OF WOMEN AND CHILDREN

- a) Uphold the **principles of non-discrimination and substantive equality** as enshrined in United Nations Convention on the Elimination on the Discrimination Against Women (CEDAW), as well as uphold the **principles of best interests of the child and children's participation** as enshrined in the United Nations Convention on the Rights of the Child (CRC). (APF Thailand 2009) Address the increasing numbers of **women migrant workers** in the region who are **working in precarious conditions**, states parties should **remove reservations to the CEDAW and the CRC.** (ACSC Indonesia 2011)
- b) Urge ASEAN member states to develop their respective **National Action Plan on Women, Peace and Security** according to principles enshrined in the UN Security Council Resolution 1325 on Women, Peace and Security, CEDAW and General Recommendation 30 (ACSC Cambodia 2012, ACSC Myanmar 2014)
- c) Ensure that **violations of human rights and fundamental freedoms** of women and other marginalized groups cannot be **justified or legitimized in the name of culture**, tradition or so-called "Asian values." (APF Thailand 2009)
- d) For ACWC to continue to be a **platform for discussing** socio-cultural issues, as well as for **expressing women's rights and views.** (ACSC Philippines 2006)
- e) Ensure the participation of **women in politics** at all levels (APF Thailand 2009, APF Vietnam 2010) Achieve and surpass the universally agreed minimum targets on **women's participation in decision making** and leadership. (ACSC Philippines 2006)

- f) Allocate **resources to ensure promotion and protection** of all human rights of women in Southeast Asia, especially the marginalized groups, and end discriminatory practices, policies and laws to advance substantive equality in Southeast Asia. (APF Vietnam 2010)
- g) Respect the UN Convention on the Rights of the Child (CRC) and ratify the optional protocol on the involvement of **children in armed conflicts**. (ACSC Philippines 2006) Adopt and ratify an **Optional Protocol to the CRC** creating individual **complaints mechanism** without reservations and ensure its accessibility to victims of child rights violations. (ACSC Indonesia 2011, ACSC Cambodia 2012, ACSC Brunei 2013) Develop a **child friendly feedback mechanism to receive and respond** to recommendation of and disseminate to children (ACSC Cambodia 2012)
- h) Eliminate **child labour** and hazardous work in the region (APF Thailand 2009)
- i) Promote, implement, and protect the rights of **migrant children and children of migrant workers**, where access to nationality shall be guaranteed with no regard of their legal status (APF Thailand 2009)
- j) Ratify and fully implement the **UN Convention on the Rights of Persons with Disabilities (CRPD)** in law, policy and practice, including education, sexual and reproductive health and rights, social security, political participation, accessibility (ACSC Indonesia 2011, ACSC Cambodia 2012) and **mainstream disabilities** across all sectors including AICHR, ACWC and ACMW, and three pillars of ASEAN. (ACSC Indonesia 2011)
- k) Provide **adequate resources** so that children from different backgrounds could **exercise their rights without discrimination** (ACSC Cambodia 2012)
- l) Establish national or regional **child protection systems and mechanism**, including regional **information** system aimed at generating updated and verifiable information of child rights situations, ensure **information-sharing and exchange** between governments and civil society that would facilitate **effective monitoring** of governmental **compliance**. (ACSC Indonesia 2011)
- m) Have as qualifications for Commissioners of the ACWC: **independent experts**, selected through a **democratic and transparent process** with direct **participation** and **consultation** with civil society (APF Thailand 2009)

8. ON NHRIs / NATIONAL HUMAN RIGHTS INSTITUTIONS

- a) Ensure that National human rights institutions shall **independently monitor and improve the promotion and protection** of human rights and fundamental freedoms. (APF Vietnam 2010)
- b) Urge ASEAN governments that have not yet **established national human rights institutions** to do so (ACSC Brunei 2013)
- c) Develop **national level protection mechanisms** integrated in the mandate of the national human rights institutions, **in accordance with the UN Declaration on Human Rights Defenders**, including an **individual complaint mechanism**. (APF Thailand 2009)
- d) Protect the rights of asylum-seekers, refugees, statelessness people, internally displaced persons, economic migrants. (ACSC Indonesia 2011)

9. ON REGIONAL PEACE, SECURITY, STABILITY

Ongoing territorial disputes and border conflicts continue to exist within the ASEAN region and between ASEAN countries and non-ASEAN nations. The lack of states' commitment in comprehensively fulfilling their extra-territorial obligation also exacerbates cross-border issues. These conflicts are often used by states to perpetuate xenophobia, misogyny, and ultra-nationalism. The inability of ASEAN to bring about sustainable peace, justice and development contributes to political unrest, internal displacement, statelessness, the refugee crisis, human trafficking, forced migration, sea and maritime conflicts, human rights violations, insecure livelihood of fisherfolk in coastal regions, unfounded territorial water claims, competition for access to and control of natural resources, sexual, gender-based and other violence, and general human insecurities.

State and non-state actors such as businesses and financial institutions who aggravate the existing crisis situation and/or commit gross human rights violations in times of conflict are not held to any regional or international framework of accountability. Moreover, military and paramilitary forces used to secure investments, such as foreign mining projects, dams, and plantations, exacerbates land grabbing, and violates the peace and security of affected communities. (ACSC Malaysia 2015)

- a) Act in strict **adherence to the principles of peace and security** enshrined in the UN Charter and ratify and/or implement all international human rights laws, international humanitarian laws, particularly the Geneva Conventions, the Convention Relating to the Status of Refugees and the 1967 Protocol, as well as the Convention relating to the Status of Stateless Person, their obligations under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the Rome Statute of the International Criminal Court, and put in clear measures as part of their national jurisdiction to prosecute war crimes, crimes against humanity and genocide. (ACSC Malaysia 2015)
- b) Ensure **cultural integrity for all peoples**, including respect for languages, and develop mechanisms to resolve and address intra-state conflict, on-going conflicts, emerging threats, and **uphold the universal right to self-determination of peoples**, including indigenous peoples. (APF Thailand 2009)
- c) Establish **legal frameworks** that are in accordance with international laws, in order to **address issues of armed conflict**, develop indicators, and ensure that human rights and human security is guaranteed in all conflict-situations. (APF Thailand 2009)
- d) Realize strong **efforts on democratization, peace building and conflict transformation** with the meaningful **participation of the people** in the whole process. **Promote mutual understanding** among people and provide a space for **people-to-people exchange and peace dialogues** at all times (ACSC Cambodia 2012)

- e) **Recognise the significant contributions of women and indigenous peoples in peacebuilding and post-conflict rehabilitation and reconstruction processes.** Elaborate on a **comprehensive approach to security**, especially concerning **gender mainstreaming** – encouraging women’s participation on all levels, especially as agents and decision makers in conflict resolution, and protecting women’s security in their homes, communities, nationally and regionally. (APF Thailand 2009, ACSC Cambodia 2012, ACSC Malaysia 2015) Implement UNSCR1325 which promotes **participation of women in decision-making and peace processes, gender perspectives and training in peacekeeping, protection of women gender mainstreaming** in UN reporting systems & programmatic implementation mechanisms (ACSC Indonesia 2011, ACSC Malaysia 2015), and Security Council Resolutions 1820 and 1888, CEDAW and General Recommendation 30; providing effective and timely **remedies for different types of violations** experienced by all women and children and **adequate and comprehensive reparations**; and **address all gender-based violations**, including sexual and reproductive rights violations, domestic and sexual enslavement, forced marriage, and forced displacement in addition to sexual violence, as well as violations of economic, social, and cultural rights (ACSC Indonesia 2011, ACSC Malaysia 2015)
- f) Establish **indicators** that recognise the diversities of women to ensure **holistic monitoring of progress in addressing violence against women**. ASEAN governments should utilise indicator-based methods and establish partnerships with civil society in monitoring progress on implementation of commitments and **obligations in eliminating violence against women, and involvement of women in the process of peacebuilding in resolving conflicts**. (ACSC Myanmar 2014)
- g) **Respond to all conflict situations**, including Mindanao, South Thailand, West Papua, Burma/Myanmar and the South China Sea. (APF Thailand 2009)
- h) Uphold and institutionalize mechanisms to ensure the upholding of **peace-oriented norms**, including **arms control, the renunciation of use of force, nuclear weapons and other weapons of mass destruction (WMD)**. (APF Thailand 2009)
- i) **Provide cross-border aid** to support IDPs in areas with a lack of access to humanitarian aid. (ACSC Indonesia 2011)
- j) Exert regional suasion and create mechanisms to **solve border conflicts peacefully** and without using military force. (APF Thailand 2009, ACSC Cambodia 2012) ASEAN should address the **Thailand-Cambodia border dispute**; listen to people affected by conflicts for solution. In doing so it must ensure the active **participation of civil society with women** given a greater role. (ACSC Indonesia 2011, ACSC Myanmar 2014)
- k) Implement the agreed **Declaration of Conduct in the South China Sea**. (APF Thailand 2009, ACSC Indonesia 2011) and accelerate efforts towards a **Code of Conduct of Parties** in the South China Sea (CoC) (ACSC Indonesia 2011)
- l) Help in peacefully resolving **border and trans-boundary conflicts in coastal zones**, as referred to in the UN Convention on the Law of the Seas. (APF Vietnam 2010)
- m) Create a **regional peacekeeping and peace monitoring team** that can be used to monitor armed conflicts in the region (APF Thailand 2009)
- n) Monitor and learn from **post-conflict and peace building** challenges in Aceh and Timor Leste. (APF Thailand 2009)

- o) Establish and fully support an **ASEAN Institute for Peace Reconciliation(AIPP)** genuinely led by the people (ACSC Cambodia 2012)

10. ON A REGIONAL DISPUTE MECHANISM

In peace negotiations and post-conflict reconstruction, the region has failed to establish an inclusive and representative process that includes all affected communities and recognises the significance of contributions by women and other marginalized groups to the process. Existing dispute settlement mechanisms do not cover the ambit of internal armed conflict situations and have yet to be effectively used to resolve existing disputes. There is no clear mechanism for enforcing dispute settlement agreements and no regional, legally-binding conflict prevention instrument or mechanism. Lack of political will results in non-adherence to cease-fire and peace agreements. (ACSC Malaysia 2015)

- a) Include a **chapter on Regional Dispute Prevention and Settlement Mechanism in the future review of ASEAN Charter**. (ACSC Myanmar 2014)
- b) Provide **dispute prevention and resolution** and **address intra-state conflicts by having early warning system** with the involvement of civil society groups (APF Thailand 2009, ACSC Myanmar 2014)
- c) Expand its dispute settlement mechanism to **include conflict prevention and post-conflict processes**. (APF Thailand 2009)
- d) Promote effective mechanisms and agreements to maintain peace and security for **conflict prevention and the non-violent settlement of disputes**. (APF Vietnam 2010)
- e) Ensure effective **conflict resolution program** in place and ensure its implementation (ACSC Indonesia 2011)
- f) Establish a **dispute prevention, settlement, reconciliation mechanism** addressing **intrastate conflicts and interstate territorial and jurisdictional disputes** in South East Asia (ACSC Brunei 2013)
- g) Establish **Conciliation Council and Arbitration Tribunal to settle disputes** among ASEAN States. (ACSC Cambodia 2012)

Civil Society Agenda for an ASEAN Economic Community Post-2015 Attendant Blueprint

“The failure of ASEAN to meaningfully address the people’s issues is deeply rooted in the organisation’s continued adherence to a neo-liberal model that prioritizes corporate interests and elite groups, including state-owned enterprises, over the interests of the people. Our engagement with the ASEAN process is therefore anchored on a critique and rejection of deregulation, privatisation, government and corporate-led trade and investment policies that breed greater inequalities, accelerate marginalization and exploitation, and inhibit peace, democracy, development, and social progress in the region.” (ACSC Malaysia 2015)

1. ON ECONOMIC POLICY

Current unsustainable market or corporate driven economic policies are resulting in negative impacts including the diminution of our natural resources, the rise of greenhouse gas emissions leading to climate change, deepening poverty and increased hunger, exacerbated vulnerability for workers both within countries and across borders, lack of social protection and basic services especially among vulnerable and marginalised groups and widespread land grabbing which devastates communities and robs people of their livelihoods, cultural heritage and collective rights, especially those of indigenous peoples. (ACSC Myanmar 2014)

- a) Undertake basic **economic and social reforms and cease liberalization, budget austerity measures and other policies** that contribute to **impoverishment**. (APF Vietnam 2010)
- b) Promote alternative investment, trade, finance and development policies that put people first and **strengthen domestic economies** (APF Vietnam 2010)
- c) Comprehensively address environmental crises and ensure that the **sustainable use of ecological resources** be integral to all economic policies. (APF Vietnam 2010)
- d) Adopt measures to counter the adverse impacts of climate change and globalisation, including an increased focus on education, health, social protection for all, poverty-reduction, food sovereignty and security, pro-people economic institutions, effective **regulations and mechanisms to hold governments and companies to account, and to safeguard sustainable development and human rights**. (ACSC Myanmar 2014)

2. ON FREE TRADE AGREEMENTS

Free trade agreements (FTAs) being negotiated in almost total secrecy and devoid of people’s participation, and in the absence of clear mechanisms to coordinate trade policy at the regional level, poses a very serious threat to people’s rights to jobs and livelihood, food, health, access to medicines and education; and would undermine efforts to address poverty and inequality in the region. (ACSC Indonesia 2011)

The commodification of knowledge, practices and natural resources through trade agreements, investments and patenting resulting in alienated communities, especially indigenous peoples, from the use of their own resources. (APF Thailand 2009)

- a) Ensure trade justice and equity for all ASEAN peoples (ACSC Malaysia 2005)
- b) Develop a common ASEAN trade policy priorities (APF Thailand 2009) that:
 - i. defines **terms and principles that will govern future trade agreements**;
 - ii. sets the parameters for **levies and renegotiation existing FTAs** of and EPAs;
 - iii. strengthens **parliamentary scrutiny** of these agreements;
 - iv. opens the negotiation and trade policy process to **peoples’ participation**;
 - v. develops a framework on **investment regulation**, which recognizes the rights of member countries to regulate investments in a manner consistent with determined development needs
- c) Defer any conclusion of **bilateral FTAs** with developed countries until there are broad-based consultations with all stakeholders (ACSC Malaysia 2005)
- d) **Review all free trade agreements** that have disproportionately benefited the rich and multi-national companies at the expense of poor and marginalized communities ...through a process that is transparent and inclusive, and involve the active participation of all stakeholders (APF Vietnam 2006)
- e) **Abandon unjust free trade agreements** and replace them with an alternative development paradigm that rejects neoliberal economic policies, in order to pursue justice for small farmers, fisher folks and workers, protection for the livelihood of rural communities and enhancement of food security, food sovereignty and food self-sufficiency of ASEAN countries (ACSC Indonesia 2011)
- f) **Guard against extensions of intellectual property rights** in national or regional trade agreements that **restrict access to seeds, free and affordable medicines and healthcare, as well as information including public research and creative content**, and which may undermine public health, farmers’ rights, traditional knowledge and practices of indigenous peoples, and the right to information commons among other undesirable effects. (ACSC Cambodia 2012, ACSC Malaysia 2015)
- g) Institutionalize and practice **political accountability on all economic decision-making** processes, including bringing in civil society to participate as a full stakeholder (ACSC Indonesia 2011) Conduct open and transparent **trade negotiations** by providing space for participation by civil society and social movements like workers organisations, including those representing farmers, women, youth, LGBTIQ persons, rural communities, and workers (APF Thailand 2009, ACSC Malaysia 2015), and ensure they **are consistent with human rights obligations**, in the **design, implementation and monitoring of aid modalities, development programmes and strategies**. (ACSC Malaysia 2015)
- h) Provide for **automatic review clauses** in all its initiatives and agreements internally and with partners outside of the region (ACSC Philippines 2006)
- i) Comply with the principle of **free, prior and informed consent (FPIC)** for all peoples, especially indigenous peoples in the fulfilment of all political, economic and social agreements under the ASEAN (APF Thailand 2009)

- j) Undertake comprehensive **impact assessments of trade negotiations** at the multilateral, regional and bilateral levels (ACSC Malaysia 2005) Conduct **human rights, health, social and environmental impact assessments of all existing ASEAN FTAs and other trade and economic agreements** and re-negotiate if necessary agreements that are proven to be detrimental to the regional and national development interests. (ACSC Indonesia 2011)
- k) **Affirm ILO labor standards and Doha Declaration on Public Health in FTA negotiations.** (ACSC Indonesia 2011)
- l) **Remove all gender-biased policies of ASEAN and other bilateral and multilateral agreements**, especially those that increase feminization of poverty, exploit natural resources, disrupt livelihood and employment, worsen trafficking and various industrial issues in ASEAN that further exacerbate women and LBT conditions. (ACSC Indonesia 2011)
- m) Establish a **regional tax fund for women** in recognition of the **discriminatory impacts of globalization and patriarchy** towards restoration of equality and freedom and women (ACSC Indonesia 2011)

3. ON INVESTMENTS AND FINANCE

Trade liberalization, as well as unjust taxation systems, have not protected the peoples of ASEAN and instead aided the business sector and investments in various mega projects in coastal waters and along major rivers, deep sea ports, mega hydropower plants, sand mining, mining of mineral resources, establishment of large-scale plantations, which resulted in degradation of national resources and exacerbated the impacts of global climate change in the region. (ACSC Indonesia 2011)

- a) In view of the global financial crisis, invest in **a strong social economic infrastructure**, specifically in the sectors of **education, public healthcare, childcare, social insurance and rural areas**, leading to sustainable growth and long-term employment. (APF Thailand 2009)
- b) **Reject investment liberalization** in the sectors of **agriculture, marine and inland aqua culture, and forestry** (APF Thailand 2009)
- c) Increase **public investments for smallholder agriculture** towards increasing food productivity through sustainable and agri-ecological farming systems, strengthening market-access initiatives to minimize food prices volatility, empowering peoples' organizations, and supporting the redistribution of arable lands to small food producers. (ACSC Indonesia 2011)
- d) **Increase investment** in research, education and program support in **diversifying food production** and dietary habits to reduce dependence on rice. (ACSC Indonesia 2011)
- e) **Implement a complete review**, and where necessary revision, of economic activities, especially **cross-border investments** among the member countries to ensure that they comply with the commitments of the new environment pillar. (APF Thailand 2009)
- f) Ensure that **economic and investment policies** do not result in land grabbing that uproots lives, especially those of women and the marginalized, **through forced eviction and involuntary resettlement.** (ACSC Cambodia 2012)

- g) Promote and prioritize an investment model that includes **financing for cooperatives, fair trade and scaling up best practices** from the community level. (APF Vietnam 2010)
- h) Implement official audit of **public debt**. Debts found to be illegitimate should be **repudiated to free up fiscal space for much needed social and development infrastructure**. The Member states should **refuse the attachment of conditions** to loans and grants. Set up a mechanism to help member countries **eliminate their debt burdens.** (APF Vietnam 2010)
- i) **Mobilize finance to eliminate poverty** without exacerbating the debt burden and implement economic policies that **build the domestic financial capacity** of member countries. (APF Vietnam 2010)

4. ON AGRICULTURAL POLICY

There are agricultural crises and natural disasters in developing countries arising from the dominant model of development for economic growth. The crisis is due to lax natural resource management and the lack of sustainable development principles. Local producers are threatened by unfair competition from imports. Land and ocean grabbing is likely to increase with ASEAN economic integration in 2015 (ACSC Cambodia 2012)

- a) **Regulate transnational corporations in agriculture** and protect the land of smallholder farmers from **agribusiness expansion** (APF Thailand 2009)
- b) Develop a common **agricultural policy and action plan** aiming to improve access and control of small-scale farmers and fisher folk to land, water and other natural resources, increasing their productivity and incomes (APF Thailand 2009)
- c) Invest in a **new model of sustainable agriculture** that should include support for agrarian reform, small farmers, women, recognition of the traditional occupations of indigenous peoples and respect for the environment (APF Vietnam 2010)
- d) Promote food sovereignty through **genuine agrarian reform and equitable access and distribution of land and resources** as mandated by the FAO and UN International Conference on AR and RD (APF Thailand 2009)
- e) Ensure sufficient **budgets for sustainable agriculture and develop policies and programs to support small-scale farmers** - women, men and young persons. In particular ensure access to land, waters and seed, provide support to organic farming, cooperative marketing, access to affordable credit, infrastructure, agricultural extension and meaningful participation of small-scale farmers in decision-making processes towards ensuring food and nutrition security (ACSC Cambodia 2012)
- f) Stop **forced evictions and violence**, against their people who are exercising their basic human rights to their land, homes and livelihoods, in the interests of **large-scale agriculture.** (ACSC Indonesia 2011, ACSC Cambodia 2012) Stop **land-grabbing, regulate investments** in agriculture with priority given to poor farmers, and **support land reform program** to secure land rights of peasants, by establishing **common policy framework and guidelines on agrarian reform and sustainable agriculture.** (ACSC Indonesia 2011)

- g) **Curb food speculations and strengthen regional cooperation** on developing a more responsive **Regional Food Reserves** that will help stabilize food supply and price (ACSC Indonesia 2011)
- h) **Provide for adequate support services** including seed, water, farm inputs, credit, social insurance, research and extension, education and capacity-building of farmers, basic infrastructure, storage and transportation, etc. (ACSC Indonesia 2011)
- i) **Review the economic model being pursued by ASEAN** which emphasizes more trade liberalization and **increased investment by corporations in the fishery, coastal and agriculture resource industries**. ASEAN shall consider pursuing a model which protects and recognises the **resource rights of vulnerable farmers and fishers**. (ACSC Cambodia 2012)
- j) **ASEAN trade policy on fishery** products must consider the nature of fishery as an **environmental good** to protect fishing grounds, avoid the depletion of stocks and environmental degradation in coastal. (ACSC Indonesia 2011)
- k) Discuss and implement **guidelines on illegal, unregulated, and unreported fishing (IUU) in shared/common water bodies** in the Southeast Asia Region in accordance with the United Nations Convention on the Law of the Sea (UNCLOS) and the UN-FAO Code of Conduct for Responsible Fisheries and must be recognized in the ASEAN Charter and Treaty of Amity and Cooperation (ACSC Indonesia 2011)
- l) Facilitate the full implementation of the **WHO Framework Convention on Tobacco Control (FCTC)** by States Parties and encourage the Indonesian government to accede to the convention in the best interest of its people. (ACSC Indonesia 2011)
- m) Ensure that all **agriculture development** programs and policies are **gender sensitive and gender responsive** (ACSC Cambodia 2012)

5. ON NATURAL RESOURCE MANAGEMENT

While most ASEAN states have fairly robust legal frameworks governing the core areas of land, natural resources, labour and the environment, enforcement of these laws and regulations remains a challenge. Corruption and lack of transparency and accountability exacerbate negative impacts of development projects and investment on local communities. Militarisation of resource rich areas results in intensified repression in terms of enforced disappearances, extra-judicial killings, land grabbing and displacement of communities. **(ACSC Myanmar 2015)**

- a) Ratify and implement **international treaties and provisions** pertaining to natural resource management and agriculture, such as **the International Covenant on Economic, Social and Cultural Rights**, which provides for the right to adequate food and to a decent living, which in the case of small-scale farmers includes the right to seeds and land. (ACSC Cambodia 2012)
- b) Promote and protect **rights-based access to resources** that respect indigenous land rights, fulfills the principle of non-discrimination and substantive equality, and promotes peoples sovereignty over food, energy, forests, fisheries, land and water, and sustainable farming practices. (APF Thailand 2009)

- c) Acknowledge, **recognize and protect the contribution of Indigenous Peoples/Ethnic Minorities in the protection and enhancement of biodiversity, protect their rights to sustainable livelihoods, food security and sovereignty; and protect their rights against the adverse effects** of extractive industries and other projects with adverse socio-cultural and environment impacts and risks. (ACSC Indonesia 2011)
- d) Recognize, respect and ensure the full realization of the **collective rights of the indigenous peoples and marginalized ethnic minorities** over their land territories and resources which include the implementation of the safeguard provision for the **Free, Prior and Informed Consent** of affected communities in all projects and programs (APF Vietnam 2010)
- e) Respect, protect and fulfill the rights of **affected Indigenous Peoples**, including through applying the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**, in particular the right of IPs to **FPIC free, prior and informed consent**, empowering IPs to manage their spirit forests and customary land as well as to continue practicing indigenous natural resource management system; and in relation to the planning, design and implementation of programmes and projects they may affect them (ACSC Cambodia 2011)
- f) Promote and implement people-oriented **water resource management** (APF Thailand 2009) Support programs of **community management of coastal, freshwater and other fishery resources**. (ACSC Cambodia 2012)
- g) Adopt policies that give farmers and fishers **secure tenure, ownership, control and management of their land, freshwater and coastal/fishery resources**. (ACSC Cambodia 2012)
- h) Stop **land, ocean and other resource grabbing** in the region. ASEAN and national governments should adopt regional agreements and policies that **reduce widespread private investment in and privatization of land, coastal, freshwater and fishery bodies** (ACSC Cambodia 2012)
- i) **Enact Land Use policies** that promote sustainable resource management (ACSC Indonesia 2011) **Respect all existing land use rights**, irrespective of whether or not legal titles or formal ownership rights exist. This includes lands **owned and managed by community**, and lands owned by **indigenous people or others who have been farming** and living on the land for generations but do not have legal documents confirming ownership (ACSC Cambodia 2012)

6. ON EXTRACTIVE INDUSTRY POLICY

Extractive industries development, (oil, coal and other minerals), have contributed to the economic growth of the ASEAN region, but has also caused harm to the environment and has taken a toll on human rights, (caused by) poor resource management, the limited capacity to govern this sector and the issue of corruption. **(ACSC Cambodia 2012)**

- a) Establish an ASEAN framework on Extractive Industries and adopt the **Extractive Industries Transparency Initiative (EITI)**, as effective regional mechanisms for corporate accountability, whereby corporate actors are held to answer for abuses wherever they operate (ACSC Cambodia 2012)

- b) Adopt a **comprehensive legal framework on extractive industry transparency**...which could be the basis for the harmonization of policies and practices of oil, gas, and mineral of the member countries of ASEAN, thus ensuring that the existing internationally recognized standards pertaining to human rights, the environment are upheld, and the benefits generated by the extractive industries extended to all citizens in ASEAN, now and in the future. (ACSC Indonesia 2011, ACSC Cambodia 2012)
- c) To ensure transparency in **oil, gas and mining revenues**, countries should develop and adopt a **legal framework and policy for domestic and international investment companies**. (ACSC Cambodia 2012)
- d) Acknowledge, **recognize and protect the contribution of Indigenous Peoples/Ethnic Minorities in the protection and enhancement of biodiversity, protect their rights to sustainable livelihoods, food security and sovereignty; and protect their rights against the adverse effects** of extractive industries and other projects with adverse socio-cultural and environment impacts and risks. (ACSC Indonesia 2011)
- e) Establish and reinforce effective **redress mechanisms and access to justice** for damages from past and current projects in which indigenous peoples were not consulted. This should include **legal pluralism approaches rooted in traditional cultures**. (ACSC Cambodia 2012)

7. ON LARGE SCALE DEVELOPMENT PROJECTS

Current development trends in ASEAN are resulting in serious transboundary problems caused by mega-hydropower dams, extractive industries, expansion of large-scale monoculture plantations, climate change, unaccountable corporate investment, and government and military involvement in business. These are having negative impacts on communities and their livelihoods, land, natural resources, water and food sovereignty and security, identity, health and environment, leading to increased conflicts and instability in the region. (ACSC Myanmar 2014)

- a) Give priority to building a people's community, supporting **grassroots economies and peoples' livelihoods**, including traditional occupations (APF Thailand 2009)
- b) Where development projects will result in **dispossession (of communities)**, international human rights standards shall be fully observed. Affected communities shall be fairly **compensated, including by ensuring access to agricultural land** (ACSC Cambodia 2012)
- c) Establish and reinforce effective **redress mechanisms and access to justice** for damages from past and current projects in which indigenous peoples were not consulted. This should include **legal pluralism approaches rooted in traditional cultures**. (ACSC Cambodia 2012)
- d) Acknowledge, **recognize and protect the contribution of Indigenous Peoples/Ethnic Minorities in the protection and enhancement of biodiversity, protect their rights to sustainable livelihoods, food security and sovereignty; and protect their rights against the adverse effects** of extractive industries and other projects with adverse socio-cultural and environment impacts and risks. (ACSC IPush for the realization of **access to water** as a human right and halt and **reverse the privatization and commodification** of

water to ensure the delivery of clean affordable water to communities. (ACSC Indonesia 2011)

- e) Reject FTAs that support the **privatization and commodification of health care services**, and make health services expensive and inaccessible, and protect corporate interests at the expense of public health policy. Rather, **provide free universal health care**. (ACSC Indonesia 2011)
- f) Uphold **housing and human rights** of peoples in the region. Member states must ensure that their land and housing policies are consistent with internationally accepted housing and human rights standards. Ensure that **infrastructure, including education and healthcare facilities and job opportunities** are in place before sending (displaced or relocated) people to new locations. (ACSC Indondonesia 2011)
- g) The **Mekong River Commission** should adopt and implement its own findings and recommendations through **Strategic Environment Assessment (SEA)** reports (ACSC Cambodia 2012)
- h) Cancel **the Thailand and Laos PDR Xayaburi Dam and Salween Dam** and delay the Lower **Sesan 2 dam pending further studies** and more **consultation** with local communities (ACSC Cambodia 2012)

8. ON ESSENTIAL PUBLIC UTILITIES AND SERVICES

- a) Ensure **delivery** of adequate, appropriate, accessible, quality, and **essential services** for all, especially for poor and vulnerable groups. They encompass access to employment/livelihood, food, housing, universal healthcare, education, safe and clean water, electricity and social protection pensions and securities. (APF Thailand 2009, APF Vietnam 2010)
- b) Protect **essential public services**, and create mechanisms towards cooperation in regional public goods and services (ACSC Philippines 2006)

9. ON PEOPLES' LIVELIHOODS

- a) Develop their national **strategies which aim to improve the livelihoods and living conditions** of their people, with good dignity, in the ASEAN community as reflected in the ASEAN Charter, (ACSC Brunei 2013)
- b) Prioritise the **promotion of sustainable livelihoods** over unsustainable, irresponsible and abusive business practices. (ACSC Cambodia 2012)
- c) Provide a **conducive environment for income generation and employment opportunities** for the poor as well as existence to link small farmers to markets, and build their capacities on ICT, market information, and enterprise managers. (ACSC Indonesia 2011)
- d) Speed up the process to **improve tenure security for citizens and must prioritize protecting the land and livelihoods** of their own citizens, rather than pandering to investors (ACSC Cambodia 2012)

- e) Ensure **women's livelihood options** at home and abroad, thereby generating choices in Employment (ACSC Cambodia 2012)
- f) Promote **entrepreneurship among ASEAN youth** by providing **skills training and a regional fund** which must be easily accessed by all marginalized groups (ACSC Indonesia 2011)
- g) **Solve land disputes** between local communities and powerful investors urgently and fairly (ACSC Cambodia 2012)

10. ON ASEAN MEMBERS' REGULATORY ROLE

- a) Develop rules and codes of conduct to ensure **corporate accountability** among business entities in ASEAN; regulate corporate activity so it does not undermine efforts to ensure environmental and social sustainability (ACSC Malaysia 2005) Develop enforceable regional **codes of conduct or ethical business principles** (ACSC Cambodia 2012)
- b) Compel large corporations including TNCs, to follow **international human rights and environmental standards and conventions**. Make them accountable for violations of applicable national laws and international conventions and agreements, including any their existing contractual arrangements with governments and/or communities (APF Thailand 2009)
- c) Train/educate employers on the **rights of migrant workers and relevant labour laws**. (ACSC Cambodia 2012)
- d) Employers **must not employ children** (ACSC Cambodia 2012)
- e) Stop **land grabbing and land conversions** pushed by the business sector and large corporations. (APF Thailand 2009)
- f) Require **corporations to balance all shares and benefits** for the local peoples' livelihood by ensuring payment for environment services, recognising that local people are the shareholders for those projects and not just recipients of compensation. (APF Thailand 2009)

11. ON CORPORATIONS AND THE ENVIRONMENT

The regional economic integration plan does not hold corporations accountable for violations of human rights, and social and environmental standards. In fact, corporations are given increased power through investment protection measures and investor-state dispute settlement (ISDS) in the ASEAN Comprehensive Investment Agreement of the AEC blueprint. ISDS empowers corporations in some instances to sue governments over local laws that may be in the public interest but counterproductive to the corporate interests. (ACSC Malaysia 2015)

- a) Abide by and ensure compliance of businesses with international best practices including but not limited to the **UN Guiding Principles on Business and Human Rights, Extractive Industries Transparency Initiative and ISO 26000** to respect the rights of all affected individuals and communities, improve peoples' living conditions, which involves **consulting fully and meaningfully with affected communities, providing fair and**

suitable compensation and ensuring adequate resettlement sites when people accept to be moved (ACSC Myanmar 2014)

- b) Compel large corporations including TNCs, to follow **international human rights and environmental standards and conventions**. Make them accountable for violations of applicable national laws and international conventions and agreements, including any their existing contractual arrangements with governments and/or communities (APF Thailand 2009)
- c) Require **corporations to balance all shares and benefits** for the local peoples' livelihood by ensuring payment for environment services, recognising that local people are the shareholders for those projects and not just recipients of compensation. (APF Thailand 2009)
- d) Install **monitoring mechanisms to hold transnational corporations accountable** for their role with respect to **large-scale food and agro-fuel production, toxic chemicals, land grabbing and the displacement of food crops** including provision of guidelines for ASEAN governments on how to strengthen coherence between national and global food policies (ACSC Cambodia 2012)
- e) Acknowledge, **recognize and protect the contribution of Indigenous Peoples/Ethnic Minorities in the protection and enhancement of biodiversity, protect their rights to sustainable livelihoods, food security and sovereignty; and protect their rights against the adverse effects** of extractive industries and other projects with adverse socio-cultural and environment impacts and risks. (ACSC Indonesia 2011)

12. ON PEOPLE'S PARTICIPATION IN THE ASEAN ECONOMIC COMMUNITY

- a) Establish an **ASEAN safeguard policy of free, prior and informed consent, to ensure accountability, transparency and the meaningful participation of all stakeholders**, including local communities and indigenous peoples, civil society organisations, and vulnerable and marginalised groups in the **design, implementation and monitoring of national and regional investment and development projects and policies** in order to protect the rights and wellbeing of all peoples in ASEAN (ACSC Cambodia 2012, ACSC Myanmar 2014)
- b) Implement the **Rio Principles**, in particular Principle 10 (Broad-based Participation), Principle 14 (Prevention) and Principle 15 (Precaution). (ACSC Malaysia 2005)
- c) Conduct regular **cross sectoral consultations across the region**, to ensure their inputs in aid modalities, large scale development programs and strategies (APF Thailand 2009) **through quality studies, correct information, public consultation processes, and due diligence**, especially with affected communities (ACSC Cambodia 2011)
- d) Provide correct and accessible **information on any hydropower projects**, so that people can **review and monitor** them (ACSC Cambodia 2011)
- e) Invest in building **people's capacity to participate** in the decision making processes in trade and investment activities (APF Thailand 2009)
- f) **Develop multi-stakeholder mechanisms** to promote good governance and transparency in **Extractive Industries and the Natural Resources Management** (ACSC Cambodia 2012)

- g) **Guarantee transparency** through frequent, perhaps monthly, **financial and progress reports by the extractive industry.** (ACSC Cambodia 2012)
- h) Ensure civil society participation through an **ASEAN Economic and Social Advisory Council** (ACSC Malaysia 2005)
- i) Extend **technical assistance** to improve competitiveness of small-scale farmers through sharing and learning exchanges on sustainable farming technologies (ACSC Cambodia 2012)
- j) Establish an **ASEAN Farmers' Bank** (ACSC Cambodia 2012) and establish a **Council for Small-scale Farmers and Fishers, Social Entrepreneurs and Producers**, to ensure institutionalized participation in ASEAN processes and create agricultural policies that uphold the rights of small farmers, food sovereignty, and protect land rights (APF Thailand 2009, ACSC Cambodia 2012)
- k) Consult **with fisher and coastal communities** in drafting ASEAN good **aquaculture practices** to ensure that fishers' rights and the welfare of coastal communities are respected and avoid harm to natural resources. (ACSC Indonesia 2011)
- l) Enable **fishers to participate actively and substantially in decision-making in agriculture and fishery** policies and specifically in the negotiations of the Food and Agriculture Organization **FAO instrument on fishery resource access**, including the **Fishers Code of Conduct.** (ACSC Cambodia 2012)

13. ON IMPACT ASSESSMENTS

- a) Undertake comprehensive **impact assessments of trade negotiations** at the multilateral, regional and bilateral levels (ACSC Malaysia 2005)
- b) Support and cooperate with the people to conduct **independent and strategic assessments** in trade and investment agreements, projects, and industrial processes before they are negotiated, using the following **assessment tools**: Environmental Impact Assessment (EIA), Social Impact Assessment (SIA), Human Impact Assessment (HIA) and Gender Impact assessment. (APF Thailand 2009)

14. ON CONSUMER PROTECTION

- a) Safeguard the rights of consumers and address **consumer protection** issues comprehensively (ACSC Malaysia 2005)
- b) **Ban speculation** on food commodities and impose a moratorium on agro-fuels (APF Thailand 2009)

15. ON LABOR AND MIGRATION POLICY

Migration is a reality within the region and yet ASEAN does not have adequate protection for all migrants especially forced migrants and stateless persons. Children are particularly vulnerable to the negative effect of migration and many Children on the Move (COM) are not recognised by existing laws or law enforcers and therefore are denied access to basic services and exposed to

heightened risk of economic or sexual exploitation, abuse or neglect. Most importantly while workers' wages in most ASEAN countries fall far below living wages, which fail to cover basic living expenses, migrant workers experience additional discrimination in terms of denial and restrictions on basic rights to freedom of movement, freedom of assembly, access to quality education and health services, and legal remedies. **(ACSC Myanmar 2014)**

- a) Adopt a **Social Charter** enshrining workers' rights, and institutionalizing participation of workers in mandatory social dialogue and consultation (ACSC Philippines 2006, APF Vietnam 2010) **Facilitate dialogue** between trade unions, civil society, and employers at national and ASEAN levels. (APF Thailand 2009)
- b) Ratify and implement **8 ILO Core Labour Standards and key UN human rights conventions**, which should be reflected in national laws, including laws on the elimination of **forced labour and child labour and rights to organise collective bargaining**, and the stipulation the **minimum wage**, rights to **job security, decent work for everyone, and living wage, equal pay for work of equal value, safe and secure working environments with gender equality, collective bargaining, and trade unions; relieving women of the burden of unpaid care and domestic work through the provision of social care services and infrastructures, social protection policies, and the promotion of shared responsibility within the family and the community; and eliminating child labour, forced labour, human trafficking, and government labour export programmes that exploit migrant labour, increase propensity towards international marriage brokerage for commercial purposes and result in human trafficking.** (ACSC Philippines 2006, APF Thailand 2009, APF Vietnam 2010, ACSC Cambodia 2012, ACSC Malaysia 2015) Harmonize their labor laws in line with the **ILO Fundamental principles and rights at work** (C.87 and 98 the right to organize), the ADMW, and relevant ILO conventions 97 and 143, on **Temporary Work, Home Workers Convention** and other related Conventions. (APF Vietnam 2010)
- c) Ratify the **International Covenant on Economic, Social and Cultural Rights and relevant ILO conventions** protecting the rights of workers. These instruments should be incorporated into national laws and fully implemented in practice. (ACSC Indonesia 2011)
- d) Ensure that the **ASEAN Economic Integration in 2015 Plan provides for the rights of all migrant workers** - formal, informal and undocumented - and in particular recognizes informal and undocumented migrant workers (APF Vietnam 2010)
- e) Respect **labour unions' role to fight for labor rights**, and allow migrant workers to join labor unions in the countries where they are working. Allow more concrete communication towards the formulation of the strong **ASEAN Regional Labour Union.** (ACSC Indonesia 2011) Establish a regional system to protect workers' **rights to unionization and collective Bargaining** (ACSC Cambodia 2012)
- f) Ensure **occupational safety protection** for workers in construction and other sectors. (APF Vietnam 2010) **Standardize working conditions** regionally (ACSC Cambodia 2012)
- g) **Work hours.** Workers should work no longer than 8 hours a day and 5 days a week (ACSC Cambodia 2012)

- h) **Liberalize labor migration** so that ASEAN nationals can move with dignity, especially migrant workers (APF Vietnam 2010) Promote and protect **migrant workers' rights to mobility and freedom of movement** (ACSC Cambodia 2012)
- i) Repeal policies of **contract termination and deportation of migrant labor** on the grounds of pregnancy and communicable diseases, such as HIV/AIDS. (ACSC Indonesia 2011)
- j) Establish a standard **regional system for calculating minimum living wages**, to be revised annually (ACSC Cambodia 2012)

16. ON PROTECTION OF MIGRANT WORKERS

Forced labour migration is exacerbated by state denial of decent jobs and living wages for workers, the rights to organise and form free and independent trade unions, collective bargaining, security of tenure, social security, occupational safety, access to safe and affordable health services, including sexual and reproductive health and rights, access to quality education, protection from violence, and an effective process for holding traffickers accountable. Failure by source country governments to protect their own citizens who are exported as migrant workers, and government prosecution of workers who expose their exploitation, aggravate the likelihood of abuse and human trafficking. (ACSC Malaysia 2015)

- a) Guarantee the **right of all workers, including migrant workers, to non-discrimination, entitlement to the equal social and labour rights** regardless of their legal status (including undocumented migrant workers) (ACSC Philippines 2006, APF Thailand 2009, ACSC Myanmar 2014) and **access to justice through free legal aid and rights education**. We call upon the ASEAN Member States to immediately stop all forms of **oppression against workers who exercise their right to freedom of expression and assembly and association, including their right to strike**. Additionally, we call upon the ASEAN Member States to **ensure minimum wages are living wages and decent work** for all workers in ASEAN Countries. (ACSC Myanmar 2014)
- b) Ensure **access to justice and protective mechanisms for migrant workers** regardless of (legal) status (ACSC Cambodia 2012)
- c) Provide **access to justice for migrant workers in transit** including interpretation services, legal assistance, temporary shelters and the right of migrants to stay and work during legal process (ACSC Cambodia 2012)
- d) Encourage member countries to enforce strictly policies relevant to the just **issuance of Identity Card and observant of the right age for migration and work** (ACSC Cambodia 2012)
- e) Ratify the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**. (APF Thailand 2009)
- f) Implement the **ASEAN Declaration on the Protection and Promotion of the rights of migrant workers (ADMW)**. (APF Vietnam 2010) Adopt a **legally binding regional instrument, the ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers**, which protects all migrant workers, **skilled and unskilled, documented and undocumented, and their families**, in line with international human rights standards to **protect and promote the rights of all migrant workers and their**

families regardless of their immigration status, the process of which must be **transparent and actively involve** migrant associations, trade unions and other representatives of civil society. (ACSC Malaysia 2005, APF Thailand 2009, ACSC Indonesia 2011, ACSC Cambodia, 2012, ACSC Malaysia 2015) **Strengthen the mandate of...ACMW (ASEAN Declaration for the Promotion and Protection for the Rights of Migrant Workers) and future human rights mechanisms**: Strengthen the terms of reference of these bodies to include the capacity to conduct onsite country visits and investigations, issue binding recommendations to member states, provide for periodic peer reviews on human rights conditions, set up working groups on emerging thematic issues, receive and address complaints, and institutionalise an inclusive framework of engagement with all relevant stakeholders, particularly civil society, national human rights institutions (NHRIs), and victims/affected communities. (ACSC Malaysia 2015)

- g) ASEAN member states must **guarantee the rights of migrant women**, including marriage migrants, and put in place mechanisms to ensure women's empowerment. ASEAN member states must include **protection mechanisms for women and families abandoned by migrant workers**. (ACSC Cambodia 2012)

17. ON OTHER TYPES OF WORKERS AND OTHER LABOR ARRANGEMENTS

- a) Give adequate **protection, fair wages and access to decent living and working conditions** to all workers, including migrant workers, and workers in informal sectors (APF Vietnam 2010, ACSC Cambodia 2012)
- b) Push for the **Convention on Domestic Workers** (APF Vietnam 2010)
- c) Implement the **Rights of The Migrant Workers and Their Families** and the **ILO Convention 87, 98, and 189 Decent Work for Domestic Workers** and; and reform national laws and policies to recognise domestic work as work and to protect their rights under labour laws (ACSC Indonesia 2011, ACSC Cambodia 2012)
- d) **Recognize sex workers as workers**, and must address and prevent violence and other threats to the **health and safety** of adult sex workers and their families. (ACSC Indonesia 2011)
- e) Amend labor laws **regulating recruiting agencies**. (APF Vietnam 2010) **Discontinue labor export and recruitment policies and practices that facilitate human trafficking (ACSC Cambodia 2012)**
- f) Institute rights-based pathways to **regularize semi and low-skilled labor migration**, reduce barriers to **cross-border and internal migration**, and **guarantee labor protection for informal workers**, especially domestic workers. (APF Thailand 2009)
- g) Work towards the abolition of exploitative **labour outsourcing companies, recruitment agencies and labour suppliers** (APF Vietnam 2010, ACSC Indonesia 2011)
- h) Reduce the prevalence of **short term contracts and sub-contractors** (ACSC Cambodia 2012)

Civil Society Agenda for an ASEAN Socio-Cultural Community Post-2015 Attendant Blueprint

1. ON WORKERS

Workers are deprived of their right to establish and join trade unions, and there are those who do suffer discrimination. Workers often work in harsh and dangerous conditions without proper safety systems, are paid low wages and work long hours. Neither ASEAN instruments nor domestic laws are sufficient to protect workers' rights. (ACSC Cambodia 2012)

- a) Ensure **rights of all workers and their families** including **migrant workers, esp women migrant workers and domestic workers** are recognised, protected, realised and fulfilled, i.e. decent work and wages, rights to organise and to form trade unions, collective bargaining, access to safe and affordable health services including reproductive health, occupational safety, social security, and protection from violence. (ACSC Singapore 2007, APF Thailand 2009)
- b) Establish effective mechanisms for **social security and worker protection**, especially in times of crisis (APF Thailand 2009)
- c) Guarantee the **protection of farmers and all workers**-- including formal, informal and migrant workers-- to establish an egalitarian market system, secure livelihoods and decent works (APF Thailand 2009)

2. ON MIGRANT WORKERS

Host countries offer very limited services for migrant workers such as education, health, integration and re-integration training; often available only for documented migrant workers but not to their families. Neither applicable national laws nor international standards protecting the rights of migrant workers and their families are properly applied leaving them exposed to abuse including violence and exploitation by law enforcement officers and employers. Informal and undocumented migrant workers are even more exposed to abuse and exploitation and constantly exposed to the risk of arrest and deportation.

- a) Deal with **transboundary challenges** (haze, health, HIV/AIDS, bird flu, human security, migration and labor) for swift and effective action in the interest of the people (ACSC Malaysia 2005)
- b) Ensure **rights of all workers and their families** including **migrant workers, esp women migrant workers and domestic workers** are recognised, protected, realised and fulfilled, i.e. decent work and wages, rights to organise and to form trade unions, collective bargaining, access to safe and affordable health services including reproductive health, occupational safety, social security, and protection from violence. (APF Thailand 2009, ACSC Cambodia 2012)
- c) Guarantee the **protection of farmers and all workers**-- including formal, informal and migrant workers-- to establish an egalitarian market system, secure livelihoods and decent works (APF Thailand 2009)

- d) Advocate for the **mutual recognition of skills** of workers within the ASEAN region. (ACSC Philippines 2006)
- e) Eliminate **child labour** and hazardous work in the region (APF Thailand 2009)
- f) ASEAN should **ensure that both sending and receiving countries be held jointly responsible to promote and uphold the rights of women migrants** of due recognition to their contribution to the respective countries' development. (ACSC Cambodia 2012)
- g) Protect **vulnerable groups** including women, children, the elderly, people with disabilities, refugees and migrant workers, (ACSC Malaysia 2005) children of migrant workers, indigenous peoples, sex workers (APF Thailand 2009)
- h) Establish a regional mechanism to protect **the healthcare of migrants** and to move away from mandatory to voluntary health testing (ACSC Philippines 2006)
- i) Promote, implement, and protect the rights of **migrant children and children of migrant workers**, where access to nationality shall be guaranteed with no regard of their legal status (APF Thailand 2009)

3. ON REFUGEES AND STATELESS PEOPLES

- a) Deal with **transboundary challenges** (haze, health, HIV/AIDS, bird flu, human security, migration and labor) for swift and effective action in the interest of the people (ACSC Malaysia 2005)
- b) Address the issue of statelessness and ensure **stateless peoples** have access to basic rights and benefits in ASEAN society (APF Thailand 2009)
- c) Protect **vulnerable groups** including women, children, the elderly, people with disabilities, refugees and migrant workers, (ACSC Malaysia 2005) children of migrant workers, indigenous peoples, sex workers (APF Thailand 2009)
- d) **Eliminate all forms of discrimination**, especially against women and minorities, **in disaster relief, humanitarian assistance and development processes** (APF Thailand 2009)

4. ON TRAFFICKED PERSONS

Human trafficking and human smuggling within and from ASEAN is a continuing serious problem. Laws, policies, and practices by ASEAN member states often fail to protect millions of migrant workers, and often contribute to or are complicit in their enslavement, facilitating brokers, recruitment agents, labor export companies, outsourcing companies and unscrupulous employers to profit from the exploitation of migrant workers both in sending and receiving countries. (The problem is further) exacerbated ...by detaining and/or otherwise punishing the victims – sex trafficking victims as well as workers who have been held in debt bondage or slave-like conditions – rather than the perpetrators. (ACSC Cambodia 2012)

Women's human rights are fundamentally threatened by regressive policies and programmes that instrumentalise and exploit women in the name of development. Women, girls, and other

marginalized groups continue to be trafficked and subjected to sexual and gender-based violence that threaten their dignity and human rights. **(ACSC Malaysia 2015)**

- a) End **human trafficking, human smuggling** and other extreme forms of exploitation, especially where such exploitation takes place with the complicity of government officials. (ACSC Indonesia 2011)
- b) Enact **national anti-trafficking-in-persons laws and policies that meet international standards** including the **Palermo Protocol** (ACSC Cambodia 2012)
- c) Provide sufficient **resources for the investigation, prosecution, and conviction of perpetrators**, especially in cases where such perpetrators are corrupt government officials or their accomplices (ACSC Cambodia 2012)
- d) Engage with and provide resources for **CSOs to provide services and protection for victims** of sex trafficking as well as workers who have been held in debt bondage or slave-like conditions (labor trafficking) (ACSC Cambodia 2012)
- e) Enact immigration and labor laws that **provide victims, especially migrant workers, with the right to reside and work legally** until such time as they are willing and able to be repatriated safely (ACSC Cambodia 2012)
- f) Embark upon robust nation-wide **campaigns to bring awareness about human trafficking**, targeting factors that are likely to lead potential victims into trafficking as well as prejudicial and stereotypical views about migrant workers (ACSC Cambodia 2012)
- g) Ensure that the redress, reparation, and reintegration process of **trafficked persons** are implemented from a rights based approach and urge responsibilities of ASEAN+3 countries pertaining to the protection of trafficked persons (APF Thailand 2009)
- h) Adopt a legally binding instrument through a **rights-based and victim-centered approach**. **(APF Vietnam 2010)**

5. ON FARMERS AND FISHERS

- a) Guarantee the **protection of farmers and all workers**-- including formal, informal and migrant workers-- to establish an egalitarian market system, secure livelihoods and decent works (APF Thailand 2009)
- b) Support the initiative on the **international Convention on the Rights of Peasants** (APF Thailand 2009)
- c) Protect fishers from **unsustainable forms of commercial fishing, and the impact of large development projects** such as the construction of the hydropower dams in the Mekong river and coastal industrialization projects. (APF Vietnam 2010)

6. ON INDIGENOUS PEOPLES

Despite all ASEAN states' voting in favour of the Declaration on the Rights of Indigenous Peoples (UNDRIP), "national development" continues to be used as a pretext for plundering and appropriating indigenous lands, territories, and resources. Further, nationalisation of lands owned

by individuals, religious communities, and indigenous peoples justifies land grabbing and further marginalises a growing number of people who are already economically, politically, and socially disenfranchised. **(ACSC Malaysia 2015)**

Indigenous Peoples ...have experienced common historical injustices of marginalization, exclusion, discrimination and forced assimilation. They have distinct identities, self-governance, traditional livelihoods and resource management systems as well as their own socio-cultural institutions in the midst of mainstream political, cultural and economic systems and legal frameworks. Indigenous Peoples, including children, continue to suffer from the imposition of government and corporate projects on their ancestral domain without respecting the right to free prior and informed consent. In some countries they are denied recognition of their identities as distinct peoples with collective rights, including their right to citizenship, which excludes them from receiving adequate social services from the government. **(ACSC Cambodia 2012)**

- a) Urge ASEAN member states to adopt the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)** (ACSC Cambodia 2012)
- b) Ratify and immediately implement the **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)** and International Labor Organization Convention **ILO 169**. Review and repeal national laws and policies that discriminate against IPs&EM. (ACSC Cambodia 2012)
- c) **Recognize IP Indigenous Peoples/EM Ethnic Minorities** as distinct peoples with collective rights, rights to land, territories and natural resources, right to self determination of **cultural identity** (ACSC Singapore 2007, ACSC Indonesia 2011, ACSC Cambodia 2012) including Free Prior and Informed Consent and the right of participation in all processes, programmes and plans affecting them at all levels, and such other rights laid down under the UNDRIP and ILO (ACSC Indonesia 2011), and other international instruments including the Outcome Document of the **World Conference on Indigenous Peoples**. (ACSC Malaysia 2015)
- d) Ensure **Indigenous Peoples'** continuing cultural diversity, collective survival, development, protection against commodification and commercialization. (APF Thailand 2009) acknowledge, **recognize and protect the contribution of IP/EM in the protection and enhancement of biodiversity, protect their rights to sustainable livelihoods, food security and sovereignty; and protect their rights against the adverse effects** of extractive industries and other projects with adverse socio-cultural and environment impacts and risks. (ACSC Indonesia 2011)
- e) Protect **vulnerable groups** including women, children, the elderly, people with disabilities, refugees and migrant workers, (ACSC Malaysia 2005) children of migrant workers, indigenous peoples, sex workers (APF Thailand 2009)
- f) Ensure that youth, women, and indigenous peoples have equitable **access to healthcare services**, especially reproductive health and HIV/AIDS (ACSC Malaysia 2005)
- g) **Eliminate all forms of discrimination**, especially against women and minorities, in **disaster relief, humanitarian assistance and development processes** (APF Thailand 2009)
- h) Establish mechanisms by **indigenous peoples participate in all decision-making processes** including in matter of governance of state. (ACSC Cambodia 2012)

7. ON WOMEN

- a) End all forms of **discrimination and violence against women, and governments must provide meaningful political recognition of the rights of women with disabilities, LBT women and adult sex workers** as part of the women's human rights; and also focus on **women's health, women living with HIV/AIDS, and protecting women human rights defender.** (ACSC Indonesia 2011)
- b) Eliminate all forms of **direct and indirect discriminations and promote substantive equality** for the full development and advancement of all disempowered and marginalized sectors, in particular women (ACSC Singapore 2007)
- c) **Remove barriers to women and girls' sexual and reproductive health rights**, which put their lives and wellbeing at risk; repeal **discriminatory laws, policies and practices** (ACSC Cambodia 2012)
- d) Ensure that **violations of human rights and fundamental freedoms** of women and other marginalized groups cannot be **justified or legitimized in the name of culture**, tradition or so-called "Asian values." (APF Thailand 2009)
- e) **Provide effective remedies for violence against women.** (ACSC Cambodia 2012) Call for 2015 ASEAN Community to be **free from all forms of violence** against women, youth and children (ACSC Brunei 2013)
- f) Fulfill **women's rights by unburdening them of care work**, to free their time for paid work, leisure time, political action, and participation in development work. (ACSC Indonesia 2011)
- g) Protect **vulnerable groups** including women, children, the elderly, people with disabilities, refugees and migrant workers (ACSC Malaysia 2005)
- h) Ensure that youth, women, and indigenous peoples have equitable **access to healthcare services**, especially sexual reproductive health and HIV/AIDS (ACSC Malaysia 2005), and , **the right to a healthy environment** and other rights guaranteed by international treaties and standards. (ACSC Cambodia 2012)
- i) Increase the level of awareness and **understanding of women's issues** in ASEAN through consciousness raising and capacity building. (ACSC Philippines 2006)
- j) **Eliminate all forms of discrimination**, especially against women and minorities, in **disaster relief, humanitarian assistance and development processes** (APF Thailand 2009)

8. ON YOUTH

Among the issues confronted by the youth are insufficient qualified teaching staff, poor education facilities, unequal education opportunities for key populations, vulnerable and marginalized groups, and lack of programs that cater to the career wants of the youth; limited and restricted space for freedom of expression and meaningful participation among youth; conflict and violence;

immense inadequacy of information related to sexual and reproductive health and rights and sexuality comprehensive information of young people's sexuality available to youth.

- a) support the **amplification of the voices** of young people, their **empowerment and the increase of their capacity** to ensure that **ASEAN is youth-driven** as well as people-centred (ACSC Myanmar 2014)
- b) Ensure the **participation of young people in** related **ASEAN** processes, universal health care, decent employment, human rights and the development of life skills of children, such as sexual and reproductive health rights education and HIV/AIDS as part of education and health curriculum. (APF Thailand 2009)
- c) Recognize the **youth as a specific majority** group that needs special and urgent attention, including youth education and resources, job opportunities and capacity building (ACSC Philippines 2006)
- d) Support **peace initiative activities** of young people (ACSC Myanmar 2014)
- e) Provide sufficient budget for **youth empowerment** including promoting and supporting sustainable **entrepreneurship** for youths. (APF Thailand 2009)
- f) **Remove legal, policy and cultural barriers**, including parental and spousal consent **for young people, particularly women, to exercise their rights** (ACSC Cambodia 2012)
- g) Acknowledge and prioritize the **universality of young people's sexual and reproductive health and rights** (SRHR) as human rights especially in addressing sexual diversity and gender identity (ACSC Malaysia 2006, ACSC Indonesia 2011, ACSC Cambodia 2012)
- h) Promote ASEAN **youth exchange for cultural and historical** understanding for solidarity (APF Thailand 2009)
- i) **Promote volunteerism** to all sectors in ASEAN community. Have youth volunteer policies; provide more opportunities and strengthen the volunteer network for youth to contribute to society. Provide both **financial support and effective mechanisms** for youth volunteers. Establish a **volunteer visa service** for those (youth) who want to volunteer in Southeast Asia (ACSC Cambodia 2012) Promote local wisdom education through **youth networking and youth volunteerism** (APF Thailand 2009)
- j) Promote **entrepreneurship among ASEAN youth** by providing skills training and a regional fund which must be easily accessed by all marginalized groups. (ACSC Indonesia 2011)
- k) Work in partnership with youth groups to **design and implement educational and preventive programmes** including measures to stop the production and manufacturing of illicit drugs (ACSC Brunei 2013)
- l) Set up and enforce an **independent regional youth council** or commission, and meaningfully engage the youth in policy planning, implementing, monitoring, decision-making and reform of this body (ACSC Indonesia 2011, ACSC Brunei 2013)... involved in strategic, transparent, and accountable measures on **education, employment, public health, and sustainable environment** in local, national, and regional levels. (ACSC Indonesia 2011)

- m) Establish and implement a **rights-based legal framework and mechanism on the protection of youth** specifically for young local and migrant workers and political youth individuals, groups and movements (ACSC Cambodia 2012)
- n) Implement a **youth centered budget** item in national **health system financing** in all ASEAN countries (ACSC Cambodia 2012)

9. ON CHILDREN

There is an absence of child protection legislation in many countries are coupled with(issues they face such as) increasing social acceptance of certain forms of violence such as corporal punishment...violence, discrimination, lack of access to justice and protective mechanisms for child victims of human rights violations. There is also an absence of effective participation mechanisms for children in the ACWC. Children are also affected invariably during disasters and their specific needs and protection are not being met **(ACSC Cambodia 2012)**

- a) Respect the **Convention on the Rights of the Child (CRC)** and ratify the Optional Protocol on the involvement of children **in armed conflicts**. (ACSC Philippines 2006)
- b) Develop and implement measures to ensure that the **rights of children** living in or from ASEAN member states, as **expressed in the UNCRC and two Optional Protocols** (on the rehabilitation of children, and on the reintegration of children), are respected, protected, and fulfilled by states and other duty-bearers. (ACSC Indonesia 2011)
- c) Eliminate **child labour** and hazardous work in the region (APF Thailand 2009)
- d) Protect **vulnerable groups** including women, children, the elderly, people with disabilities, refugees and migrant workers, (ACSC Malaysia 2005) children of migrant workers, indigenous peoples, sex workers (APF Thailand 2009). Develop an ASEAN Action Plan for Children, that ensures the best interests of children and ensures child participation in ASEAM
- e) Provide all **children** whose rights have been violated **access to redress mechanisms** and with adequate **care and support for their recovery and reintegration** (ACSC Indonesia 2011)
- f) Promote, implement, and protect the rights of **migrant children and children of migrant workers**, where access to nationality shall be guaranteed with no regard of their legal status (APF Thailand 2009)
- g) Ensure the provision of adequate resources, and accessible and quality **healthcare for children** (ACSC Indonesia 2011)
- h) Increase **budget for supporting children's** activities and initiatives (ACSC Cambodia 2012)

10. ON THE ELDERLY

- a) Protect **vulnerable groups** including women, children, the elderly, people with disabilities, refugees and migrant workers, (ACSC Malaysia 2005) children of migrant workers, indigenous peoples, sex workers (APF Thailand 2009)

- b) **Eliminate all forms of discrimination**, especially against women and minorities, **in disaster relief, humanitarian assistance and development processes** (APF Thailand 2009)
- c) Implement a **universal pension for older** people in the region (ACSC Indonesia 2011)
- d) Develop **ASEAN Action Plan for Children**, allocating adequate **budget** for Implementation (ACSC Cambodia 2012)

11. ON SOGIE / SEXUAL ORIENTATION, GENDER IDENTITIES AND EXPRESSIONS

Lesbian, Gay, Bisexual, Transgender/Transexual, Intersex and Queer (LGBTIQ) persons across the ASEAN region, are treated either as second class citizens, criminals, are seen as deviants, and in some cases are not even recognized as human beings. They are made to lead dual lives and be ashamed of themselves or for who they are. Discrimination and violence come not only from their families, friends, communities, and employers but also from state institutions such as state actors, especially police and religious authorities. **(ACSC Cambodia 2012)**

- a) Immediately **repeal laws that directly and indirectly criminalize LGBTIQ and persons of diverse SOGI**, including intersex persons, recognize **LGBTIQ rights as human rights**, and harmonize national laws and regional human rights instruments, policies and practices with the United Nations human rights treaties and the Yogyakarta Principles through consultation with and **active engagement of LGBTIQ** and persons of diverse sexual orientation, gender identities and expressions, including intersex persons. (ACSC Indonesia 2011, ACSC Cambodia 2012, ACSC Myanmar 2014)
- b) **Decriminalize SOGI and transexuality, promote the psychological wellbeing of people of diverse SOGIE, guarantee** the human rights, and protect persons of diverse sexual orientation and gender identities and expression (SOGIE), in accordance with World Health Organization (WHO) standards and ensure equal access to health and social services. (ACSC Cambodia 2012)

12. ON PERSONS WITH DISABILITIES

- a) Ratify and fully implement the **UN Convention on the Rights of Persons with Disabilities (CRPD)** in law, policy and practice, including education, sexual and reproductive health and rights, social security, political participation, accessibility (ACSC Indonesia 2011, ACSC Cambodia 2012) and **mainstream disabilities** across all sectors including AICHR, ACWC and ACMW, and three pillars of ASEAN.
- b) Develop a **regional strategy to mainstream the disability perspectives and ensure disability sensitivity** throughout the region, with the active participation of the AICHR, ACWC and civil society (ACSC Cambodia 2012)
- c) The rights of **persons with disabilities** including the victims of Agent Orange/Dioxin and unexploded ordinance and other marginalized communities should be prioritized and mainstreamed in the ASEAN community (APF Vietnam 2010)

- d) Recognize the **central role that persons with disabilities must play** in planning, implementing, monitoring and evaluating relevant policies at all levels (ACSC Cambodia 2012)
- e) Protect **vulnerable groups** including women, children, the elderly, persons with disabilities, refugees and migrant workers, (ACSC Malaysia 2005) children of migrant workers, indigenous peoples, sex workers (APF Thailand 2009)
- f) Improve **the access to health of persons with disabilities** including reproductive health, health services, health insurance, and subsidizing additional cost on the grounds of disability. (ACSC Indonesia 2011)
- g) **Eliminate all forms of discrimination**, especially against women and minorities, **in disaster relief, humanitarian assistance and development processes** (APF Thailand 2009)
- h) Recognize the **ASEAN Disability Forum (ADF)** as a vehicle of persons with disabilities in the region and **consult representatives** of the Disabled Persons' Organizations (DPOs) in policy planning, implementing, and monitoring policies that affect persons with disabilities, including Agent Orange victims. (ACSC Indonesia 2011)
- i) **Ensure accessibility** in built-up and other environments to **allow persons with disabilities full participation and equal opportunities** in all of society's activities (ACSC Cambodia 2012)

13. ON SEX WORKERS

There are 1.2 million sex workers...whose contribution ... remain undervalued. They encounter serious and systematic discrimination in the application of immigration law. Because their work is criminalized, they are denied visas, work permits and all other protections and benefits that are applied to recognized workers, forcing them to deal with the risks of extortion and exploitation. Contrary to ASEAN's stated obligations, sex workers are routinely denied the legal protection and benefits offered to others. Corrupt police and other authorities systematically exploit, coerce and abuse the basic human rights of sex workers with impunity. Economic, religious and cultural considerations continue to hinder public health programs to fight AIDS, so the infection rate remains unacceptably high in the sex worker community. **(ACSC Cambodia 2012)**

- a) Protect **vulnerable groups** including women, children, the elderly, people with disabilities, refugees and migrant workers, (ACSC Malaysia 2005) children of migrant workers, indigenous peoples, sex workers (APF Thailand 2009)
- b) Recognize **sex workers as equal rights bearers** for their economic contribution and share in the opportunities and benefits that tourism brings to ASEAN, including but not limited to **equal protection** under national labour law and **freedom from discrimination** (ACSC Myanmar 2014)
- c) **Recognize sex workers as workers**, and must address and prevent violence and other threats to the **health and safety** of adult sex workers and their families. (ACSC Indonesia 2011)

- d) **Remove criminal and punitive laws and policies**, reducing stigma, providing the protections and benefits available to other workers; access to services...with no differentiation between migrant and non migrant **sex workers. (ACSC Indonesia 2011)**
- e) Ensure sex workers receive **equal protection and benefits under the law; and freedom from abuse** by police and other state and non-state actors, including religious bodies. (ACSC Cambodia 2012)
- f) Provide a comprehensive set of **sexual and reproductive health and HIV services** that covers prevention, treatment, support and care with a rights-based approach for **adult sex workers** (ACSC Indonesia 2011)
- g) Reform public health programming to **provide sex workers with the highest standards of health services**, especially HIV prevention (ACSC Cambodia 2012)

14. ON EDUCATION

- a) Ensuring **delivery** of adequate, appropriate, accessible, quality, and **essential services** for all, especially for poor and vulnerable groups. They encompass access to employment/ livelihood, food, housing, universal healthcare, education, safe and clean water, electricity and social protection pensions and securities. (APF Thailand 2009)
- b) Guarantee the right to **formal and informal education** for all including early childhood education and bilingual/multi-lingual education, especially for the disadvantaged people such as indigenous peoples and ethnic minorities women and girls, persons with disabilities and those coming from remote and distant areas. In order to deliver on this commitment principle, **governments must spend 6% of GNP** on the improvement of access to quality and relevant education, stop the privatization of education and other policies that risk rationing educational services based on who can afford to pay. Without delay, ASEAN must implement its 10 point Agenda to Reach the Unreached. (APF Vietnam 2010)
- c) Realize the ASEAN Charter provision on education and the Socio-Cultural Blueprint commitment to "achieve universal access to education across ASEAN by 2015" by allocating budget to create the **ASEAN Fund for Education for All**. (ACSC Indonesia 2011) Meet the six goals of **Education For All (EFA)** consisting of formal, non-formal, and alternative education, thru national and regional plans especially including marginalized groups. (APF Thailand 2009, ACSC Cambodia 2012)
- d) Increase government **funding for non-formal education** (ACSC Cambodia 2012)
- e) Ensure **optimum reach of education**, including aspects related to the **promotion and protection of the environmental sustainability, community-based education, local wisdom, peace, democratic values, human rights and social justice** to all segments of the population, especially marginalized groups – young women and girls, young people living with HIV, young ethnic minorities, young people with disabilities, young people affected by leprosy, young people living under poverty, young sex workers, and young people who use drugs and young LGBTIQ. (ACSC Indonesia 2011)

- f) Address issues relating to **gender equality in education, with a focus on boys and girls' aspirations, relevance of education in disadvantaged communities, remote, rural and mountainous areas and ethnolinguistic minorities** (ACSC Cambodia 2012)
- g) Address the issue of **underperformance of children based on gender** analysis
- h) encourage **media and all educational institutions** to emphasize shared values that are rooted in all our religions and cultural philosophies (ACSC Malaysia 2005)
- i) Implement education policies toward **genuine multiculturalism** in education and ensure the use of appropriate languages and dialects as part of quality learning and respect for diverse culture and identity in South East Asia (APF Thailand 2009)
- j) Address education standards and improve **curriculum in ways that are relevant, scientific, meaningful and gender-responsive** (ACSC Cambodia 2012)
- k) **Introduce gender issues in early childhood care and development**, including fathers' involvement in early childhood care, and for gender-responsive early childhood care for migrants and stateless children (ACSC Cambodia 2012)
- l) Provide a comprehensive set of **integrated sexuality education** within in and out of school curriculum that includes access to reproductive and sexual health information and counseling (ACSC Cambodia 2012)
- m) **Integrate life skills education** for youth, indigenous, and disability youth (ACSC Cambodia 2012)
- n) Continue the **fight against illiteracy** and introduce specific **programmes on politics and human rights** in their educational systems to increase citizen's awareness of their rights to participate in democracy (ACSC Cambodia 2012)
- o) Fully integrate **peace learning modules (crafted with meaningful participation of the youth)** in all levels of education (ACSC Cambodia 2012)
- p) Develop, with the meaningful participation of the people, **a people-centered history of the South East Asia region**. (ACSC Cambodia 2012)
- q) **Integrate the knowledge on emergency relief and preparedness** for children in their school curriculum and through media (ACSC Cambodia 2012)
- r) Develop and implement a **child-friendly school standard based on children's rights** principles (ACSC Cambodia 2012)
- s) Ensure that the teaching profession is given more value and this is reflected in their **salaries and incentives by developing a salary scale minimum standard for teachers** (ACSC Cambodia 2012)

15. ON SOCIAL PROTECTION

The governments of ASEAN have prioritised economic development over a just, equitable and sustainable development model that truly places the people and their wellbeing at the centre. Social protection and basic services are not prioritised and remain limited, non-inclusive and inadequate to ensure peoples' dignity. The local communities affected by investment and development projects are not provided sufficient relevant information about these projects, are

not meaningfully consulted or asked for their consent, and are not able to participate in decision-making processes. **(ACSC Myanmar 2014)**

- a) Establish effective mechanisms for **social security and worker protection**, especially in times of crisis (APF Thailand 2009). Implement the rights-based and inclusive **ASEAN Declaration on Strengthening Social Protection** with meaningful and substantive participation of civil society, peoples' and grassroots organisations and individuals. (ACSC Myanmar 2014)
- b) Extend **social protection to women workers** (APF Thailand 2009)
- c) Ensuring **delivery** of adequate, appropriate, accessible, quality, and **essential services** for all, especially for poor and vulnerable groups. They encompass access to employment/ livelihood, food, housing, universal healthcare, education, safe and clean water, electricity and social protection pensions and securities. (APF Thailand 2009)

16. ON HEALTH

- a) Ensure **a free and universal health care system** without any discrimination. (ACSC Indonesia 2011) Ensure that youth, women, workers both in the formal and informal sectors, migrant workers and their families, and indigenous peoples have equitable **access to health care services**, especially sexual and reproductive health and HIV/AIDS (ACSC Malaysia 2005, APF Vietnam 2010, ACSC Indonesia 2011) and addressing sexually-transmitted diseases. (APF Vietnam 2010)
- b) Ensure the provision of adequate resources, and accessible and quality **healthcare for children**. (ACSC Indonesia 2011)
- c) Address **adolescent marriage and pregnancies** through effective interventions and a clear action plan (ACSC Indonesia 2011)
- d) Provide a comprehensive set of **sexual and reproductive health and HIV services** that covers prevention, treatment, support and care with a rights-based approach for **adult sex workers**. To stop the **forced sterilization and denial of reproductive rights of persons living with HIV/AIDS** and persons with disabilities. Ensure equitable and affordable access for contraception, safe and legal abortion, skilled maternity and newborn care. (ACSC Indonesia 2011)
- e) Reform public health programming to **provide sex workers with the highest standards of health services**, especially HIV prevention (ACSC Cambodia 2012)
- f) Improve **the access to health of persons with disabilities** including reproductive health, health services, health insurance, and subsidizing additional cost on the grounds of disability. (ACSC Indonesia 2011)
- g) Health policies should consider **decent working condition, safe working environment and decent living** conditions (ACSC Indonesia 2011)
- h) Stop the **privatization and commodification of the health care system**, ensure equal access and provide affordable and quality health care as part of labor rights for all (ACSC Indonesia 2011)

- i) Encourage member states to **adopt clear, adequately funded, non-discriminatory and equitable policies and programs of implementation.** (APF Vietnam 2010)
- j) Action must be taken across countries to immediately start and/or sustain **preventive and curative actions including providing access to affordable and quality medicines.** (APF Vietnam 2010)
- k) Guard against extensions of **intellectual property rights** in national or regional trade agreements that **restrict access to medicines and undermine public health.** (ACSC Cambodia 2012)
- l) Examine and **remedy** the harmful impact on **health of individuals and communities** affected **by forced evictions and displacements.** (ACSC Indonesia 2011)
- m) ASEAN must also urge all member states to enact laws that will **eliminate all forms of discrimination against people living with HIV/AIDS.** (APF Vietnam 2010)
- n) Enforce fundamental rights of people to access **medical treatment including medical technology and medicines** (APF Thailand 2009) Ensure **production and distribution of more** affordable **generic medicines.** Resist and oppose the effort of the EU to push for **restrictive Intellectual Property Rights** chapter that would curtail production and distribution of more **affordable generic medicines.** (ACSC Indonesia 2011)
- o) Deal with **transboundary challenges** (haze, health, HIV/AIDS, bird flu, human security, migration and labor) for swift and effective action in the interest of the people (ACSC Malaysia 2005)
- p) Health rights of workers can only be realized if informal workers such as **domestic workers are given full labor rights including days off to access health services.** (ACSC Indonesia 2011)
- q) Establish a regional mechanism to protect **the healthcare of migrants** and to move away from mandatory to voluntary health testing. (ACSC Philippines 2006, ACSC Indonesia 2011) Support a **residence-based (as opposed to a citizenship-based) health care system.** This requires universality and a single, high standard of health services. (ACSC Indonesia 2011)
- r) Include objectives and indicators in the **national health planning and budgeting process** that ensure positive sexual and reproductive health and rights outcomes. (ACSC Indonesia 2011)
- s) Initiate and implement a **regional curriculum on comprehensive sexuality education** inclusive of sexual and reproductive health and rights, both in formal and informal education systems that can be enjoyed by youth of ASEAN especially marginalized groups. (ACSC Indonesia 2011)

17. ON ASEAN IDENTITY

- a) Recognize and respect **distinct identities, cultures and ways of life,** including indigenous peoples. (APF Thailand 2009)
- b) Foster the development of a **healthy, empowering, non-discriminatory and humane culture.** (APF Vietnam 2010)

- c) Encourage **media and all educational institutions** to emphasize shared values that are rooted in all our religions and cultural philosophies (ACSC Malaysia 2005)
- d) Implement education policies toward **genuine multiculturalism** in education and ensure the use of appropriate languages and dialects as part of quality learning and respect for diverse culture and identity in South East Asia (APF Thailand 2009)
- e) Ensure **Indigenous Peoples'** continuing cultural diversity, collective survival, development, protection against commodification and commercialization. (APF Thailand 2009)
- f) Ensure that **violations** of human **rights and fundamental freedoms** of women and other marginalized groups cannot be **justified or legitimized in the name of culture,** tradition or so-called "Asian values." (APF Thailand 2009)
- g) Protect and preserve the ASEAN **natural and ancient heritages (APF Thailand 2009)**
- h) Promote ASEAN **exchanges for cultural and historical** understanding for solidarity (APF Thailand 2009)
- i) Called on **ASEAN media and ASEAN journalists** to generate information and analysis from an ASEAN perspective, to reinforce an ASEAN identity (ACSC Malaysia 2005)

18. ON MEDIA

- a) Promote and support **peoples' media** and establish ASEAN's own media (APF Thailand 2009)
- b) Called on **ASEAN media and ASEAN journalists** to generate information and analysis from an ASEAN perspective, to reinforce an ASEAN identity (ACSC Malaysia 2005)

19. ON DISASTER RISK REDUCATION AND MANAGEMENT

- a) Draw up long-term, **transparent, accountable and participatory, community based, disaster management plans** leading to long-term rehabilitation and sustainable development for the community. ensuring the **protection of populations affected by natural disasters,** encompassing all relevant guarantees including civil and political rights, economic, social and cultural rights (APF Thailand 2009)
- b) Create an **ASEAN disaster research centre** that will compile **geo-hazards assessments of each member states and incorporate local and indigenous knowledge** in the formulation of an ASEAN disaster response and mitigation/ adaptation strategy that uphold the principle of non-discrimination with periodic updating and consultation with peoples. (APF Thailand 2009)
- c) Ensure necessary relief and protection be accorded to **victims of all natural calamities,** including those resulting from climate change (APF Thailand 2009) i.e. the ASEAN Human Assistance Center (AHA) which provides relief to poor people who are victims of disasters.

- d) **Eliminate all forms of discrimination**, especially against women and minorities, in **disaster relief, humanitarian assistance and development processes** (APF Thailand 2009)
- e) Enhance the mandate of existing **disaster response mechanisms to address the rights of children**. (APF Vietnam 2010)

Civil Society Agenda for the Environment as a Cross-Cutting Pillar of the ASEAN Community Post-2015 Attendant Blueprint

1. ON ENVIRONMENT AS A FOURTH PILLAR OF ASEAN

The climate crisis and the vulnerability of the region having no plan to reverse the development path especially for industrial and energy development, and environmental standards or common values are still lacking to address this urgent and serious situation. **(APF Thailand 2009)**

The threatened diverse natural and ecological resources of the ASEAN, has resulted in environmental insecurity, displacement from places of livelihood and health concerns **(ACSC Philippines 2006)**

- a) Adopt and implement a **Fourth Strategic Pillar on the Environment** (APF Thailand 2009, APF Vietnam 2010, ACSC Indonesia 2011, ACSC Brunei 2013, ACSC Myanmar 2014, ACSC Malaysia 2015)
- b) The **Environment Pillar's** structure and governance will place environmental sustainability, economic, gender, social and climate justice at the center of decision-making. It is needed to more effectively address the **climate crisis, the social and environmental costs of large-scale development projects, and increasing damage to our eco-system**. (APF Thailand 2009, ACSC Indonesia 2011)
- c) It will include an **independent monitoring mechanism**, a regional framework on the **transboundary utilisation and sharing of natural resources**, protect all peoples' rights including indigenous peoples' rights and resolve cross border impacts, **stop all destructive hydropower dams and promote sustainable renewable energy alternatives**. (ACSC Myanmar 2014)

2. ON AN ASEAN COMMUNITY CLIMATE CHANGE FRAMEWORK

- a) Implement the **Rio Principles**, in particular Principle 10 (Broad-based Participation), Principle 14 (Prevention) and Principle 15 (Precaution). (ACSC Malaysia 2005)
- b) Formulate **national climate change action plans** towards an **ASEAN climate change action plan**, including both mitigation and adaptation measures, based on justice and development rights, with emphasis on adaptation plans and disaster risk reduction (APF Thailand 2009)
- c) Adopt a **common position on climate change**, emphasizing common but differentiated responsibilities, and defend it at the 21st Conference of the Parties. Incorporating the principles of the United Nations Framework Convention on Climate Change and the Rio Declaration, ASEAN should **undertake regional collaboration in terms of adaptation and mitigation**, focus on the protection of food sovereignty, and increase use of renewable energy and provision of long-term finance, especially for mitigating loss and damage. (ACSC Malaysia 2015)

- d) Develop of an **ASEAN Framework Instrument on Climate Change**, based on the principles of **climate justice and gender justice** that will produce policies and programs oriented to the diverse and particular needs and conditions of communities and localities in affected areas (ACSC Indonesia 2011)
- e) Regulate **corporate activity** so it does not undermine efforts to ensure environmental and social sustainability (ACSC Malaysia 2005) Large and transnational **corporations must be compelled to protect human rights and adhere to international and national environmental** human right standards and conventions. (APF Thailand 2009)
- f) Ensure that development initiatives do **not further aggravate global warming** (APF Thailand 2009)
- g) Recognize and support environmentally sustainable and culturally **appropriate local initiatives and traditional practices** of farmers, fishers, indigenous communities and women to **adapt to and mitigate climate change**. (ACSC Indonesia 2011)
- h) Prepare for the **ecological effects of climate change and ensure the participation** of vulnerable communities (APF Vietnam 2010)
- i) Include **women's indigenous and local wisdom and role in preventing** climate change as well as **emergency and disaster preparedness** (ACSC Indonesia 2011)
- j) Recognize the **central role played by indigenous peoples** in protecting the environment and biodiversity. (APF Thailand 2009)
- k) Provide **emergency relief** to ASEAN member countries during flood disaster and **integrate the knowledge on emergency relief and preparedness** for children in their school curriculum and through media (ACSC Cambodia 2012). Immediately respond to **climate change and frequent extreme weather events** that are impacting the ASEAN region and its peoples (APF Thailand 2009)
- l) Strengthen the implementation of **humanitarian response on Sexual and Reproductive Health and Rights** related to disaster management especially when attending to the needs of **youth-survivors** (ACSC Cambodia 2012)
- m) Establish an **environmental fund for natural disaster to address the needs of children and youth** affected by natural and human-made calamities (ACSC Cambodia 2012)
- n) include **indigenous peoples and forest communities in engaging** actively in the international negotiations for the promotion of the **Reducing Emissions from Deforestation and forest Degradation (REDD+)** mechanism as incentive for conservation and sustainable management of the forest and biodiversity (ACSC Cambodia 2012)
- o) Support the establishment of an **ASEAN Civil Society Consultative Forum** on Environment and Sustainable Development to allow for civil society inputs (ACSC Malaysia 2015) Establish an **ASEAN Environment Community** to promote and protect ASEAN's environmental integrity and sustainability (ACSC Singapore 2007)
- p) Demand for the **payment of all ecological and climate debts** from the developed countries. (APF Thailand 2009) Assert **that climate funds established under the UN Climate Convention** and any other forms of climate funding must follow the principle

of **reparation for climate debt, and be subject to stringent democratic, transparent and accountable measures**. (ACSC Indonesia 2011)

- q) Ensure clarity in **benefit sharing mechanisms in climate change adaptation and mitigation** (ACSC Cambodia 2012)

3. ON AN ASEAN COMMUNITY NATURAL RESOURCE MANAGEMENT FRAMEWORK

- a) Ensure protection of **the rich biodiversity in the region** without compromising the traditional livelihoods of local communities. (APF Vietnam 2010)
- b) Ensure that **ecological resources of the region remain under the control of and be used** for the equitable benefit of the peoples of Southeast Asia. (APF Vietnam 2010)
- c) Ensure that **extraction and the use of natural resources** should be carried out in a **transparent, accountable, ecologically sustainable and gender-fair manner**, should genuinely contribute to poverty elimination, should not violate human rights nor harm lives and livelihoods. (APF Vietnam 2010)
- d) Promote and protect **rights-based access to resources** that respect indigenous land rights, fulfills the principle of non-discrimination and substantive equality, and promotes people's sovereignty over food, energy, forests, fisheries, land and water, and sustainable farming practices. (APF Thailand 2009)
- e) Uphold the rights-based approach to development and provide **communities the rights to access and manage** natural resources based on participation and local knowledge. Create **mechanisms to ensure accountability** for the protection of the environment and communities. (APF Thailand 2009)
- f) Apply the **'precautionary principle' of Agenda 21, the respect-protect-remedy'** principle of the UN Human Rights Council, and environmental, social and cultural impact assessments for development projects. (APF Thailand 2009)
- g) An independent regional monitoring mechanism should be established that is mandated to formulate rules on trans-boundary utilization and sharing of natural resources and resolve cross-border impacts where national law is inadequate (APF Thailand 2009)
- h) Establish an **ASEAN Technology Observation Platform**, capable of assessment of new, emerging or un-tested technologies based on the Precautionary Principle with the full participation of civil society and communities to look into the potential environmental, health and socio-economic impacts of these technologies, including transboundary implications.(ACSC Indonesia 2011)
- i) Clarify **environmental bottom-lines**, and identify and protect no-go zones/options in highly sensitive sustainable development areas in the region; in consultation with, and with clear preference for the interests of, the poor (ACSC Philippines 2006)
- j) Prioritize **integrated natural resources management** in all national development plans and strategies and work towards achieving the MDGs and targets (ACSC Malaysia 2005)
- k) Adopt a **framework on natural resource governance** which accommodates the following principles: **human rights protection, human security, human development,**

promotion of environmental renewable sustainable development, equality of revenue sharing and transparency and accountability by adopting Extractive Industries Transparency Initiative (EITI) (ACSC Brunei 2013).

- l) Ensure that all citizens have adequate and clean water needed to sustain life and that water services remain in public hands.(APF Vietnam 2010)
- m) Sign and implement the **Extractive Industry Transparency Initiative (EITI)** in order to ensure that natural resources are well managed and used equitably with transparency. (APF Thailand 2009)
- n) Promote **green economies** in the context of fulfilling the obligations of developed countries to drastically **reduce greenhouse gas emissions** and provide **financial and technological support** to developing countries in adapting to and mitigating climate change. (ACSC Indonesia 2011)

4. ON AN ASEAN SUSTAINABLE ENERGY DEVELOPMENT PROGRAM

- a) Establish a sustainable energy development program, which includes pursuit of alternative and more sustainable sources of energy, and an end to the privatization of power, water privatization and indigenous sources of renewable energy (ACSC Philippines 2006)
- b) Promote safe, clean and sustainable energy and address the challenges associated with the climate crisis. (ACSC Malaysia 2005)
- c) Denuclearize ASEAN and the cancel plans to promote nuclear energy. (ACSC Indonesia 2011) Reject nuclear power and show leadership in actively promoting sustainable, renewable energy sources, energy efficiency, energy conservation, and decentralised energy systems and appropriate technologies (APF Thailand 2009)
- d) Work closely with civil society organisations to develop alternative energy as a strategy (APF Thailand 2009)

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About SAPA / SOLIDARITY FOR ASIAN PEOPLES' ADVOCACIES

The Solidarity for Asian Peoples' Advocacies, also known as SAPA, is a pioneer in civil society engagement with the ASEAN. Founded in 2006, and active in the South East Asian region, it is an open advocacy coordinating platform for civil society wishing to make its voices heard with the ASEAN.

SAPA works through various thematic Working Groups and Task Forces, which lend themselves open to national and regional organizations participating in regional strategy sessions, and collaborating on campaigns and advocacies with ASEAN mechanisms and processes.

The **SAPA Working Group on the ASEAN** has focused its advocacies on **civil society participation in ASEAN**. Among them, a series of engagement activities with the EPG and HLTF on the ASEAN Charter (2006-2008) such as regional level writeshops to craft Submissions on the ASEAN Charter, and the ASEAN Community Blueprints, which were formally received by the ASEAN at formal consultations that were organized by ASEAN's EPG and HLTF in 2006 and 2007.

SAPA WGA likewise pioneered in **civil society dialogues with the ASEAN Secretary Generals and ASEAN Secretariat**. In 2005/2006, SAPA initiated confidence building meetings with ASEAN SG Ong Keng Yong (Singapore), paving the way for engagement on the ASEAN Charter Drafting process, 2006, and participation in the ACSC/APF process, 2005. SAPA has had dialogues with key ASEAN Secretariat staff at its office in Jakarta, Indonesia. SAPA organized a dialogue with ASEAN SG Surin Pitsuwan (Thailand), upon his assumption of office in 2008. In 2012, SAPA subsequently presented a **Submission on Civil Society Participation in ASEAN** to ASG Surin Pitsuwan, as input to the ASEAN Secretariat's review of its criteria for CS accreditation with ASEAN.

SAPA, through its various **Task Forces and Working Groups** have likewise taken the lead in **thematic engagement with ASEAN bodies, mechanisms and instruments**.

The **SAPA TF on ASEAN and Human Rights** has convened civil society engagement processes towards engaging the ASEAN Intergovernmental Commission on Human Rights (AICHR) since 2008.

The **Task Force on ASEAN Migrant Workers** has been part of the engagement process with the ASEAN Committee on Migrant Workers (ACMW) in putting forward an Instrument on the Declaration on the Protection and Promotion of Rights of Migrant Workers since 2006.

The **SAPA Working Group on Environment** has consistently advocated for a Fourth Pillar (Environment) in the ASEAN Community, in all ACSC/APF processes since 2009, providing the rationale for environment as a cross-cutting pillar.

The **SAPA Task Force on Extractives Industries** has conducted country workshops and advocated for the adoption of the EITI Extractive Industry Transparency Initiative, as an initial engagement project with the ASEAN in the area of extractive industries and corporate accountability.

The **SAPA Working Group on Peace** has engaged the ASEAN Political Community on the institutionalization of a Dispute Settlement Mechanism for ASEAN.

The **SAPA Working Group on Rural Development** embarked on the institutionalization of civil society participation with the Senior Officials Meeting of Rural Development (SOM RDP) and Senior Officials Meeting of Agriculture and Forestry (SOM AMAF).

The **SAPA Task Force on ASEAN and Burma** has worked towards mainstreaming Burma as a crosscutting issue for various civil society advocacies with the ASEAN.

Such thematic campaigns have given learnings and insights to other later regional thematic engagements with the ASEAN in the areas of indigenous peoples' rights, women's rights, children's rights; LGBTIQ rights; rights of youth, etc.

SAPA through the years has played a significant role in mobilizing South East Asian civil society in engaging the ASEAN, and has supported the **ASEAN Civil Society Conference/ASEAN Peoples' Forum process** over the last 10 years. The ACSC/APF process is a civil society organized parallel conference to the ASEAN Summit of Heads of States held annually, with a rotating country leadership/hosting. The ACSC/APF is an open space for community building amongst civil society in South East Asia; a space for unity and solidarity building on social, political, cultural, environmental, and economic issues faced by peoples and communities in the region.

SAPA WGA has likewise engaged in **Inter-regional dialogues and exchanges** with Latin America (engaging ALBA), and Europe (engaging the EC) through the People's Agenda for Alternative Regionalism (PAAR) led by its member, Focus on the Global South; and with various South Asia configurations that have been engaging the SAARC such as GPPAC South Asia, and People's SAARC.

Through its Co-Convenors, Forum-Asia and SEACA, SAPA is set to present its **Submission on ASEAN Community Post-2015 Vision and Agenda** for the Attendant Blueprints this 2015. Through a commissioned review of civil society recommendations to the ASEAN through the years 2005-2015, and a validation workshop of the Submission and Agenda, SAPA hopes that its Submission will contribute to articulating the hopes and voices of civil society in charting the future of the ASEAN Community, and addressing these to the HLTF on the ASEAN Community Post-2015 Vision and Agenda.

SAPA Members and Partners

While SAPA maintains itself as an open platform for civil society engagement with ASEAN, and therefore lends itself open to organizations participating in its strategy sessions and activities, SAPA accepts member organizations, both national and regional, who have indicated in writing their wish to permanently be informed of and included in SAPA's strategy and campaign activities.

List of SAPA Member Organizations (Nature, Country base)

AAI/ Agribusiness Accountability Initiative-Asia (Asian chapter based in the Philippines)
Altsean Burma (Regional, based in Thailand)
APWLD/ Asia Pacific Forum on Women, Law and Development (Regional, based in Thailand)
AIPP/ Asia Indigenous Peoples' Pact and Task Force on Indigenous Peoples (Regional network, based in Thailand)
APRRN/ Asia Pacific Refugee Rights Network (Regional network, based in Thailand)
ASEAN SOGIE Caucus (a regional caucus, based in the Philippines)
ARROW/ Asia Pacific Resource and Research Center for Women (Regional, based in Malaysia)
ANGOC/ Asian NGO Coalition for Agrarian Reform and Rural Development (Regional, based in the Philippines)
AsiaDHRRA/ Asian Partnership for the Development of Human Resources in Rural Areas (Regional, based in the Philippines)
BP/ Burma Partnership (Regional, based in Thailand)
CRC Asia/ Child Rights Coalition Asia (Regional based in the Philippines)
CARAM Asia (Regional, based in Malaysia)
DPI-AP Disabled Peoples' International-AsiaPacific (Asian Chapter, based in Thailand)
Empower (National organization, based in Malaysia)
Focus on the Global South (Regional, based in Thailand and the Philippines)
FORUM-ASIA/ Asian Forum for Human Rights and Development (Regional, based in Thailand)
FMA/ Foundation for Media Alternatives/ Association for Progressive Communication (National organization, based in the Philippines)
Hurights Osaka (National organization, based in Japan)
IID/ Initiatives for International Dialogue (Regional based in the Philippines)
IGLHRC/ International Gays and Lesbians Human Rights Commission – Asia Pacific (Regional based in the Philippines)
IGJ/ Institute for Global Justice (National organization, based in Indonesia)

Dawn Global (Asian Chapter based in the Philippines)
INFID/ International NGO Forum on Indonesian Development (National organization, based in Indonesia)
IWRRAW/ International Womens Rights Action Watch Asia Pacific (Asian Chapter based in Malaysia)
Kontras/ Commission for the Disappeared and Victim of Violence (National organization, based in Indonesia)
MFA/ Migrant Forum in Asia (Regional, based in the Philippines)
Migrant Care (Indonesia) Perhimpunan Indonesia untuk Buruh Migran Berdaulat (National organization, based in Indonesia)
Non Violence International South East Asia (International, based in Thailand)
ODA Watch ((National organization, based in the Philippines)
Pacivis Indonesia (National organization, based in Indonesia)
PAHRA/ Philippine Alliance of Human Rights Advocates (National organization, based in the Philippines)
Pusat KOMAS (National organization, based in Malaysia)
PNLC/ Philippine NGO Coalition on Food Sovereignty and Fair Trade (National organization, based in the Philippines)
SEACA/ South East Asian Committee for Advocacy (Regional, based in the Philippines)
SUARAM/ Suara Rakyat Malaysia (National organization, based in Malaysia)
GPPAC/ Global Partnership for the Prevention of Armed Conflict ((National organization, based in Malaysia)
Sustainability Watch Asia (Regional, based in the Philippines)
TFDP/ Task Force Detainees Philippines (National organization, based in the Philippines)
Think Centre Singapore (National organization, based in Singapore)
TWN/ Third World Network (Regional, based in Malaysia, Philippines and Indonesia)
UNI-APRO Union Network International Asia Pacific Regional Organization (Regional, based in Singapore)

SAPA Partners/ 'SAPA PLUS' include other new thematic coalitions that SAPA invites to its Regional Strategy Meetings.

ASETUC ASEAN Services Employees Trade Union Council (Asian Confederation, with three key members namely UNI-APRO, PSI-AP Public Sector International, and BWI-AP Building and Woodworkers International) (Secretariats based in Singapore, Malaysia and Malaysia, respectively)
SEAPA South East Asia Press Alliance (Regional network, based in Thailand)

SAPA Co-Convenors

For the year 2014-2015, SAPA's Co Convenors are the South East Asian Committee for Advocacy (SEACA) and the Asian Forum for Human Rights and Development (FORUM-ASIA).

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