

## **Civil Society Organizations Demand Meaningful Engagement with ASEAN Human Rights Bodies**

**Statement issued by the 6<sup>th</sup> Regional Consultation on ASEAN and Human Rights  
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**Co-organized by.**

**The Asian Forum for Human Rights and Development (FORUM-ASIA)  
The Commission for the Disappeared and Victims of Violence (KontraS)  
SAPA Task Force on ASEAN and Human Rights (SAPA TFAHR)**

As ASEAN's human rights bodies approach their second term, the 59 national, regional and international civil society organizations met for the 6<sup>th</sup> Regional CSO Consultation on ASEAN and Human Rights in Jakarta on 1-2 October 2013.

Discussions covered a range of issues, including strategies for bringing about meaningful engagement with ASEAN human rights mechanisms. These include enhancing solidarity and coordination among CSOs, working together on the regional level and reaching out to actors outside the human rights CSO environment, such as youth and children groups, academic institutions, grassroots movements and parliamentarians. CSOs will seek different and innovative entry points for engagement, such as art and cultural events, and integrate media strategies within campaigning plans.

So far during their first term, both the AICHR (2009-2012) and ACWC (2010-2013) have adopted a narrow interpretation of their protection mandates. Even though the existing TORs of both commissions already provide a range of opportunities for protection work, the AICHR has not seized these opportunities to protect people from human rights violations. Even pending the revision, the AICHR should broaden its understanding of its protection mandate, as well as fully implement its current mandate including in fields such as encouraging ratification of human rights treaties and obtaining information on human rights from Member States and conducting human rights promotion activities.

In reviewing the TOR, improvements should be made in particular on the following issues:

- ensuring transparency and inclusiveness in the selection and appointment of the AICHR representatives;
- ensuring that the AICHR representatives have sufficient human rights experience and expertise and function independently of the appointing governments;
- cooperation with other human rights bodies, at the national, regional and international levels;
- engagement with civil society, including regular and meaningful consultations;
- ensuring that individual representatives and the AICHR as a whole are accessible and accountable to the public;
- setting up of a complaints mechanism to address human rights violations;

- developing precautionary measures as a means of protecting against human rights violations;
- creating an alternative decision making mechanism that would be invoked whenever the AICHR is unable to reach a consensus.

For the AICHR and ACWC representatives to effectively fulfill their mandates, governments and ASEAN as a whole should provide them with sufficient human and financial resource and independent secretariats. Civil society will support the work of the AICHR and ACWC to the extent that they actively promote and protect universal human rights.

CSOs encourage the AICHR and ACWC to work in cooperation and coordination, bearing in mind the mandate and expertise of each commission.

We welcome the AICHR's effort to finalize the Guidelines on Relations with Civil Society Organizations and call on it to ensure that the Guidelines facilitate meaningful and mutually beneficial engagement while respecting the independence of CSOs.

In discussing business and human rights in ASEAN, the Consultation took note of the following

- Compliance of businesses with international human right law and standards must be enforced by ASEAN Member States through legal and other mechanisms that ensure corporate accountability. Corporate Social Responsibility, which is voluntary and unregulated, should only complement these mechanisms;
- Irrespective of the level of human rights protections within ASEAN Member States, businesses must comply with international human rights standards;
- The need to ensure that transnational and national legal frameworks are revised, so that businesses are no longer beyond the reach of laws which protect human rights;
- The need to change ASEAN investment regimes, which currently reflects a profit over people mentality, putting people and environment second to economic growth, to one in which human and environmental rights, community consultation, Free, Prior and Informed Consent and transparency are prioritized over narrow business interests;
- The reality that indigenous peoples, women and children are among those most affected by corporate and state development activities.

The Consultation urged ASEAN to enhance its regulatory role on human rights aspect of corporate behavior, and stressed the need for governments to adopt a human-rights based approach, providing full redress mechanisms for victims of human rights violations. We stress that as corporations gain further influence and power in the region, ASEAN and its Member States have an increasing obligation to protect the human rights of their people and the environment.

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