



## **Less than Adequate: AICHR Formal Consultation with Civil Society on the ASEAN Human Rights Declaration**

Amnesty International, the International Commission of Jurists, Human Rights Watch, the International Federation for Human Rights (FIDH), Dignity International, and Article 19 welcome the first official consultation between ASEAN Intergovernmental Commission on Human Rights (AICHR) and civil society organisations (CSOs) on the ASEAN Human Rights Declaration (AHRD), which is due to take place in Kuala Lumpur on June 22, 2012 at the Ritz Carlton Hotel.

This CSO consultation comes in the wake of national consultations held by individual AICHR commissioners in Indonesia, Malaysia, the Philippines, and Thailand but regrettably not in any of the other ASEAN member States.

As international non-governmental organisations dedicated to promoting and defending international human rights, we are deeply concerned by AICHR's official consultation process, which is seriously flawed in several aspects:

- AICHR has failed to publish or otherwise publicly release a draft of the AHRD, leaving CSOs totally in the dark and unable to comment or respond to the current draft text of the Declaration;
- AICHR has failed to make public detailed information about its deliberations on the AHRD, making it extremely difficult for CSOs to contribute input that responds to key issues and arguments raised during these deliberations.
- AICHR has allocated an extremely short period for consultation—only a few hours—for CSOs to consider what is a crucial and complex document;
- AICHR has arbitrarily limited participation to only four CSOs from each member state, leaving many dozens of other organisations interested in AHRD—in particular grassroots organisations—without a voice in the process;
- Several ASEAN governments have unilaterally appointed organisations that are in fact run by or are very closely affiliated with the State rather than being independent and representing civil society;

- With the notable exception of the commissioner from Indonesia, AICHR commissioners have failed to provide any clear guidelines on how the participants for the consultation were selected.
- AICHR has not stated how it will incorporate civil society input to the AHRD. With AICHR due to present the draft AHRD to the ASEAN Ministers Meeting (AMM) on 8 July, and only one further day of deliberations on the AHRD scheduled by AICHR, on 23 June, there is deep concern that the input from CSOs will have very limited effect on the final text.

As international human rights organisations, we share the concerns voiced by many CSOs in the region that the human rights standards in the draft Declaration may be lower than those at the universal level, including in international instruments already binding on ASEAN states, despite the assurances of some AICHR representatives that this would not be so. We strongly believe that individuals, groups, and peoples in ASEAN must be afforded enjoyment of all human rights as enshrined in universal instruments through the collective efforts of the international community.

We therefore call on AICHR to:

- Immediately publish the current draft of the ASEAN Human Rights Declaration and disseminate it as widely as possible throughout the region;
- Ensure more time is allocated for meaningful consultation between AICHR and CSOs, both on the national level (especially in states which have not yet conducted national consultations) and regionally; and cease selectively limiting participation to only a few chosen CSOs;
- Ensure that the Declaration fully complies with international human rights law and standards, and that nothing in the Declaration undermines or goes against those standards.