

STATEMENT OF THE 2011 ASEAN CIVIL SOCIETY CONFERENCE/ASEAN PEOPLES' FORUM

We, more than 1,300 delegates at the 2011 ASEAN Civil Society Conference/ ASEAN Peoples' Forum, representing various civil society organizations and, movements of workers from rural and urban sectors as well as migrant sector, peasants and farmers, women, children, youth, the elderly, people with disabilities, people affected by leprosy, urban poor, indigenous peoples, ethnic minorities, traditional fishers, refugees, stateless persons, people in exile, victims of human rights violations, domestic workers, Lesbian Gay Bisexual Transgender/Transsexual Intersex and Queer (LGBTIQ), sex workers, women in prostitution, drug users, people living with HIV/AIDS, human rights defenders and other vulnerable groups, gathered together in Jakarta, Indonesia, 3-5 May 2011 to discuss the main concerns confronting the peoples of ASEAN and developing key proposals for the 18th ASEAN Summit.

We reaffirm the fundamental principles of democracy and rule of law, human rights and dignity, good governance, the best interests of the child, meaningful and substantive peoples' participation, and sustainable development in the pursuit of economic, social, gender and ecological justice so as to bring peace and prosperity to the ASEAN region.

Human conditions and issues confronting the peoples cut across all current pillars of the ASEAN. ASEAN governments must adopt a more holistic approach with regards to development, equal and just treatment of the peoples, and harmonize its policies and practices of all its pillars. Furthermore, the principle of free, prior and informed consent of for all peoples, especially indigenous peoples must be pursued in the fulfilment of all political, economic and social agreements under the ASEAN. The ASEAN must ensure that its development initiatives do not further aggravate environmental hazards, destruction of traditional community coastal area lands and forest and global warming.

ECONOMIC PILLAR

While ASEAN recognizes the development asymmetries that exist in the region and the urgent need to narrow the development gap to ensure that economic benefits are felt by the poorest and marginalized sectors, its continued and aggressive push for neoliberal policies including free trade agreements (FTAs). These agreements are 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.

Extractive industries (hydrocarbon, coal and mineral) are important in the South East Asian context as they are vital for the ongoing socio-economic investment and development in the region – and are likely to be so in future. The challenge now facing most countries is how to make the operations of extractive industries transparent and accountable across all stages of the extractive decision-chain. This is a challenge requiring the attention of all stakeholders: governments, citizens and corporations alike.

Current policies and programs on trade liberalization, as well as unjust taxation systems, have not protected the peoples of ASEAN and instead privilege business sector and investments such as various mega projects in coastal waters and along major rivers like deep sea ports, mega hydropower plants, sand mining, mining of mineral resources, establishment of large-scale plantations, which results in degradation of national resources and exacerbates the impacts global climate change in the region. This has resulted in increasing displacement of communities, erosion of culture, hunger, disease, malnutrition and poverty, deteriorating living conditions of farmers, fisher folk, indigenous people, workers, especially women and children.

We call upon ASEAN and its member states to:

1. Ensure that people's needs and rights are at the heart of any economic development including trade arrangements through instituting and practicing political accountability on all economic decision-making processes, including bringing in civil society to participate as a full stakeholder, in order to arrive at equitable and sustainable development and trade systems. ASEAN has to 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.
2. 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.
3. Affirm ILO labor standards and Doha Declaration on Public Health in FTA negotiations. Eliminate contract and labor outsourcing system and stop discrimination among workers. 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. Ensure production and distribution of more affordable generic medicines. Reject FTAs as they 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.
4. Take firm action to 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. Enact Land Use policies that promote sustainable resource management.
5. To 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. Support services must be adequately provided including seed, water, farm inputs, credit, social insurance, research and extension, education and capacity-building of farmers, basic infrastructure, storage and transportation, etc.
6. ASEAN member states must develop social protection measure to cushion the effects of the food price crisis, especially to rural women and children, who are most vulnerable to the food price volatility.
7. ASEAN member states must 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.
8. ASEAN member states must increase investment in research, education and program support in diversifying food production and dietary habits to reduce dependence on rice.
9. In recognition of the principle of restorative justice, ensure that tax policies and programs appropriate tax funds for human rights, ecological and gender justice.
10. To take immediate action to curb food speculations and strengthen regional cooperation on developing a more responsive Regional Food reserves that will help stabilize food supply and price. Moreover, it showed support national and community food reserves.

11. In recognition of the principles of restorative justice, ensure that tax policies and programs support human rights, ideological and gender justice.
12. 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. Extractive activities which adversely affect the resilience of farming and fishing communities need to be stopped.
13. Work toward and adopt a comprehensive framework on extractive industry transparency. This framework could be served as 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 is upheld, and the benefits generated by the extractive industries extend to all citizens in ASEAN, now and in the future. ASEAN to urge and encourage Burma to consider imposing a moratorium on mega-projects and extractive industries harmful to the Burmese people's housing and land rights.
14. 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.
15. ASEAN trade policy on fishery product must consider the nature of fishery as an environmental good to protect fishing grounds, avoid the depletion of stocks and environmental degradation in coastal. ASEAN must consider consultation with fisher and coastal communities in drafting the ASEAN good aquaculture practices to ensure that fishers' rights and the welfare of coastal communities are respected and avoid harm to natural resources.
16. Push 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.
17. Recognize and address water injustices and the water crisis and take appropriate urgent steps in protecting people's rights to water services and water resources.
18. Adopt a rights-based approach to development and economic policies and 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.
19. Demand all ASEAN member states to allocate adequate financial and human resources and to take necessary measures for the realization and achievement of the Millennium Development Goals by 2015 as set out by the UN

SOCIAL AND CULTURAL PILLAR

We strongly urge ASEAN member states to sign and ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol.

Labour

20. ASEAN member states must eliminate contract and labor outsourcing system and stop discrimination by giving all workers permanent employment status.

21. We urge ASEAN to adopt welfare state systems to ensure social security for all peoples in the region
22. ASEAN member states must allow all workers including migrants to establish independent and autonomous trade unions for the protection of labour rights. ASEAN member states must ensure that all migrant workers receive the full protection of labour laws in the countries, which they are working.
23. ASEAN must act against attempts by employers to disguise or evade employment relationships to the detriment of labor or workers rights.
24. ASEAN members must recognize domestic work as work and provide domestic workers full labour rights and legal protection. All ASEAN members should support and commit to the ILO Convention on Domestic Workers. We urge ASEAN to respect ILO Core Convention 87 and 98.

Migrants

25. As elaborated in Article 22 of the Declaration, we call on all state parties to make efforts to comply with the provision of the declaration; the Secretary General is to submit annual report cards in regard to the compliance of the states parties to the Declaration.
26. All ASEAN member states should work together to fast-track the process of adopting a legally-binding instrument that protects and promotes the rights of ALL migrant workers and members of their families. This process must be transparent and actively involve migrant associations, trade unions and other representatives of civil society.
27. Recognising 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. At the same time, it should also recognize CEDAW General Recommendation 26, adopted in November 2008. The instrument should reflect this commitment to address the specific working and living conditions of all women migrants.
28. All ASEAN member states must repeal policies of contractual termination and deportation on the ground s of pregnancy and communicable diseases, such as HIV/AIDS.
29. States must provide social protection that includes provisions for health care and medical insurance, and that promote safe working environments for all migrant workers and their families.
30. Given the movement of migrants in the ASEAN region, ASEAN must support a residence-based (as opposed to a citizenship-based) health care system. This requires universality and a single, high standard of health services.

Refugees, IDPs and stateless people

31. Every ASEAN STATE should refrain from repatriating refugees against the principles of non-refoulement, which is a peremptory norm of international law that forbids the expulsion of a refugee into an area where the person might be again subjected to persecution.
32. Provide refugees with the same rights as citizens in keeping with principles of the Universal Declaration of Human Rights
33. Set up clear policies for each type of people in need of protection namely asylum-seekers, refugees, statelessness people, internal displaced persons, economic migrants etc

34. Provide cross-border aid to support IDPs in areas with a lack of access to humanitarian aid.
35. Encourage non-signatory ASEAN states to sign, ratify, and implement the 1951 Refugee Convention its 1967 protocol and the 1954 Convention on the Status of Stateless persons, as well as the 1961 convention on the Reduction of Statelessness.
36. Recognize children of refugees born in country of asylum through birth registration and birth certificates
37. Encourage ASEAN countries to actively seek alternatives to detention of asylum-seekers, stateless and displaced persons, and refugees.

Indigenous Peoples and Ethnic Minorities

38. ASEAN member states must recognize IP/EM as distinct peoples with collective rights, rights to land, territories and natural resources, right to self determination 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 169.
39. ASEAN member states must 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.
40. ASEAN member states must establish an independent working group and monitoring oversight mechanism within AICHR to promote IP/EM rights
41. ASEAN member states must promote and protect indigenous health knowledge practices and ensure the achievement of the Millennium Development Goals (MDGs) especially in health care, water and sanitation. Their right to a healthy and balanced ecology must be respected and ensured.

Women

42. Emplace a quota system that will ensure meaningful participation of women in government, civil society organizations, and international organizations like ASEAN, as well as in the ASEAN integration process and in the ASEAN-EU relations, by not confining them to the socio-cultural pillar of ASEAN. Gender issues must especially be included in the economic pillar. Women must be at the heart of the ASEAN's development agenda.
43. ASEAN member states must 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.
44. ASEAN must 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, including: young women, women with disabilities, LBT women, adult sex workers, and women in armed conflict and militarization areas, through meaningful and continuous dialogue and participation of women, and paying attention to women's voices and issues.

45. ASEAN member states must 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.
46. ASEAN member states must support women empowerment agenda for women in order to improve women's condition, particularly in situations of militarization and armed conflict.
47. ASEAN member states must consistently act to stop and prevent women's human rights violations caused by abuse of power and patriarchy, including for women who are refugees, IDPs and in places of detention. These measures must include provision of proper health care and protection, as they are vulnerable to sexual abuse, trafficking, forced labor and other forms of gender biased violence.
48. ASEAN member states must fulfil 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. . ASEAN member states must adopt the three-8 system (8 hours of work, 8 hours of study and 8 hours of leisure) for the benefit of all women.
49. 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.
50. ASEAN must ensure that women affected by leprosy are equally treated with dignity further; it must end stigma and discrimination against them.

Children

51. ASEAN must 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, are respected, protected, and fulfilled by states and other duty-bearers.
52. ASEAN member states must ensure the right to participation of all children including children living with and/or affected by disabilities, HIV, leprosy and other health concerns, indigenous groups, affected and/or involved in armed conflict, affected by abuse, exploitation, trafficking and violence, children affected by migration, and stateless children in all matters that affect them, is actively exercised in all settings including ASEAN. They must also create an enabling environment that supports ethical and meaningful child participation.
53. All children whose rights have been violated should have access to redress mechanism and be provided with adequate care and support for their recovery and reintegration. We expect existing regional and mechanism in ASEAN, particularly AICHR and ACWC to develop and implement measures to ensure and improve measures to ensure and improve compliance of ASEAN member states to their human rights obligations.
54. ASEAN member states should adopt and ratify an Optional Protocol to the UNCRC creating individual complaints mechanism without reservations and ensure is accessibility to victims of child rights violations.
55. ASEAN must support establishment of national or regional child protection systems and mechanism, including the development of 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.

Youth

56. ASEAN must immediately 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. The council or commission shall be involved in strategic, transparent, and accountable measures on education, employment, public health, and sustainable environment in local, national, and regional levels.
57. ASEAN must 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.
58. ASEAN must promote entrepreneurship among ASEAN youth by providing skills training and a regional fund which must be easily accessed by all marginalized groups.

LGBTIQ

59. ASEAN member states must 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.
60. ASEAN member states must establish national level mechanisms and review existing regional human rights instruments (e.g. AICHR, ACWC) to include the promotion of the equal rights of all people regardless of SOGI with the active engagement of the LGBTIQ community.
61. ASEAN member states must depathologize SOGI and promote psycho-social well being of people in diverse SOGI in accordance with the World Health Organization (WHO) standards, and ensure equal access to health and social services.

Adult Sex Workers/Women in Prostitution

62. ASEAN member countries must 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.
63. ASEAN member countries need to 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. Measures may include but are not limited to removing criminal and punitive laws and policies, reducing stigma, providing the protections and benefits available to other workers; access to services. There need be no differentiation between migrant and non migrant sex workers.
64. ASEAN member countries must recognize that sex work is work and that adult sex workers and their families and friends face stigma and discrimination due to lack of acknowledgement by the states.

Persons with Disabilities

65. ASEAN must recognize the ASEAN Disability Forum (ADF) as a vehicle of persons with disabilities in the region and consult representatives of the Disabled People Organizations

(DPOs) in policy planning, implementing, and monitoring policies that affect persons with disabilities, including Agent Orange victims.

66. ASEAN must recognize the existence of multiple discriminations against women, children, and migrants with disabilities and address these issues in the implementation of three pillars of ASEAN.
67. ASEAN must encourage all member states to ratify and implement the Convention on the Rights of Persons with Disabilities and mainstream disabilities across all sectors including AICHR, ACWC and ACMW, and three pillars of ASEAN.
68. ASEAN must adopt a policy to 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.

CSOs

69. ASEAN must recognize the crucial role of CSOs in the development processes and respect their diversity, expertise and autonomy.
70. ASEAN member states must commit to the minimum standards set by CSOs for an enabling environment for CSOs to reach their potential as equal development actors.
71. ASEAN must recognize Civil Society's Position Paper on ASEAN Guideline on Civil Society Engagement and institutionalize engagement between civil society and ASEAN states.

Social Protection

72. ASEAN must create a Social Protection and Health Promotion Fund that would ensure States fulfil their responsibilities to the peoples of the region.
73. ASEAN must recognize and address as a priority the growing burden of non-communicable diseases (NCDs), 80% of which adversely affect low and middle income countries.
74. ASEAN must 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.
75. ASEAN must 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.
76. ASEAN must stop the privatization and commodification of health care services and provide free universal health care. Health is not a tradable or marketable item, commodity, or service; otherwise, it would lose its value as an essential right that everyone is entitled to. ASEAN must reject FTAs as they support the privatization and commodification of health care services, and make health services expensive and inaccessible.
77. ASEAN must implement a universal pension for older people in the region.
78. We strongly urge ASEAN member states to sign and ratify the ICESCR and all optional protocols.

POLITICAL –SECURITY PILLAR

ASEAN civil society envisions a region where people-centered governance takes seriously the wishes and aspirations of the peoples. It also envisions an ASEAN region that achieves people-centered integration as an alternative to the capital-led integration exemplified by the EU.

The civil society of ASEAN acknowledges the human rights instruments established in the region. We also celebrate the achievement made in advancing the rights for women and children in ASEAN and recognise the existence of spaces for engagement. ASEAN governance however has not been driven by substantive 'people-centered governance', nor does 'the act of governance' by ASEAN member state governments. A restrictive environment exists in ASEAN states for the meaningful participation and engagement of civil society organisations. Protection and promoting civil liberties in ASEAN countries are seriously challenged. Impunity for massive crimes remains. ASEAN member States are not taking sufficient steps to implement the ASEAN Charter and other documents, particularly relating to the protection of the rights of migrant workers, asylum seekers and refugees. Further ASEAN countries are beset with internal conflicts arising from historical injustices and the states' militarist approach to dissent. This further exacerbates the already demeaning human rights situation of communities including women and children where armed conflict and militarization happen.

These mainly due to the dominant view of 'non-interference', Asian values and idea of human rights as western value. We believe that torture, summary killing, forced disappearance, restrictions on freedom of expression and other serious violation of human rights are not the values of ASEAN countries. Those acts instead create challenges for civil society in South East Asia to engage with ASEAN governments. AICHR as a mechanism to uphold human rights is still young and needs to be strengthened to enable civil society engagement. It should also be noted that state of human rights in ASEAN countries do not stay within countries but bring effect to the region – including maintaining peace and security.

Civil society believes that internal conflicts are a matter of regional concern and must be addressed with the participation of civil society and affected communities.

Civil society recognises the interdependence and interrelation between civil liberties and economic, social and cultural rights. They are equally important and equally have to be protected and promoted. This includes social protection and the access of the people to health care and health information. The establishing of an accessible, universal health care system is social, economic and political questions. It is the question of how the conduct of governance takes into account the wishes and aspirations of the lower strata.

In these regards, ASEAN civil society assert their right as an equal development actor and further develop their capacity to become more effective in their role as innovative agents of changes and social transformation.

Civil society endeavours to strengthen its solidarity in particular by campaigning on freedom in Burma, freedom of expression and access to information in countries particularly in ASEAN countries, right to access to justice and strengthening human rights protection mechanisms at the regional level.

We call upon ASEAN to act on the following recommendations:

79. Burma:

- A. Civil Society Support the call for a UN Commission of Inquiry to conduct a study into widespread and systematic human rights violations in Burma.
- B. Refuse Burma the ASEAN chairmanship unless it meets the necessary minimum benchmarks that demonstrate that it is capable of governing a country in a transparent,

democratic, and rights-based manner. These minimum benchmarks are: The cessation of attacks on ethnic communities; an immediate halt to all human rights violations and violations of international humanitarian law committed against civilians; Immediate and unconditional release of all political prisoners; end of all censorship and, genuine and inclusive tripartite dialogue, including a review of the 2008 Constitution.

C. We also call upon ASEAN to provide humanitarian protection and assistance to refugees and other stateless people who have fled from Burma and engage with Daw Aung San Suu Kyi, ethnic representatives, the National League for Democracy and other relevant stakeholders to support and facilitate the process of national reconciliation and dialogue.

80. Indonesia: We call on the Government of Indonesia to investigate all human rights violations especially the Humanitarian Tragedy of 1965/66 Massacre during which 2 million people were killed and hundreds of thousands were imprisoned without trial. This gross and systematic violation of human rights on such a massive scale urgently needs to be investigated so that the truth may be established, the rights of victims to justice and reparations fulfilled, and the necessary apologies made. In this regard, we call for the establishment of a regional criminal court to obtain justice for victims of serious human rights violations in ASEAN.

Peace and Security

81. Strictly respect international laws, fully implement the Declaration on the Conduct of Parties in the South China Sea (DOC) and accelerate efforts towards a Code of Conduct of Parties in the South China Sea (CoC); more authority for Asean Secretariat; Practice peaceful process to solve conflicts.

82. Make regional peace and security related to Asean peoples and their sovereignty; CSOs should play proactive role in ensuring regional peace and security.

83. Design a mechanism for regional trust, not just among Asean governments but also among their peoples; Collectively engage China; Promote democracy, rule of laws and security governance; Turn Asean into a rule-based community; Promote greater transparency; Be cautious of external influences; Hold regular inner-Asean consultations on regional security; Designate mechanisms to regularly consult and work with CSOs. CSOs should push governments to stop wars and protect human security.

84. Asean countries should take a more proactive role in helping solve the Thai-Cambodian conflict and maintain regional peace. Asean should pay attention to conflicts in its member countries as well. Listen to people affected by conflicts for solution.

85. ASEAN under its Dispute Settlement Mechanism (DSM) should address the Thailand-Cambodia border dispute. In doing so it must ensure the active participation of civil society with women given a greater role.

86. There should be state obligation to protect, promote and fulfilled the rights of women, especially in armed conflict and militarization area

87. There should be effective conflict resolution program in placed and ensured it's implementation CS urge the implementation of 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

Civil Liberties

88. Push ASEAN to take steps to end impunity, including: coordinating a regional agreement on impunity, pushing AICHR to strengthen accountability and protection from within its mandate – perhaps through advocating for a regional system of justice as exists in all other regions of the globe. All ASEAN states should sign and ratify the Rome Statute on the International Criminal Court.
89. ASEAN governments must comply with their human rights obligations and immediately put a stop to all forms of torture and all forms of degrading treatment and punishment.
90. Improve regional monitoring and documentation of abuses within ASEAN so that all the information is publicly available.
91. Repeal all laws that allow imprisonment or other forms of detention for speech, religious practices and other activities deemed contrary to the interests of the government or the ruling party.
92. End censorship of the media and ensure the rights to freedom of expression for all.
93. Form a strong Solidarity Committee on Freedom of Association in the ASEAN countries to be able to sit in equal position with the government.
94. ASEAN must recognize the important role played by Human Rights Defender in the promotion and protection of human rights, which includes the highlighting of human rights violations.
95. ASEAN reaffirm its commitment to the principles as confirmed in the UN Human Rights Defenders Declaration.
96. ASEAN must ensure necessary protection be accorded to Human Rights Defenders to effectively carry out their role, including immunity from civil and criminal liability.
97. Pressure on governments of ASEAN countries not to practice in union busting to make union focus on delivering their duties.
98. To respect labour unions' role to fight for labor rights, and allow migrant workers to join labor unions in the countries where they are working. Further, to allow more concrete communication towards the formulation of the strong ASEAN Regional Labour Union.
99. All ASEAN member states must repeal policies of contract termination and deportation on the grounds of pregnancy and communicable diseases, such as HIV/AIDS.
100. Repeal laws that directly and indirectly criminalize SOGI, recognize LGBTIQ rights as human rights, and harmonize national laws, policies and practices with the Yogyakarta Principles.
101. 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.
102. Awareness raising for women's human rights violations, by the abuse of power and patriarchy, especially for women as IDPs and in IDPs camps, to provide them with proper health care and protection since there are prone to sexual abuse, trafficking and other forms of gender based violence.

103. Meaningful participation of women in the government, civil organizations and international organization like ASEAN, especially in the case of Burma after 2010 election were there only a few women that are in the parliament
104. Given the movement of migrant workers in the ASEAN region, support a residence-based (as opposed to a citizenship-based) health care system. This requires universality and a single, high standard of health services.
105. End human trafficking and other extreme forms of exploitation, especially where such exploitation takes place with the complicity of government officials.
106. We strongly demand the ASEAN to immediately set up and enforce an independent regional youth council/commission meaningfully engaging the youth in policy planning, implementing, monitoring and reform. It shall be involved in strategic transparency and accountability measures on education, employment, public health and sustainable environment in local and national levels.

Participation and public accountability

107. Create mechanism for inclusive CSO participation in decision-making and designing of a sound and sustainable health program for ASEAN Peoples particularly the marginalized.
108. Commit to a healthy environment for CSOs to maximize their potential as an equal development actor.
109. Call on the AICHR to monitor and respond not only to regional issues but also human rights situation in each countries so that ASEAN can go beyond non-interference principle;
110. Call on the AICHR to be more accessible and transparent by making all documents public, translating documents into ten ASEAN languages and conducting national and regional consultation with civil society;

ENVIRONMENT

We strongly reiterate calls made from previous years for ASEAN to establish an Environment Pillar in its structure and governance that will place environmental sustainability, economic, gender, social and climate justice at the center of decision-making. Building an ASEAN Environmental Community as the fourth pillar is urgently 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.

Energy:

111. We call upon ASEAN to reject technology fixes such as nuclear power plants and biomass plantations, and market-based instruments such as “Blue Carbon Fund” and offsets that are being promoted as false solutions to the climate crisis that do not address the root causes. We call for the de-nuclearization of ASEAN and the cancellation of plans to promote nuclear energy.
112. ASEAN must recognize that large scale hydropower dams are a major threat to the people’s livelihoods, with far-ranging human security and environmental impacts on the region. ASEAN urgently needs to 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.

Water:

113. ASEAN must recognize that access to water is a fundamental human right, halt water privatization projects and engage in partnerships that will result in the delivery of clean, affordable water to communities, while ensuring sustainability of water resources;

Climate Change:

114. ASEAN countries should demand for reparations for climate debt. ASEAN should pursue an international legally binding agreement to ensure that rich industrialized countries undertake deep drastic emissions cuts through domestic measures (not offsets).
115. ASEAN must 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. Extractive activities such as mining, which adversely affect the resilience of farming and fishing communities, need to be stopped.
116. ASEAN needs to 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. World Bank and other international financial institutions must be kept out of in climate finance, and climate funding should not be in the form of debt and debt-creating instruments, nor undermine the self determination of the most affected communities and groups.
117. We call for the development 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.
118. Genuinely environmentally sustainable, socially equitable, people-centered, gender-sensitive, inclusive and responsive and diverse green economies should be promoted 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.
119. The implementation of ASEAN's education policy on climate change should include acknowledgement of women's indigenous and local wisdom, and their role in preventing climate change as well as emergency and disaster preparedness must be included. ASEAN should also ensure that the education reaches women, especially women from marginalised groups.
120. Adopt a regional mechanism and build capacity for assessment of new, emerging or untested 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. Concretely, we propose the establishment of an ASEAN Technology Observation Platform.

HEALTH (special section on theme of interface)

Basic Health for All

121. ASEAN states should ensure a free and universal health care system without any discrimination regardless of sexual orientation and gender identity (SOGI). There should be stop the privatization and commodification of health care system, ensure equal access and provide affordable and quality health care as pat of labor rights for all including domestic workers, migrant workers, sex workers, workers with disabilities, LGBTIQ workers, refugees and asylum seekers..

Health System

122. Mechanism should be created that enables CSOs and/or community members to participate in decision-making and designing of a sound and sustainable health program for ASEAN people, particularly the marginalized people.
123. Governments should ensure the provision of adequate resources, and accessible and quality healthcare for children.
124. Youth, the poor and vulnerable groups including people living with HIV/AIDS, young LGBTIQ, and youth who use drugs should be provided with free and accessible universal health care system that is youth-friendly with the formalisation of young peoples' involvement.
125. Policy should be implemented for persons with disabilities that improves the access to health services, health insurance and subsidy to additional cost on the ground of disability

Health for those who are in difficult circumstances

126. For migrant workers, all ASEAN member states must repeal policies of contract termination and deportation on the grounds of pregnancy and communicable diseases such as HIV/AIDS.
127. 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.

Reproductive and Sexual Health and Rights

128. Human rights and Sexual Reproductive Health and Rights should be prioritised and enforced within the policy framework of public health services. Condom programmes must address all aspects of supply, demand and environment within a rights based approach.
129. A comprehensive set of sexual and reproductive health and HIV services must be provided to sex workers. The whole spectrum of prevention, treatment, care and support from a rights-based approach. Focusing HIV prevention on sex work is the most cost-effective investment in ASEAN
130. To endorse ASEAN member states and government commitment to realise their vision of the implementation of ICPD (1994) Plan of Action in particular sexual and reproductive health and rights (SRHR) as well as MDG 5 and MDG 6 commitments.
131. ASEAN member states must enforce and guarantee the sexual and reproductive health and rights in the ASEAN policy framework by referring laws and policies to promote sexual and reproductive rights and repeal restrictive and punitive laws and policies which deny equal access to information and services as well as those which criminalize the transmission of HIV and abortion. These laws and policies should at minimum comply with international human rights standards, treaties, and conventions. These rights enable and informed decisions over marriage pregnancy, treaties and conventions. These rights enable free and informed decisions over marriage pregnancy, childbirth, contraception, sexuality, sexual orientations, gender identities, pleasure and livelihood. Eradicate sexual and reproductive coercion, stigma, discrimination, harmful traditional practices and gender-biased violence, particularly against women and girls.
132. To decrease unsafe abortion and maternal mortality, and as a result call for governments to address these as public health and human rights issues. Ensure equitable and affordable

access for contraception, safe and legal abortion, skilled maternity and newborn care including access and referral to pregnancy and delivery complications; prevention, diagnosis, treatment and care of HIV and AIDS and all other sexually transmitted infections, including in humanitarian crisis. All of these services must be available and fully funded throughout the health system, particularly in the public sector and at the primary health care level as well as taking into consideration the important role that NGOs play in providing complementary health services.

133. To decrease the high maternal mortality and morbidity in the ASEAN region as well as the high unmet need of contraceptives and the high adolescent fertility rate as a consequence of the traditional practice of underage marriage Making Pregnancy Safer (MPS) for the youngest mothers and their babies should become a priority for those ASEAN countries where childbearing still common. Effective interventions and a clear action plan should be ready to address adolescent marriage and pregnancies.
134. Provides these services for all, ensuring quality, gender and age-sensitive healthcare and non-discrimination for low income and other marginalised groups. Services providers need to be non-judgmental and respect diversity. Support innovation, including the development of new technologies and services models, and access to scientific progress. We call upon governments to include objectives and indicators in the national health planning and budgeting process that ensure positive sexual and reproductive health and rights outcomes.
135. To stop the forced sterilization and denial of reproductive rights of persons living with HIV/AIDS and persons with disabilities.

Health Education

136. ASEAN should 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

Access to Medicines

137. ASEAN should 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.
138. To refuse trade agreement between India and EU which patented the medicines, including ARV, caused price of medicine in the third world become very expensive.

Health risk factors

139. Health policies should consider decent working condition, safe working environment and decent living conditions
140. The harmful impact on health of individuals and communities affected by forced evictions and displacements should be examined and remedied
141. Building large-scale hydropower dams affects both the physical and mental health of indigenous peoples and local communities living within the dam site. They become insecure because of safety concerns and uncertainties since they rely heavily on the river and their environment for sustenance and livelihood and this is even more compounded by the threats and impacts of climate change.

142. Taxes and prices of tobacco products should be raised as the best way to curb smoking. This will increase government revenue, save lives and improve quality of life.
143. ASEAN should ensure dialogue and decision making between women or community members and policy makers on the impact of climate change on women's livelihoods, health, sexual and reproductive rights. The specific needs of women should be factored into the policies on climate change.