

Salient Provisions of the (Draft) ASEAN Human Rights Declaration

PREAMBLE

- Adherence to the purposes and principles of ASEAN, in particular:
 - respect for and promotion and protection of human rights and fundamental freedoms
 - principles of democracy, the rule of law and good governance

PREAMBLE

- Commitment to:
 - Universal Declaration of Human Rights
 - Charter of the United Nations
 - Vienna Declaration and Programme of Action
 - other international human rights instruments to which ASEAN Member States are parties

PREAMBLE

- Help establish a framework for human rights cooperation in the region and contribute to the ASEAN community building process

GENERAL PRINCIPLES

- All persons are born free and equal in dignity and rights
- Principle of Non-discrimination: without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status

GENERAL PRINCIPLES

- Right of recognition everywhere as a person before the law
- Equality before the law
- Entitled to equal protection of the law

GENERAL PRINCIPLES

- Rights of women, children, the elderly, persons with disabilities, migrant workers, and other vulnerable and marginalized groups → inalienable, integral and indivisible part of human rights and fundamental freedoms
- Right to an effective and enforceable remedy

GENERAL PRINCIPLES

- Enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties
 - Responsibilities to all other individuals, community and society
- Primary responsibility of all ASEAN Member States to promote and protect all human rights and fundamental freedoms

GENERAL PRINCIPLES

- Human rights are universal, indivisible, interdependent and interrelated
- Realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds

GENERAL PRINCIPLES

- Due regard to the human rights and fundamental freedoms of others
- Principles of impartiality, objectivity, non-selectivity, non-discrimination, non-confrontation and avoidance of double standards and politicisation, should always be upheld

GENERAL PRINCIPLES

- Exercise of human rights and fundamental freedoms subject only to limitations solely for:
 - securing due recognition for the human rights and fundamental freedoms of others
 - to meet the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society

CIVIL AND POLITICAL RIGHTS

- ASEAN Member States affirm all the civil and political rights in the Universal Declaration of Human Rights
- Inherent right to life
- Right to personal liberty and security

CIVIL AND POLITICAL RIGHTS

- No person shall be subject to arbitrary arrest, search, detention, abduction or any other form of deprivation of liberty
- Prohibition against servitude or slavery in any of its forms, human smuggling, trafficking in persons, including trafficking in human organs

CIVIL AND POLITICAL RIGHTS

- Prohibition against torture or cruel, inhuman or degrading treatment or punishment
- Right to freedom of movement and residence
- Right to leave any country including his or her own

CIVIL AND POLITICAL RIGHTS

- Right to return to his or her country
- Right to seek and receive asylum in another State
- Right to property and prohibition against arbitrary deprivation of such property

CIVIL AND POLITICAL RIGHTS

- Right to a nationality. No person shall be arbitrarily deprived of such nationality nor denied the right to change that nationality
- Protection of the family – men and women have the right to marry, to found a family and to dissolve a marriage

CIVIL AND POLITICAL RIGHTS

- Presumption of innocence until proven guilty in a fair and public trial by a competent, independent and impartial tribunal
- No person shall be held guilty of any criminal offence of any act or omission not a criminal offense at the time committed

CIVIL AND POLITICAL RIGHTS

- No person shall suffer greater punishment for an offense than was prescribed by law at the time it was committed
- Prohibition against double jeopardy

CIVIL AND POLITICAL RIGHTS

- Right against arbitrary interference:
 - Privacy
 - Family
 - Home
 - Correspondence
 - attacks upon a person's honour and reputation

CIVIL AND POLITICAL RIGHTS

- Right to freedom of thought, conscience and religion
- Right to freedom of opinion and expression
- Right to freedom of peaceful assembly and association

CIVIL AND POLITICAL RIGHTS

- Right to participate in the government of his or her country
- Right to vote in periodic and genuine elections

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- ASEAN Member States affirm all the Economic, Social and Cultural rights in the Universal Declaration of Human Rights
- Right to work
- Right to free choice of employment

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to enjoy just, decent and favourable conditions of work
- Right to have access to assistance schemes for the unemployed
- Right to form trade unions and join the trade union of his or her choice

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Prohibition against economic and social exploitation of a child or young person
- Right to the enjoyment of the highest attainable standard of physical, mental and reproductive health

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to an adequate standard of living for themselves and their family, which includes right to adequate and affordable food, freedom from hunger and access to safe and nutritious food, right to clothing, right to adequate and affordable housing, right to medical care and necessary social services, right to safe drinking water and sanitation, right to a safe and clean environment

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to basic and affordable health-care services
- Right to have access to medical facilities

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Duty of ASEAN Member States to create a positive environment in the prevention, treatment, care and support of people suffering from communicable diseases, including HIV/AIDS
 - overcome stigma, silence, denial and discrimination

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to social security
- Special protection to mothers before and after childbirth
- Motherhood and childhood are entitled to special care and assistance

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to education
- Primary education shall be compulsory and made available free to all
- Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to freely take part in cultural life
- Right to enjoy the arts
- Right to the benefits of scientific progress and its applications

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to intellectual property
- Duty of ASEAN Member States to take steps to the full realisation of economic, social and cultural rights
 - Progressive realization

RIGHT TO DEVELOPMENT

- An inalienable human right
 - entitled to participate in, contribute to, enjoy and benefit equitably
 - involves economic, social, cultural and political development
 - considers developmental and environmental needs of present and future generations

RIGHT TO DEVELOPMENT

- ASEAN Member States cannot invoke lack of development to justify violations of internationally recognised human rights
- ASEAN Member States should mainstream the multidimensional aspects of the right to development into the relevant areas of ASEAN community building

RIGHT TO DEVELOPMENT

- Includes Meaningful people-oriented and gender sensitive development programmes aimed at:
 - poverty reduction
 - creation of conditions, including the protection and sustainability of the environment
 - progressive narrowing of the development gap within ASEAN

RIGHT TO PEACE

- Within an ASEAN framework of security and stability, neutrality and freedom
- Duty of ASEAN Member States to continue to enhance friendship and cooperation in the furtherance of peace, harmony and stability in the region

COOPERATION IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

- Common interest in and commitment of ASEAN Member States to the promotion and protection of human rights and fundamental freedoms
- Highlights the need for regional and international cooperation.

CLOSING PARAGRAPH

Nothing in this Declaration may be interpreted as implying for any State, non-State actor or person any right to engage in any activity aimed at undermining the purposes and principles of the Universal Declaration on Human Rights, the Vienna Declaration and Programme of Action, or at the destruction of any of the rights and freedoms stipulated under this Declaration.

Thank you.