

Human Rights Declaration Falls Short

ASEAN's recent declaration on human rights has been met with criticism from a broad spectrum of groups.

By **Mong Palatino**

November 28, 2012



The document is a proclamation of governmental powers disguised as a declaration of human rights.

This was the scathing reaction of more than 50 human rights groups in Southeast Asia to the recent unveiling of a **Human Rights Declaration** drafted by the 10-member nations of the Association of Southeast Asian Nations (ASEAN).

The signing of the joint declaration was supposed to be the high point during the 21st ASEAN Summit in Phnom Penh but it turned out to be an embarrassing moment when civil society groups rejected it as an “anti-human rights instrument.” It was ASEAN’s chance to prove its adherence to the UN Universal Declaration of Human Rights (UDHR) but instead it merely made itself vulnerable to criticisms that it’s an organization comprised of “human rights-hostile governments.”

Enjoying this article? Click here to subscribe for full access. Just \$5 a month.

The initiative to establish the region’s first joint declaration on human rights was discussed in Laos in 2010 by the ASEAN Intergovernmental Commission on Human Rights. Countless officials and experts from ASEAN member countries had a hand in the drafting of the declaration. Still, key stakeholders and human rights advocates complained that they were not consulted.

When the declaration was made public this month, it was immediately dismissed by regional human rights organizations who claimed it contained provisions that distort universal standards on human rights protection. In particular, they question the wording of the declaration’s general principles which balance rights with duties and responsibilities imposed by member countries.

“...the realization 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,” a controversial provision reads.

“The exercise of human rights and fundamental freedoms shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition for the human rights and fundamental freedoms of others, and to meet the just requirements of national security, public order, public health, public



Image Credit: Wikicommons

safety, public morality, as well as the general welfare of the peoples in a democratic society.”

Indeed, several fundamental rights were identified in the declaration like the right to vote, the right to participate in government, and the right to form and join trade unions, but these supposedly universal rights are apparently applicable only if they conform to existing national laws and policies.

Maruah, a human rights group in Singapore, **argued that** the declaration subverts the concept of human rights by defining them through the lens of national governments instead of affirming them as the absolute and irrevocable rights of individuals. Maruah also derided ASEAN’s decision to include “public morality” in the document, arguing that the term is “subjective and can be interpreted in such a manner that affects people, particularly women from fulfilling their rights.”

Philippine human rights network Karapatan **worries that** the loopholes in the declaration would be used by state parties in the region as a “blueprint for further rights violations.”

Meanwhile, the Committee to Protect Journalists noted **in a letter** to U.S. President Barack Obama that the document does not have a clear mechanism for enforcement.

Even the U.S. State Department—while stating, “in principle, we support ASEAN's efforts to develop a regional human rights declaration”—**said in a statement** that it was “deeply concerned that many of the ASEAN Declaration’s principles and articles could weaken and erode universal human rights and fundamental freedoms as contained in the UDHR.”

Navanethem Pillay, the UN High Commissioner on Human Rights, **joined 62** local, regional, and international civil society groups by going **so far** as to call on ASEAN to suspend the signing of the declaration.

Taken aback by the flurry of criticisms of the declaration, ASEAN Secretary-General Surin Pitsuwan **defended** ASEAN saying the organization and its members “have come a long way on human rights” and contending that the group is “looking at it [human rights] in a long timeframe” with the declaration being an important step in “a progression.”

ASEAN did the right thing in conceptualizing a regional human rights agreement but its attempt to refashion human rights to suit the national interests of its members is a serious attack on the principles of human rights. Perhaps it’s wise for ASEAN to review the implementation of the declaration and consult a larger pool of stakeholders as part of a possible path forward.