

## ITUC/ITUC –ASIA PACIFIC STATEMENT ON ASEAN HUMAN RIGHTS DECLARATION

The International Trade Union Confederation (ITUC) and its regional body, ITUC Asia-Pacific, taking note of the recent initiative to issue an ASEAN Human Rights Declaration (AHRD) consistent with the Roadmap for an ASEAN Community 2009-2015, express serious concern with a position which represents a retreat from the existing commitments of its constituent member states under the International Bill of Human Rights and the core conventions of the International Labour Organization, among other instruments. Throughout, the AHRD retreats from upholding universal principles and instead limits the reach of the enumerated rights to a balance with the performance of unspecified corresponding duties (General Principle 6) and to regional and national contexts (General Principle 7). Further, some rights are limited to the extent of national laws and regulations.

In particular, the ITUC and ITUC-AP are shocked that the AHRD makes no reference whatsoever to the right to freedom of association. While the right to form and join a union is recognized at Article 27(2) of the AHRD, the same article limits the obligation to the extent permitted by national law and practice. This sets no international standard at all, but rather leaves each ASEAN member to define the contours of this fundamental right. A review of ITUC's Annual Survey on Trade Union Rights <http://survey.ituc-csi.org/> and the regular reports of the ILO Committee of Experts and Committee on Freedom of Association [www.ilo.org](http://www.ilo.org) reveal that the laws and practice of many ASEAN member states are far from complying with well-established international labour standards. Indeed, Cambodia, where the ASEAN Summit took place, was singled out by the ILO Committee on Freedom of Association on November 15, 2012 as one of five serious and urgent cases [http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_193200/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_193200/lang--en/index.htm) . Cambodian labour law is well out of step with international standards, and despite many years of promises has yet to implement new legislation.

All ASEAN members are also members of the International Labour Organization (ILO). In 1998, the ILO, through a tripartite process, adopted the ILO Declaration on Fundamental Principles and Rights at Work, which obliges all members to respect, promote and realize the principles of, inter alia, freedom of association, regardless of whether the members have ratified the relevant fundamental conventions. Moreover, 5 of 10 ASEAN members have ratified Convention 87, which confers a binding legal commitment to guarantee all workers the right to form and join trade unions without any distinction whatsoever.

The ITUC and ITUC-Asia Pacific join the international community in calling upon ASEAN to revise the AHRD through a transparent, consultative process including trade unions and civil society organizations so that it is brought into line with international human rights law. Further, the ITUC and the ITUC-Asia Pacific call on ASEAN members who have not ratified Convention 87 to do so immediately.

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28 November 2012