

“ASEAN Human Rights Body Should Be Strong Enough to Protect the Rights of Children in ASEAN”

**Public Statement of Child Rights Organizations in Southeast Asia
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We are representatives of child rights organizations working in Southeast Asia who have closely monitored and engaged in the debates and the developments around the creation of the ASEAN Human Rights Body (AHRB). We would like to acknowledge the efforts of the High Level Panel (HLP) in developing concrete and sound inputs for the terms of reference (TOR) of the envisaged regional mechanism to ensure the protection and promotion of the rights of peoples in ASEAN.

We acknowledge the intention of most of the members of the HLP to put forward a TOR that gives primary focus on roles and functions to promote human rights in the region. Indeed, there is a need to raise awareness about human rights norms and standards, ensure the integration of human rights in the operations of ASEAN, and build capacities of both national and regional actors to address human rights concerns. We think that having such promotional roles is a strategic move towards the achievement of a long-term vision of having a human rights-responsive, caring and sharing ASEAN community.

However, ASEAN should not lose sight of the immediate human rights violations committed against children in the region. ASEAN should no longer employ a weak hand in protecting the rights of children especially when its member states have failed to fulfil their human rights obligations.

As stipulated in the Charter, ASEAN shall act in accordance with one of its guiding principles, i.e. “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice” (Article 2.2.I). As such, ASEAN already has a mandate to ensure the protection of the rights of people, particularly children, who are victims of or are vulnerable to human rights violations. The said principle raises the importance for the HLP to include the following protection-related mandates in the AHRB’s TOR:

- Review the policies and practices of states and non-state actors and ensure these comply with international human rights standards and principles;
- Set up monitoring and reporting mechanisms that will examine the general situation of children in members countries as well as specific cases of child rights violations;
- Set up an accessible and effective complaints mechanism that will provide redress for victims of child rights violations;
- Establish special procedures such as special rapporteurs, independent experts and special representatives mandated to conduct individual or group communication with victims of child rights violations and other stakeholders, and recommend policies and programmatic actions.

We are concerned that the non-inclusion of the abovementioned protection-related mandates is a blatant disregard of the fundamental human rights obligations of states and of the principles of the ASEAN Charter.

We believe that the non-inclusion of the protection-related mandates sends a signal to children in Southeast Asia that ASEAN is not willing to and capable of ensuring their safety and security amidst the existing threats they experience.

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