



# Malaysia

Permanent Mission to the United Nations

STATEMENT BY

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TO THE UNITED NATIONS

ON BEHALF OF  
THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)

COMPRISING BRUNEI DARUSSALAM, THE KINGDOM OF CAMBODIA, THE REPUBLIC OF INDONESIA, LAO PEOPLE'S DEMOCRATIC REPUBLIC, MALAYSIA, THE UNION OF MYANMAR, THE REPUBLIC OF THE PHILIPPINES, THE REPUBLIC OF SINGAPORE, THAILAND AND THE SOCIALIST REPUBLIC OF VIET NAM

ON

AGENDA ITEM 69 (B): HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

AND

AGENDA ITEM 69 (C): HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPORTEURS AND REPRESENTATIVES

OF THE THIRD COMMITTEE

66TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

NEW YORK, 25 OCTOBER 2011

Mr. Chairman,

1. It gives me great pleasure to speak on behalf of the ten Member States of the Association of Southeast Asian Nations or ASEAN; namely, Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

Mr. Chairman,

2. Human rights are a universal and cross-cutting issue, and initiatives of ASEAN Member Countries in this matter have come a long way. ASEAN would like to recall the Joint Communiqué agreed during the 26th ASEAN Ministerial Meeting (AMM) held in Singapore on 23-24 July 1993, in which the Foreign Ministers of Member States applauded the international consensus achieved during the World Conference on Human Rights in Vienna held in June 1993. The Joint Communiqué reaffirmed ASEAN's commitment to and respect for human rights and fundamental freedoms as set out in the Vienna Declaration, which stressed that human rights are interrelated and indivisible, comprises of civil, political, economic, social and cultural rights. They should be addressed in a balanced and integrated manner, protected and promoted with due regard for specific cultural, social, economic and political circumstances.

3. Having included all the 10 Southeast Asian nations in its membership, therefore, represents a historic achievement of ASEAN as a confidence-building mechanism in the region. The fact that its members having diverse political systems, makes the achievement even more remarkable and further added to our determination in searching for the most equitable formula in enunciating our commitments to share the same aspiration and common desire to promote democracy, human rights, fundamental freedoms, rule of law, and good governance. Following that, a more concrete commitment on human rights and human rights mechanisms was made in the Vientiane Action Programme, adopted by all ASEAN Member Countries in November 2004. Referred as the 'vehicle to building an ASEAN community through realizing comprehensive integration', the Vientiane Action Programme was a six-year plan implemented from 2004 to 2010, which among others focused on deepening regional integration and complementing the existing human rights mechanisms and equivalent bodies.

Mr. Chairman,

4. In 2007, forty years after its foundation and regional cooperation, ASEAN finally codified its Southeast Asian diplomacy, listed its key principles and purposes in the Charter of ASEAN. The Charter represents a momentous occasion for ASEAN Member States to reiterate their commitment to community-building in ASEAN and to re-position ASEAN to better meet challenges of the 21st century with new and improved structure. It entered into force on 15 December 2008 - a legally binding agreement which provides the institutional framework for ASEAN to be an effective people-oriented organization, and to pave the way for the realization of the ASEAN Community by 2015. It exemplifies the commitment of Member States to catalogue their legal obligations and rights supported by new mechanisms and a strengthened ASEAN Secretariat for a more systematic and rules based building of the ASEAN Community.

5. With such a legal framework in place, the people of the region and international community looked at ASEAN in a different perspective, more particularly with expectations of transparency, accountability, efficiency, and predictability. ASEAN Charter will serve the organisation well in three interrelated ways, such as, formally accord ASEAN legal personality, establish greater institutional accountability and compliance system, and reinforce the perception of ASEAN as a serious regional player in the future of the Asia Pacific region. We are proud that all Member Countries has come together as 'ASEAN Way', highlights peace, prosperity, caring, and sharing as a way of life in ASEAN.

Mr. Chairman,

6. Since the coming into force of the Charter in December 2008, follow-up actions are being undertaken to fulfill the commitment on promotion and protection of human rights, including the establishment of an ASEAN Human Rights Body (AHRB) which eventually saw the creation of the ASEAN Intergovernmental Commission on Human Rights or AICHR. AICHR was tasked to enhance public awareness on human rights issues, engaging other ASEAN bodies including civil society associated with ASEAN and involved in constructive engagements with other institutions, entities and stakeholder. The establishment of the AHRB is not an end in itself; it is merely the new beginning. After its launch, the most important added value of the AHRB is in providing a new modality and a new learning process for the diverse ASEAN Member States to cooperate on human rights at the regional level.

7. As mandated under Article 14 of the ASEAN Charter calling for promotion and protection of human rights and fundamental freedom, the launching of AICHR in October 2009 had never been more timely. It serves as a statement to our people that, in order for ASEAN to be relevant and meaningful in their lives, their Governments are committed to promoting and protect their basic rights to live a decent life, to ensuring that they can secure food for themselves and their families, obtain at least primary education, and have greater access to health care, as well as appropriately sustain their livelihoods. It is a confirmation that their fundamental freedoms, while provided for, also require responsible usage.

8. The AICHR, as an intergovernmental body, works in the long held tradition of the ASEAN consultation and consensus. Thus, it seeks to set the agenda for the promotion and protection of human rights and fundamental freedoms in the region, while always bearing in mind the non-confrontational, positive and constructive manners of engagement are better appreciated in view of regional particularities, variegated cultures, religions and traditions.

Mr. Chairman,

9. We are indeed proud to highlight that the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) has been successfully inaugurated in Ha Noi, Viet Nam in the lead-up towards the 16<sup>th</sup> ASEAN Summit on 7 April 2010. The establishment of the ACWC is to promote and protect the human rights and fundamental freedoms of women and children in ASEAN. It will take into consideration the different historical, political socio-cultural, religious and economic context in the region and the balances between rights and responsibilities. It is also aimed to promote the well-being, development, empowerment and participation of women and children in the ASEAN Community building process which contribute to the realisation of the purposes of ASEAN as set out in the ASEAN Charter.

Mr. Chairman,

10. It is a shared dream among us in realising an ASEAN Community that is people-centered and socially responsible, with a view to achieve enduring solidarity and unity, not only among the nations and peoples of ASEAN, but also the global village. Together with other delegations, it is our hope that we can move forward on this issue and create the consensus and policy prescriptions that will allow us to progress and prosper as a region. ASEAN is building an inclusive and comprehensive community for all of the peoples of its Member States. This requires patience and long-term plan. Effective promotion and protection of human rights and fundamental freedoms will make the ASEAN Community stronger, the peoples of ASEAN empowered. ASEAN deserves encouragement and support in this endeavour.

I thank you Mr. Chairman.