



## **ACSC/APF 2016 THEMATIC WORKSHOP- ENHANCING ACCESS TO JUSTICE ON ECONOMIC AND SOCIAL RIGHTS**

04 August 2016 | Dili Convention Center, Dili, Timor Leste | 4.15 p.m. to 6.15 p.m.

On 4 August 2016, IWRAW Asia Pacific along with its co-organizers- the NGO Coalition for the OP-ICESCR, Forum-Asia, ALFeLa (Timor Leste), Women's Aid Organization (Malaysia), and the Women's Caucus on the ASEAN, organized a two hour thematic workshop during the ASEAN People's Forum (APF) 2016. The NGO Coalition for the OP-ICESCR was represented by IWRAW Asia Pacific at the APF.

The ASEAN People's Forum is an annual forum of CSOs in ASEAN Member States, which is held as a parallel meeting to the ASEAN Summit of Heads of State. In conjunction with Timor Leste's prospective accession to ASEAN in 2017, this year's APF was hosted in Dili. The organising of APF in Timor Leste provided a significant opportunity to table discussions on economic social and cultural rights and the Optional Protocol to ICESCR with the civil society since Timor Leste is the only country in the ASEAN region to have signed the OP ICESCR.

The workshop was organised as a follow-up from the Southeast Asia Government – NGO Consultation on Promotion of Women's ESC Rights conducted by IWRAW Asia Pacific in collaboration with the International Campaign for Ratification of OP ICSECR in November 2013. Follow-up actions identified by participant NGOs included an awareness raising workshop for civil society at the ASEAN Peoples Forum.

Accordingly, the workshop on **Enhancing Access to Justice on Economic, Social and Cultural (ESC) Rights** was attended by representatives from various civil society organizations (CSOs) across the ASEAN region, and was followed by a signature campaign, calling on ASEAN governments to ratify both ICESCR and its Optional Protocol.

One of the main objectives of the workshop was to highlight the developments in the international human rights framework that could lend positive standards and mechanisms for redress for the people of ASEAN, especially through the ICESCR and the OP ICESCR. It also aimed to explore the potential strategies and entry points in advocating for OP-ICESCR and ICESCR ratification in the ASEAN region based on discussions with the participants.

### **Highlights from the Workshop**

The workshop started with a discussion on the current ESC rights violations prevalent in the ASEAN region, led by Chang Jordan from Wome's Legal Bureau Philippines. The session raised various factors contributing to ESR violations, specific to the ASEAN region, such as trade liberalization, increased privatization of social services, as well as displacement of communities. As ASEAN's main priority currently focuses on economic integration, government responses to the violations of ESC rights resulting from economic integration continues to be sidelined. There still remains significant absence of complaint and redress mechanisms and human rights monitoring systems in ASEAN, both at the national and regional level.

This discussion was followed by a presentation from Titi Soentoro from AKSI Indonesia, who looked at specific projects that were launched as a product of ASEAN's commitment to economic integration and development, such as the ASEAN interconnected power grid, and the Vietnam Industrial Zone Portal. Following a discussion related to the impact of the accelerated

industrialisation on ESC rights, the session explored the relevant international, regional and domestic standards connected to ESC rights. It was highlighted that while ASEAN Human Rights Declaration affirms all the ESC rights in the Universal Declaration, the Declaration remains a weak instrument as states are urged to realize human rights in consideration of the regional and national context. Nationally, states attempt to address the impact of development through several forms and accountability mechanisms such as corporate and environmental impacts assessments, and guidance on corporate duties. However, states do not take an integrated rights approach when formulating policies related to development. Furthermore, in the event of violation, ESC rights remain non-justiciable.

The shortcomings of both regional and national standards and mechanisms paved the way for the next segment which aimed to inform participants on the potential of OP-ICESCR as an instrument to address ESC rights, led by Wathshlah Naidu from IWRAW-AP/WAO. This was followed by a discussion with the participants on the potential strategies that could be employed for an ICESCR and OP-ICESCR ratification campaign. It was mentioned that ratification of the Optional Protocol would not only symbolize state recognition of ESC rights as claimable and justiciable, but also ensure more meaningful accountability of states.

Strategies for advocating ratification would first entail the identification of the target actors of the campaign. This includes state agencies, such as the parliament and ministerial bodies, as well as other regional or national agencies such as the AICHR and NHRIs. Collaboration with other CSOs is also instrumental. The action taken as well as the medium utilized would vary according to the institution targeted, and would be particular to the political context of each state. Some of the participants identified the use of position papers and press statements as a way of advocating for a ratification targeted at NHRIs.

### **Outcome of the Workshop and Signature Campaign**

The workshop managed to raise awareness among ASEAN CSOs of the state obligations created through ICESCR as well as the importance OP-ICESCR ratification. Additionally, the workshop presented possible strategies in advocating for OP-ICESCR ratification.

Following the workshop, a statement calling for ICESCR and OP-ICESCR ratification by ASEAN governments was released and signatures supporting the campaign were collected from both individuals and organizations attending the Forum. This statement was subsequently officially endorsed by the APF Steering Committee positioning the call for ratification of ICESCR and OP-ICESCR as a larger ask of the civil society in the ASEAN region. Additionally, statement has also been officially endorsed by the ASEAN Parliamentarians for Human Rights (APHR), an organization led by former and current parliamentarians involved in human rights advocacy throughout the ASEAN region.

As a part of our ongoing signature campaign, the statement is now available online for signature. Please click this the link if you are interested in showing support for the call for ICESCR and OP-ICESCR ratification in your country: <https://www.change.org/p/campaign-for-ratification-of-icescr-and-op-icescr>

