

European Union and Southeast Asian Civil Society Recommendations to the 5th EU-ASEAN Policy Dialogue on Human Rights

Advancing Human Rights: Creating an Enabling Environment for CSOs at the Regional Level

Brussels, Belgium, 3 October 2023

On behalf of the 38 civil society organisations (CSOs) that actively participated in the 3rd European Union (EU)-Southeast Asia CSOs Forum convened in Brussels, Belgium, on 2 October 2023, in anticipation of the 5th EU-ASEAN Policy Dialogue on Human Rights, we extend our sincere appreciation to the EU and ASEAN delegations for providing a platform for constructive dialogues with civil society representatives.

The EU-ASEAN CSOs Forum firmly stands in solidarity with the people of Myanmar, and for the reinstatement of a democratic, civilian-led government. Hence, we recall our recommendations from the 2nd ASEAN-EU CSOs Forum in 2022.¹ In that recommendation we urged ASEAN and the EU to recognise and engage with the National Unity Government (NUG) as the legitimate elected government of Myanmar and to refrain from both formally and informally engaging with the Myanmar military in regional and international fora.

In light of this previous recommendation, we are dismayed to witness the inclusion of the Myanmar Ambassador to Belgium and the Netherlands, who is a loyalist to the junta, at this official human rights dialogue co-chaired by the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the EU Special Representative on Human Rights. Extending a formal invitation to the junta contradicts the EU's commitment – under its Guidelines for the Protection of Human Rights Defenders – to “strengthen EU action in terms of support and protection of human rights defenders and their cause.”

The invitation also violates the fact that on 13 July 2023, HR VP Josep Borrell² reaffirmed the EU's non-recognition of the military junta. Furthermore, ASEAN has established a position of disengaging from this illegitimate government. As a direct representative of the Myanmar regime abroad, the Ambassador should be subjected to the same policy of non-engagement – particularly in a formal platform underscoring the value of human rights, fundamental freedoms, and democracy.

As a result of his presence in the human rights space, most of our civil society representatives have had to withdraw from participating in this dialogue either because of policies of non-engagement with the Junta or due to security concerns. This total disregard for the safety, security and integrity of CSOs is a breach of the EU's often stated commitment to ensuring an enabling environment for CSOs.

In light of the adverse impact on civil society participation resulting from the Junta's policies and security concerns, it becomes evident that the breach of the EU's commitment to fostering an enabling environment for CSOs is a matter of grave concern.

¹ ASEAN SOGIE Caucus, “EU-Southeast Asia CSOs Recommendations to the 4th EU-ASEAN Policy Dialogue on Human Rights 2022 Jakarta, Indonesia”, 22 October 2022, retrieved from <https://aseansogiecaucus.org/news/asc-news/191-eu-southeast-asia-csos-recommendations-to-the-4th-eu-asean-policy-dialogue-on-human-rights-2022-jakarta-indonesia>

² Council of EU - Newsroom, “EU HR Borrell at the ASEAN Foreign Affairs Ministers Meeting”, 13 July 2023, retrieved from <https://newsroom.consilium.europa.eu/events/20230713-eu-hr-borrell-the-asean-foreign-affairs-ministers-meeting/140947-opening-remarks-20230713>

However, in a world characterised by dynamic challenges and opportunities, the power of meaningful dialogue, collaboration, and inclusion is indisputable. This progressive approach should lead to the mainstreaming of human rights norms, which are the foundation of a just, safe and equitable society. Together, with governments, civil society actors, relevant stakeholders, and most importantly the People, we aspire to achieve societies where every voice is heard, every right upheld, and every person valued. This is our collective journey, and we hope that through continued dialogue and collaboration, no one will be left behind.

Executive Summary

The theme of "Advancing Human Rights: Creating an Enabling Environment for CSOs at the Regional Level" underscores the need to address pressing human rights challenges in the ASEAN and EU regions. CSOs in both regions are faced with multifaceted challenges, including repressive laws, increasingly sophisticated digital surveillance by their own governments, and threats to their physical integrity, a pressure felt particularly by environmental human rights defenders.

In the ASEAN region, the situation in Myanmar poses significant regional implications. Up to date, since the attempted coup, illegal junta killed 4131 people, almost 25000 people were arrested and more 19000 are still detained including sentenced³.

Inadequate and/or restricted foreign funding for CSOs and limitations on their activities hamper their efforts to work with and for affected rights-holders, and to achieve solutions to critical issues. Additionally, the lack of comprehensive regulations protecting human rights defenders exposes them to various forms of threats and harassment.

To empower CSOs and improve support for their work, governments and stakeholders must consider various strategic steps. These include creating a dedicated space for dialogue with funders, enhancing transparency in fund allocation, and ensuring sustainable and strategic support.

To actively involve CSOs in regional policy development and implementation, recommendations include strengthening follow-up mechanisms, providing capacity-building for local CSOs, and fostering engagement between National Human Rights Institutions (NHRIs) and CSOs. The human rights dimension in trade agreements should be emphasised, and human rights provisions must be reiterated in future agreements.

In the context of climate change, the exacerbation of its consequences on human rights, particularly in marginalised communities, necessitates immediate action. Recommendations call for a focus on resource allocation, alignment with human rights standards, enhanced CSO participation in policy making, increased corporate accountability, and the inclusion of affected communities in climate discussions.

Regarding the digital age, regulatory frameworks, and guidelines governing surveillance practices are critical to protect digital rights. Promoting digital literacy as well as freedom of expression, addressing AI biases, and holding tech companies accountable for their impact on society are also essential. Ensuring access to technology for people with disabilities is vital.

As a result of rising authoritarian norms and rules imposed by repressive state and non-state actors, such as extremist, populist and politicised militaries, democratic institutions and civil and political rights are eroded across EU and ASEAN countries.

³ <https://aappb.org/>

This has resulted in the surge of far-right movements, fueled democratic backsliding and undermined the principles of justice and inclusivity. Concurrently, the anti-gender movement, which indiscriminately targets LGBTQIA+ communities, women, and feminist advocates, along with its stance against abortion, poses a significant challenge to human rights and equality.

The rise of authoritarianism and security sector reform demands urgent collaboration between the EU and ASEAN. To achieve this, strengthening democratic institutions, countering fundamentalism, and safeguarding human rights must be accomplished. Democratic future of Myanmar has significant implications for democratic development in the region. ASEAN and EU must recognize and engage with the National Unity Government (NUG) as the legitimate elected government of Myanmar. Recommendations include cross-regional dialogue, knowledge sharing, increased CSO participation, and the prevention of transnational repression.

Ultimately, addressing these challenges requires a collaborative, multi-faceted approach involving governments, civil society, human rights defenders, technology companies working to fully achieve human rights, digital security, and environmental protection.

Introduction

The theme, "Advancing Human Rights: Creating an Enabling Environment for CSOs at the Regional Level," symbolises a profound call to action, reflecting our collective commitment to the principles of human rights. This theme resonates strongly within the current global landscape, marked by both novel and persistent human rights challenges. Notably, CSOs in the ASEAN and EU regions confront multifaceted challenges related to freedom of assembly, expression, and association. These encompass the misuse of repressive and draconian laws to silence dissent and suppress open discourse. Discriminatory policies further curtail freedom of expression and assembly, with repercussions for marginalised communities, including LGBTQIA+, women, persons with disabilities, Indigenous People, ethnic and religious minorities, migrant workers, refugees and asylum seekers, children, and youth.

A significant concern is the unchecked use of mass surveillance and the deployment of intrusive surveillance technologies, including spyware, leading to privacy infringements, and fostering an atmosphere of self-censorship. The imposition of extremely restrictive digital laws exacerbates this digital oppression. In the digital age, there is an urgent need to bolster the digital security capabilities of human rights defenders (HRDs) to counter increasingly sophisticated digital threats effectively.

Further, HRDs, including independent journalists, must be allowed to carry out their legitimate human rights work without facing judicial harassment designed to curtail their freedom of expression, and entangle them in costly and time consuming legal proceedings. These might take the form of Strategic Lawsuits Against Public Participation (SLAPPs), defamation lawsuits, red-tagging slandering or lèse-majesté lawsuits, among others.

Environmental human rights defenders (EHRDs) face threats not only from repressive state actors, but also from non-state actors, notably from private companies. The work of EHRDs should be recognized as legitimate, and they must be protected even when challenging the human rights impact of development projects seen as "sustainable", or "green". The use of draconian and regressive national laws to threaten and silence EHRDs must be stopped. National and regional protection mechanisms must acknowledge this reality and tailor their strategies accordingly, including by

establishing a dedicated contact point to deal with issues related to business and human rights and providing accessible and flexible protection programmes for HRDs. States must take responsibility for the actions abroad of companies registered in their territory.

The protracted human rights crisis in Myanmar poses substantial challenges for CSOs in the region. Since the attempted coup, the illegitimate junta has taken the lives of 4131 people. Furthermore, almost 25000 people have been arrested and more 19000 are still detained as well as sentenced.⁴ The situation in Myanmar has profound cross-boundary impacts including the forced displacement of over 2 million persons within Myanmar and across the region⁵.

Restrictions on foreign funding for CSOs hinder their financial resources and operational capacities. In certain ASEAN nations, authorities exploit laws to suppress civic spaces and derogate human rights, stifling dissent and opposition and impeding the work of CSOs.

A lack of comprehensive regulations protecting human rights defenders and CSOs from physical and digital threats exposes them to various forms of harassment and intimidation, undermining their efforts to defend human rights. Notably, some regions witness state-sponsored persecution against peaceful assemblies of LGBTQIA+ individuals, intensifying the difficulties encountered by CSOs advocating for LGBTQIA+ rights and freedoms.

CSOs in the ASEAN and EU regions primarily secure funding from sources like the EU, institutional donors in EU member states, and private foundations. These funding channels are critical for addressing human rights issues in the respective regions. Nevertheless, CSOs face challenges in accessing these funds as some donors often expect program relevance that may not align with the conditions in which CSOs operate. The lack of core funding, complex and bureaucratic application and reporting procedures, and funding restrictions create additional barriers to local CSOs.

Rising authoritarianism within the EU region and shifts in political regimes can disrupt funding streams for both EU and ASEAN-based CSOs. Additionally, many governments obstruct the work of CSOs by using their foreign funding as a justification for accusations of being “foreign agents.”

To improve financial support and resources for CSOs addressing human rights issues, governments and stakeholders can take several strategic steps. Creating a dedicated space for dialogue with the EU and other funders and development partners is recommended to ensure sustainable and strategic support efforts in Southeast Asia. Furthermore, institutional donors such as the EU should consider directing their support directly to local organisations, bypassing primary funding through international non-governmental organisations (INGOs).

Enhancing transparency and accountability in fund allocation and management is crucial to prevent favouritism and ensure equitable resource distribution. By addressing these multifaceted challenges and adopting successful funding models, governments and stakeholders can better empower the work of CSOs in advancing human rights across both the ASEAN and EU regions.

Practical measures can be implemented to ensure that CSOs actively participate in regional policy formulation, implementation, and monitoring processes related to

⁴ Assistance Association for Political Prisoners <https://aappb.org/?p=26339>

⁵ Approximately, 1.27million Refugees and Asylum Seekers and 1.35 million IDPs; See: [Myanmar situation | Global Focus \(unhcr.org\)](#)

human rights. To enhance CSO engagement and participation, the following steps can be taken:

Firstly, supporting stronger follow-up mechanisms is crucial. The EU and ASEAN governments should establish robust systems for following up on CSO recommendations. This means holding government representatives accountable for responding to CSOs' recommendations and reports on human rights issues. The establishment of clear timelines and expectations can ensure that CSOs' inputs are actively considered and integrated into policy processes.

Secondly, capacity building for local CSOs is essential. Many CSOs may lack the opportunities, skills or resources to engage effectively in regional coalitions and initiatives. Capacity-building programs can provide training, technical assistance, and networking opportunities for these organisations. This empowers them to participate more actively in regional human rights initiatives and engage with policymakers.

Lastly, creating more engagement spaces for NHRIs and CSOs can foster a trusting relationship between governments and civil society. Regular consultations and dialogues between these stakeholders can promote visibility, transparency and collaboration. Additionally, ensuring the continuity of platforms like the EU-ASEAN dialogue is vital. These platforms serve as critical spaces for dialogue and collaboration, and their agendas should be clear and well-defined. Overall, these measures can strengthen the partnership between governments and CSOs, enhancing regional human rights efforts.

To facilitate the active, regular, and meaningful participation of CSOs in regional policy formulation, implementation, and monitoring related to human rights, concrete steps should be taken:

- Commit to mainstreaming human rights-focused platforms, like the EU-ASEAN dialogue, which serve as safe, inclusive, and brave spaces for dialogue, interaction, and partnerships
- Create a robust, accountable and responsive policy framework for following up on CSO recommendations, by setting clear timelines and expectations to ensure that CSO contributions are actively considered and integrated into policy processes
- Recognize the need for enhanced capacity within local CSOs, as many may lack the opportunities, skills and resources required for effective engagement in regional coalitions and initiatives
- Implement capacity-building programs that offer training, technical assistance, and networking opportunities for CSOs, particularly in conflict and disaster stricken areas
- Facilitate regular consultations and dialogues between NHRIs and CSOs
- Strengthen and institutionalise the human rights dimension of trade agreements between EU and ASEAN member states to ensure that human rights clauses are not implemented in an ad hoc and arbitrary manner in only selected countries in ASEAN. Moreover, the EU should prove its commitment to human rights by insisting on the inclusion of human rights provisions in future agreements including free trade agreements, Partnership and Cooperation Agreements (PCA) and the Generalised System of Preferences (GSP+)

Thematic Area 1: Human Rights in the Context of Climate Change

In this thematic area, we confront the stark reality of climate change and its disproportionate impact on right holders⁶. The consequences of climate change have a profound impact on all human rights, as the intertwining climate crisis and water crisis lead to severe water scarcity, disproportionately affecting rights holders and infringing on their basic right to clean and accessible water. While no corner of the world remains untouched by the impacts of climate change, it is critical to recognise that these repercussions are particularly pronounced in less economically developed regions, where the capacity to shield against these challenges is constrained.

Those who are in vulnerable situations often rely heavily on nature, which is our life support system. However, the ongoing environmental degradation further exacerbates their vulnerabilities. It is imperative to recognize the role of climate and waste colonialism, and resource exploitation by the 'Global North' to the 'Global South' and its impact on marginalised communities who are disproportionately affected by climate-related challenges, primarily due to the global geopolitical order, historical legacies of Western imperialism and the communities' limited capacity to shield against these impacts in less economically developed regions.

It is globally recognized that EHRDs play a vital role in protecting the environment and in standing up for communities and individuals who are disproportionately impacted by environmental harm. EHRDs are critical partners for addressing the triple planetary crisis of biodiversity loss, pollution, and climate change, and for realising the universally recognized right to a healthy environment⁷. However, EHRDs are facing threats, often from natural resource extraction companies backed by authoritarian governments. The threats vary from criminalisation, abusive use of legal proceedings (i.e., Strategic Lawsuits Against Public Participation), attacks on individuals and their families, harassment, enforced disappearances and even killings.

We strongly urge the EU, ASEAN, and their respective member states to demonstrate unwavering political commitment in fulfilling their existing international obligations within the United Nations Framework Convention on Climate Change (UNFCCC) mechanisms, including active participation in the Global Stocktake. It is imperative that they place a paramount focus on recognizing and safeguarding the fundamental human right to a clean, healthy, and sustainable environment.

In this context, the EU and Southeast Asian CSOs recommend the EU, ASEAN, and their member states to:

- As primary duty bearers, prioritise the allocation of resources and policies to mitigate the exacerbation of inequalities caused by climate change, especially in marginalised communities. This includes the provision of accessible infrastructure, healthcare, food security, and livelihood support for the most vulnerable populations in the region
- Align national-level climate strategies with internationally-recognized human rights standards

⁶ Under the Universal Declaration of Human Rights, all human beings are rights-holders. However, some are in situations where they cannot claim their rights. The rights holders include persons with disabilities, indigenous groups, LGBTQIA+, children, women, etc.

⁷ United Nation Human Rights Office of the High Commissioners (OHCHR), "The 3rd ASIA PACIFIC, Environmental Human Rights Defenders Forum", September 2023, retrieved from <https://bangkok.ohchr.org/apehrdf2023/>

- Create mechanisms at the national level that facilitate the active participation of CSOs in climate-related decision-making processes. These mechanisms should empower CSOs to contribute to policy development, implementation, and evaluation
- Ensure the inclusion of affected communities, such as women, persons with disabilities, indigenous communities, children and young people, in all climate change discussions, policy development, and adaptation strategies
- Ensure that policies on Just Energy Transition and carbon offsetting follow a human rights-based approach. Such projects must be preceded by mandatory human rights due diligence, and meaningful and safe consultations conducted in good faith with affected communities, with the goal of obtaining free, prior, and informed consent from indigenous communities and other rights holders
- Implement regulations on monitoring supply chains, specifically on companies involved in the production and distribution of renewable energy technologies. To avoid greenwashing and facilitating human rights violations by companies, self-reporting by companies is not enough
- Take concrete steps to protect, and provide safe spaces for, EHRDs, both online and offline, from harassment and threats perpetrated by state and non-state actors, such as businesses. Holistic security (i.e., digital, physical and psycho-social well-being) for EHRDs must be ensured in protection mechanisms, reporting mechanisms, and international support provided by both ASEAN and EU
- Promote access to information, public participation in decision-making and access to justice in environmental matters. This includes ensuring access to the tools and resources (e.g. the EHRD toolkit) needed to effectively defend human rights. EHRDs should get specific protection and assistance according to the high risks they take, on accessing any necessary means to protect their human rights and life
- Enhance collaboration between ASEAN and the EU in developing an ASEAN Environmental Rights Framework (regional and national strategies)
- Institutionalise legal empowerment efforts into national government services and programs.

Thematic Area 2: Human Rights and the Digital Age

In our rapidly evolving technological landscape, there is a growing misuse of technological advancement by states and non-state actors of big tech. This is coupled with an increasing introduction of repressive legislations that restrict human rights such as right to privacy, freedom of expression, freedom of assembly, access to information, and freedom of the press and safety of journalists, human rights defenders and marginalised communities. In some instances, regulations are weaponised to restrict the movements of CSOs and to exercise censorship within the region, effectively stifling their crucial work and limiting their ability to advocate for human rights. This abuse of regulation has a chilling effect on the vibrant landscape of activism in Southeast Asia.

Moreover, as technology advances, governments and big tech corporations are engaging in extensive surveillance, accumulating vast amounts of data, often at the expense of HRDs and independent journalists. The resulting loss of privacy for the sake of “national security” is a growing concern, raising questions about how personal

data is handled, who stores it, who has access to it, and how it is used to monitor and potentially target not only HRDs but also academic-activists, independent journalists, those exercising their rights to freedom of expression. Additionally, it raises concerns about the impact on marginalised communities, including LGBTQIA+, women, people with disabilities, children, and youth.

While technology accelerates, knowledge and digital literacy among users do not always keep pace in both the EU and ASEAN countries. This knowledge gap creates vulnerabilities, leaving individuals at risk of exploitation, Online Gender Based Violence (OGBV), misinformation, state led-disinformation, and infringement on their rights. It underscores the importance of promoting digital and media literacy, cybersecurity, and digital hygiene to empower individuals to protect themselves and their data effectively.

Artificial Intelligence (AI), a cutting-edge technology with immense potential, presents its own set of challenges. The alarming development of AI systems designed for harmful purposes, from autonomous weapons to tools that can inflict harm on people, has raised ethical and security concerns. As we stand on the precipice of an AI-driven future, the need for comprehensive regulation and ethical oversight becomes increasingly urgent. One prevalent issue in the realm of AI is the biases embedded in its development. The primary objectives set by developers can inadvertently introduce biases that result in discrimination or exclusion. Addressing these biases is pivotal to ensuring that AI benefits all of humanity and doesn't perpetuate or amplify existing inequalities.

Online and digital platforms play a pivotal role in Human Rights-related movements. However, they are vulnerable to attacks, manipulation, and state-censorship often resulting in the suppression of freedom of expression and the freedom of the press. Coupled with a lack of digital expertise to counter these threats, the potential for silencing voices advocating for human rights becomes a stark reality. Additionally, access to digital technology is not uniformly available to all members of society, creating disparities, particularly for persons with disabilities, indigenous people, LGBTQIA+ and women. Ensuring equal access to digital resources, education and independent information is vital to prevent the marginalisation and criminalisation of individuals in the digital age.

Digitalisation has widened the digital divide, particularly concerning accessibility for people with disabilities. The pervasive "ableism" in development hinders their full utilisation of technology. Member states must ensure access to Adaptive-Assistive Technology for social protection, while big tech companies should improve content moderation and human rights-based design on their platforms.

In navigating these intricate challenges, multi-faceted and intersectional approaches are essential. Governments, organisations, and tech companies must collaborate to create regulations that keep pace with technological advancements, ensure the protection of rights, and safeguard against misuse. Promoting digital literacy, countering biases, enhancing digital security and digital hygiene, are paramount to fostering a just and equitable digital environment for all.

In this context, the EU and Southeast Asian-based CSOs urge the EU, ASEAN, and their member states to:

- Establish and enforce clear regulatory frameworks that are in line with international human rights principles and standards that safeguard fundamental

freedoms. These frameworks should be developed in close consultation with CSOs

- Conduct regular reviews and updates of key documents related to digital rights, such as the EU Digital Compass 2030 and Technology-related Conventions (TRC). These revisions should reflect the evolving tech landscape and ensure that digital rights remain protected and respected
- Equip CSOs to map legal and policy processes, and monitor legal frameworks affecting digital rights, such as data protection, cybersecurity, online content regulation, and open data, digital transformation
- Establish clear legislative frameworks, guidelines and regulations governing surveillance practices, ensuring their adherence to international laws and standards, including international human rights law and particularly fair trial rights, and repeal or amend any existing laws that fail to do so. These rules should balance the genuine national security threats with the protection of individual privacy, freedom of expression and freedom of the press, including the safety of journalists and an enabling environment for the media. Collaborate with CSOs to develop and implement these regulations effectively
- Repeal laws that undermine or prohibit the use of encryption, and put an end to any initiatives or plans that seek to weak encryption, such as through creating backdoors. Any initiatives and plans that seek to weaken encryption like creating a backdoor must be terminated. Laws that undermine or prohibit the use of encryption must be repealed
- Develop and strengthen regulatory frameworks for data collection, within which individuals can opt-out without any difficulty and request removal of personal data and any copy of it free-of-charge
- Control and closely monitor any export of censorship and surveillance technologies
- Promote the creation of referral mechanisms to address cases that are transboundary in character to prevent and address online gender based violence Enable CSOs to seek redress and litigation mechanisms or alternative mechanisms depending on the specific context to enable them to provide assistance and support to victims of data breaches or misuse
- Redouble efforts to improve, protect and promote digital literacy, including digital safety, privacy, and media literacy (misinformation/disinformation), especially for youth, indigenous communities and women. This can be achieved by the promotion of inclusive digital and media literacy programmes through supporting and enabling CSOs to promote and ensure accessibility to all communities. The EU should strengthen the capacities of CSOs to provide training, coaching, and awareness raising to their staff, partners, and beneficiaries on privacy, data security and protection, online freedom of expression, as well as develop and share best practices and tools for protecting online privacy and security
- Establish effective mechanisms for monitoring and assessing the influence of AI and big data on the safety of HRDs, independent journalists and CSOs facing risks. Implement robust safeguards and conduct periodic evaluations of these mechanisms to ensure their ongoing effectiveness, making necessary enhancements as required

- Introduce comprehensive whistleblower protection laws and mechanisms to foster a culture of accountability, encouraging individuals, including those within AI and data companies, to report unethical or rights-violating practices without the fear of reprisals
- Hold big tech accountable and ensure that they respect human rights, well-being, and decent work over profit margins. Based on this starting point ASEAN, EU and member states should facilitate multi-stakeholders dialogue and forums between CSOs and big tech where civil society can shape policy to close the gap of power relations
- Provide adaptive assistive technology for persons with disabilities, and make it available, accessible, and affordable, and regulate all online content to comply with Web Content Accessibility Guidelines (WCAG)

Thematic Area 3: Anti-authoritarianism and Security Sector Reform

Rising authoritarian norms and rules imposed by repressive state and non-state actors, such as extremist, populist and politicised militaries, has resulted in the erosion of democratic institutions and civil and political rights across EU and ASEAN countries. This has resulted in the surge of the the rise of far-right movements, fueled democratic backsliding and undermined the principles of rule of law, justice, and inclusivity.

We witness the continued persecution of ethnic and religious minorities, attacks against civilians and widespread violent crackdown against dissent, fuelling a humanitarian crisis within the ASEAN region, leading to an exponential increase in refugees, asylum seekers and internally displaced persons (IDPs). The suppression of protests, the increasing politicisation of the military, and the deployment of security forces all underscore the urgent need to address these growing threats to social harmony and federal democratic values, while reinforcing the importance of protecting the rights and dignity of all individuals. Concurrently, the anti-gender movement, which indiscriminately targets LGBTQIA+ communities, women, and feminist advocates, along with its stance against abortion, poses a significant challenge to human rights and equality.

In this context, it is urgent to highlight the crimes against humanity and war crimes committed by the Myanmar Military junta. The military junta and its councils have been conducting gross violations through airstrikes, artillery shells, missiles, and ground military action since February 2021. The repercussions and horrific impacts of the coup transformed the livelihood and security of people and their communities. Over five hundred airstrikes, artillery shells, and military ground attacks were carried out in Kachin State, Chin State, Karenni State, Karen State, and in the Sagaing and Magway regions from 2021 to 2023. The number of human rights violation cases – such as extrajudicial killings, enforced disappearances, torture, and sexual violence – is also increasing this year.

We, the EU and Southeast Asian CSOs urge the EU, ASEAN, and their member states to:

- Implement recommendations made by CSOs during the 2022 EU-ASEAN human rights dialogue, including that ASEAN and the EU must recognize and engage with the National Unity Government (NUG) as the legitimate elected government of Myanmar and refrain from engaging, both formally and informally, with Myanmar military in regional and international fora

- Uphold and affirm the primary principles of non-refoulement especially in the treatment of persons seeking asylum and HRDs:
 - Denounce and stop the continued practice of boat pushbacks, arbitrary detention and deportation of persons seeking asylum that continues to undermine and violate this customary international law principle
 - Establish and continue development protection mechanisms for HRDs, including persons seeking asylum and dissidents in exile
 - Refrain from targeting HRDs in third countries, in respect of national jurisdictions and international law. Coordinated regional efforts to extraterritorially abduct human rights defenders should be clearly condemned and abandoned
- View the issue of transnational repression as a transboundary concern. Challenge the notion of non-interference as a justification and advocate for collective actions that safeguard defenders from reprisals. Engage both ASEAN and the ASEAN Intergovernmental Commission on Human Rights (AICHR) to commit to protecting HRDs, emphasising that this commitment should extend to meaningful engagement with CSOs at national, regional, and international levels
- Work towards increased and meaningful inclusion of CSOs and perspectives from human rights defenders, the grassroots and marginalised communities, in policy discussions, design and implementation
- Facilitate knowledge sharing between the two regional groupings. The EU exhibits an openness to internal evaluations and self-examination through a peer-review mechanism where EU member states can conduct mutual assessments of each other's adherence to the rule of law - a practice notably absent in ASEAN. Drawing from the EU's experience with rule of law standards and its institutional architecture provides a solid foundation for this innovative approach that could serve as a model for similar actions in ASEAN member states
- Promote and strengthen cross-regional dialogue and cooperation between CSOs in ASEAN and the EU, including by providing resources and expertise. Encourage EU-based CSOs to support their ASEAN counterparts in the design and utilisation of EU mechanisms, tools, and resolutions in addressing human rights and business conduct issues in Southeast Asia. Furthermore, foster collaboration with businesses operating in Southeast Asia to adhere to UN Guiding Principles, OECD Guidelines for Multinational Enterprises, mandatory human rights due diligence instruments to uphold human rights and environmental standards, even if ASEAN mechanisms provide insufficient
- Leverage the Universal Periodic Review (UPR) process as a basis for monitoring human rights commitments of member states' peer reviews. ASEAN member states and the EU are expected to condemn and prevent reprisals against human rights defenders within their territories