



ENGAGING WITH INTER-GOVERNMENTAL MECHANISMS ON THE RIGHT TO A HEALTHY ENVIRONMENT AND CLIMATE CHANGE

Fact Sheet 3 ASEAN and human rights

The Association of Southeast Asian Nations (ASEAN) is an inter-governmental body with 10 member States: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. The ASEAN observer States include Papua New Guinea and Timor Leste.

The ASEAN was established in 1967 to strengthen political security, economic growth and social and cultural exchange for its members. Decisions by the ASEAN members are made by consensus. Respect for sovereignty and non-interference in the internal affairs of one another are key principles set out in the body's founding document, the ASEAN Declaration.

Establishing a space for human rights

There is no reference to 'human rights' in the ASEAN Declaration nor the Treaty of Amity and Cooperation in Southeast Asia, adopted in 1976. Indeed, it was not until the 1990s that human rights were mentioned in official ASEAN documents.

1993: The ASEAN endorses the Vienna Declaration and Programme of Action and agrees to consider the establishment of a regional human rights mechanism.

1998: The ASEAN establishes a Working Group for an ASEAN human rights mechanism.

2004: The ASEAN adopts the Vientiane Action Programme which sets out a concrete agenda on human rights.

2008: The ASEAN Charter comes into force, which includes specific provisions on human rights in its purposes and requires the establishment of a human rights body.

2009: The ASEAN Intergovernmental Commission on Human Rights (AICHR) is inaugurated.

2012: The ASEAN Human Rights Declaration is adopted, providing a framework for human rights cooperation among member States.

The ASEAN human rights bodies

Following years of discussion and debate, the ASEAN Intergovernmental Commission on Human Rights (AICHR) was established in 2009 with the adoption of the Cha-Am Hua Hin Declaration on the Intergovernmental Commission on Human Rights. The body comprises a representative appointed by each ASEAN member State.

The ASEAN has also established two specialised human rights bodies:

- The **ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children** (2010)
- The **ASEAN Committee to Implement the Declaration on the Protection and Promotion of the Rights of Migrant Workers** (2008)

“ASEAN is not a human rights organisation, but since the inclusion of human rights, ASEAN has a space, a regional space, to talk about human rights.

H.E. Yuyun Wahyuningrum, Indonesia Representative to AICHR (2019 – current)

The AICHR’s role and mandate

While the AICHR’s purpose is to “promote and protect human rights” in the ASEAN member States, the body does not have a strong protection mandate. Its Terms of Reference (TOR) do not explicitly provide for a mechanism to receive or investigate human rights violations nor issue findings and recommendations.

Accordingly, the AICHR’s work has focused almost exclusively on human rights promotion activities, which includes providing advisory services and technical assistance; obtaining information from States on the promotion and protection of human rights; developing common approaches; preparing thematic studies and reporting on human rights.

It is required to inform the public of its work and consult with other national, regional and international institutions and bodies concerned with the promotion and protection of human rights.

The AICHR convenes two regular meetings per year, with additional meetings held as required. It must also submit an annual report to the ASEAN Foreign Ministers Meeting. Like the ASEAN, the AICHR’s work is guided by the principles of respect for sovereignty and non-interference, with decision-making based on consultation and consensus.

Broadening the AICHR's work and impact

In 2019, the AICHR agreed to adopt measures to handle letters of complaints, where they would be received by the ASEAN Secretariat, tabled at AICHR meetings and forwarded to the concerned AICHR country representative for review.

The work of the AICHR has also evolved through its Five-Year Work Plan. The 2021-2025 Work Plan includes plans for the AICHR to conduct country visits, develop a grievance mechanism and referral system, initiate an ASEAN human rights index, and manage correspondence and complaints.

Engaging with national human rights institutions

Prior to 2009, national human rights institutions (NHRIs) in South-East Asia advocated consistently for an ASEAN human rights body. Since its establishment, NHRIs in the ASEAN region have sought to develop a collaborative relationship with the AICHR and its representatives by organising and participating in activities.

NHRI engagement with the AICHR has seen positive developments in recent years. In November 2020, in a milestone event, the South East Asia National Human Rights Institutions (SEANF) participated in the 31st AICHR Meeting. This was followed by the SEANF's attendance at the AICHR's Special Meeting in November 2021, where they discussed future cooperation in areas of mutual interests.

The priorities in the AICHR's 2021-2025 Work Plan include:

- Improving cooperation with national, regional and international institutions concerned with the promotion and protection of human rights.
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- Promoting cooperation with ASEAN sectoral bodies, other human rights mechanisms and national implementing agencies/bodies to share best practices on the implementation of international human rights treaties.
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The AICHR and the right to a healthy environment

The ASEAN Human Rights Declaration explicitly recognises “the right to a safe, clean and sustainable environment”.

It also states the right to development is an “inalienable human right”, which must meet equitably the “developmental and environmental needs of present and future generations”.

Since 2014, the AICHR has co-convened consultations and workshops to address the link between human rights, the environment and climate change. NHRIs in South-East Asia have attended and participated in these events.

Recent AICHR workshops have focused on a regional approach for environmental assessment that could address environmental, social, economic and human rights issues, as part of the ASEAN’s management of environmental impacts.

The AICHR’s 2021-2025 Five-Year Work Plan also sets out its priorities and activities on human rights issues relating to the environment and climate change. The AICHR plans to:

- Conduct follow-up consultation on linkages between human rights and the environment with a focus on improving capacity building for stakeholders on human rights-based approach to environment protection.

- Undertake initiatives to further integrate a human rights-based approach within environmental policy making and protection.

- Conduct a consultation on human rights and climate change, with the aim of developing an outcome documentation of common understanding on possible cooperation among ASEAN bodies to deal with global and regional challenges from a human rights perspective.



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

Established in 1996, the Asia Pacific Forum is a coalition of 25 NHRIs from all corners of the region. We support the establishment and strengthening of independent NHRIs, recognising the powerful role they play to promote and protect human rights across the Asia Pacific



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