

ASEAN Human Rights Mechanism

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SHAPE
S E A

Strengthening Human Rights And Peace Research and Education
in ASEAN/Southeast Asia

Contents

- Class Rules
- Overview of ASEAN
- ASEAN Human Right Mechanism

Objective of the session

- Objective of the session is to provide students the background of ASEAN HR Mechanism and the Mechanism itself.
- At the end of the session, students are able to analyze, evaluate and provide a personal reflection on ASEAN Human Rights Mechanism and approaches on HR protection in Southeast Asia.

Class Rules and Methodologies (1)

Class Rules:

- Be generous & Keep environment safe
(confidentiality, nobody gets to be wrong, each opinion is valued)
- Respect one another (be on time, turn off your mobile phones)
- Empty your cup

Class Rules and Methodologies (2)

Teaching Methodologies:

- Interactive Teaching Methodology
- Socratic technique
- Learning ladder technique

1. Overview of ASEAN

- In your personal view, can you give a word for ASEAN?



Recall 1967 Bangkok Declaration

- **Cooperation** in the economic, social, cultural, technical, educational and other fields,
- **Promotion** of regional peace and stability through abiding respect for justice and the rule of law and adherence to the principles of the UN Charter.
- **Representing** the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings

Core Principles of ASEAN

1967 - Treaty of Amity and Cooperation (TAC), Art.2

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations
- b. The rights of every state to lead its national existence free from external interference, subversion, and coercion
- c. Non-interference in the internal affairs of one another.
- d. Settlement of differences or disputes by peaceful manner
- e. Renunciation of the threat or use of force; and
- f. Effective cooperation among themselves.

ASEAN Charter 2008

- Ratified by 10 ASEAN member states and came into force: 15 Dec 2008, Jakarta
- Gives legal personality to ASEAN, clarifies common objectives and principles and defines structure, Mechanisms, Operations.
- The Charter provide a regional Vision, Blueprints of Cooperation and Human Rights Commission

12 Principles of 2008 ASEAN Charter (Article 2)

- Respect for independence, sovereignty, territorial integrity
- Shared commitment: peace, security stability
- Renounce use of force
- Peaceful settlement of disputes
- Non-interference in internal affairs
- Freedom from external interference, subversion, coercion
- Respect for fundamental freedoms, protect and promote human rights, promote social justice
- Respect UN Charter, international law, IHL
- Abstain from participation in activities which threaten members
- Respect cultures, religions, languages
- Centrality of ASEAN in economic, political, social, cultural relations
- Adherence to rules towards integration, and market driven economy

ASEAN Communities & Blueprints?

- **ASEAN Political-Security Community**
 - peaceful processes in the settlement of intra-regional differences and
 - it has the following components: political development, shaping and sharing of norms, conflict prevention, conflict resolution, post-conflict peace building, and implementing mechanisms
- **ASEAN Economic Community**
 - creating a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services, investment and a freer flow of capital, equitable economic development and reduced poverty and socio-economic disparities in year 2020;
- **ASEAN Socio-Cultural Community** –
 - envisages a community of caring societies and founded on a common regional identity, with cooperation focused on social development aimed at raising the standard of living of disadvantaged groups and the rural population, and shall seek the active involvement of all sectors of society, in particular women, youth, and local communities

More about ASEAN

- <http://asean.org/>

2. ASEAN Intergovernmental Commission on Human Rights (AICHR) [1]

- Year of Established : 23 October 2009[15th ASEAN Summit].
- Characteristic:
 - Intergovernmental human rights mechanism
 - A consultative body
 - An overarching institution with overall responsibility for the promotion and protection of human rights in ASEAN

2. ASEAN Intergovernmental Commission on Human Rights (AICHR)[2]

- Overview of TOR of AICHR:
 - Purpose
 - Principles
 - Mandates and Functions
 - Composition: members, qualifications, term of office, chair, responsibility, immunities, privileges
 - Modalities: Decision making, meeting, public information, relationship with HR bodies, reporting
 - Role of Secretary General and ASEAN Secretariat
 - Workplan and funding

2. ASEAN Intergovernmental Commission on Human Rights (AICHR) [3]

- **ASEAN Human Rights Declaration (AHRD)** is developed by AICHR according to TOR and adopted by ASEAN Leaders in November 2012.
- AHRD The first stand setting, political document to codify the basic human rights and fundamental functions that ASEAN member states must respect, promote and protect human rights

Overview of AHRD

- General Principles: 1-9
- Civil and Political Rights: 10- 25
- Economic, Social and Cultural Rights: 26- 34
- Right to Development: 35- 37
- Right to peace: 38
- Cooperation in promotion and protection of Human rights: 39-40

More about AICHR

- <http://aichr.org/>

Discussions :

- How these guided principles and policies provided in section on ASEAN help promote the protection of human rights in member states ?
- Read TOR of AICHR, choose one issue that you are interested, think how it works in practice. Then rewrite the text to make it clear and better if you are not satisfied.

Discussions :

- Read AHRD, choose one issue that you are interested, think how it works in practice. Then rewrite the text to make it clear and better if you are not satisfied.

Thank you for Your Attention

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