

AICHR

ASEAN Intergovernmental Commission on Human Rights

What You Need to Know

ASEAN 50th Anniversary Edition, A Compendium



one vision
one identity
one community



AICHR

ASEAN Intergovernmental Commission on Human Rights

What You Need to Know

ASEAN 50th Anniversary Edition, A Compendium

The ASEAN Secretariat
Jakarta

The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967. The Member States are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

The ASEAN Secretariat is based in Jakarta, Indonesia.

For inquiries, contact:

The ASEAN Secretariat
Community Relations Division (CRD)
70A Jalan Sisingamangaraja
Jakarta 12110, Indonesia
Phone : (62 21) 724-3372, 726-2991
Fax : (62 21) 739-8234, 724-3504
E-mail : public@asean.org

ASEAN: A Community of Opportunities

Catalogue-in-Publication Data

**AICHR: What You Need to Know - ASEAN 50th Anniversary Edition,
A Compendium**

Jakarta: ASEAN Secretariat, July 2017

341.480959

1. ASEAN – Intergovernmental Commission
2. Human rights – Southeast Asia

ISBN 978-602-6392-59-6

The text of this publication may be freely quoted or reprinted, provided proper acknowledgement is given and a copy containing the reprinted material is sent to the Community Relations Division (CRD) of the ASEAN Secretariat, Jakarta.

General information on ASEAN appears online at the ASEAN Website:
www.asean.org

Copyright Association of Southeast Asian Nations (ASEAN) 2017.
All rights reserved.

CONTENTS

FOREWORD	iv
AICHR: WHAT YOU NEED TO KNOW	1
Introduction	3
AICHR.....	15
AICHR Activities	37
Frequently Asked Questions (FAQs).....	41
AICHR Representatives 2016-2018.....	47
AICHR Representatives 2013-2015.....	69
AICHR Representatives 2009-2012.....	77
ASEAN HUMAN RIGHTS DECLARATION AND THE PHNOM PENH STATEMENT ON THE ADOPTION OF THE ASEAN HUMAN RIGHTS DECLARATION (AHRD)	85
TERMS OF REFERENCE OF THE AICHR	103

FOREWORD



ASEAN reached a historic milestone with the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009 as the overarching body responsible for the promotion and protection of human rights and fundamental freedoms in conformity with the principles and purposes of the ASEAN Charter.

In eight years of its existence the AICHR has achieved vital progress in setting up the framework for human rights cooperation in ASEAN. The adoption of the ASEAN Human Rights Declaration (AHRD) in 2012 not only created for ASEAN a comprehensive framework for human rights cooperation, but also presented an added value to the international norms and standards of human rights. Along with the Phnom Penh Statement on the Adoption of the AHRD, these two documents embody the commitment of the Governments of the ASEAN Member States in safeguarding the human rights and fundamental freedoms of the people of ASEAN.

With the vast political diversity among ASEAN Member States, promotion of human rights was regarded as critical to educate and raise awareness on human rights among the ASEAN people. This has been the focus of the AICHR in the early years of its existence. Nonetheless, more and more synergised cross-sectoral and cross-pillar cooperation to mainstream human rights in all pillars of ASEAN, such as in the areas of trafficking in persons and disabilities, shows

encouraging development by the AICHR in balancing its promotion and protection mandates. To further support and enrich its programmes and activities, the AICHR has also been expanding its cooperation with various stakeholders and external parties at the national, regional and international levels.

The AICHR has stayed true in its endeavor to contribute to the realisation of a people-oriented and people-centred ASEAN Community. It has, since the beginning, involved the civil society in various phases of its developments and work. More institutionalised engagement between the AICHR and the civil society through the conferment of the Consultative Relationship with the AICHR to civil society organisations (CSOs) is a welcomed development.

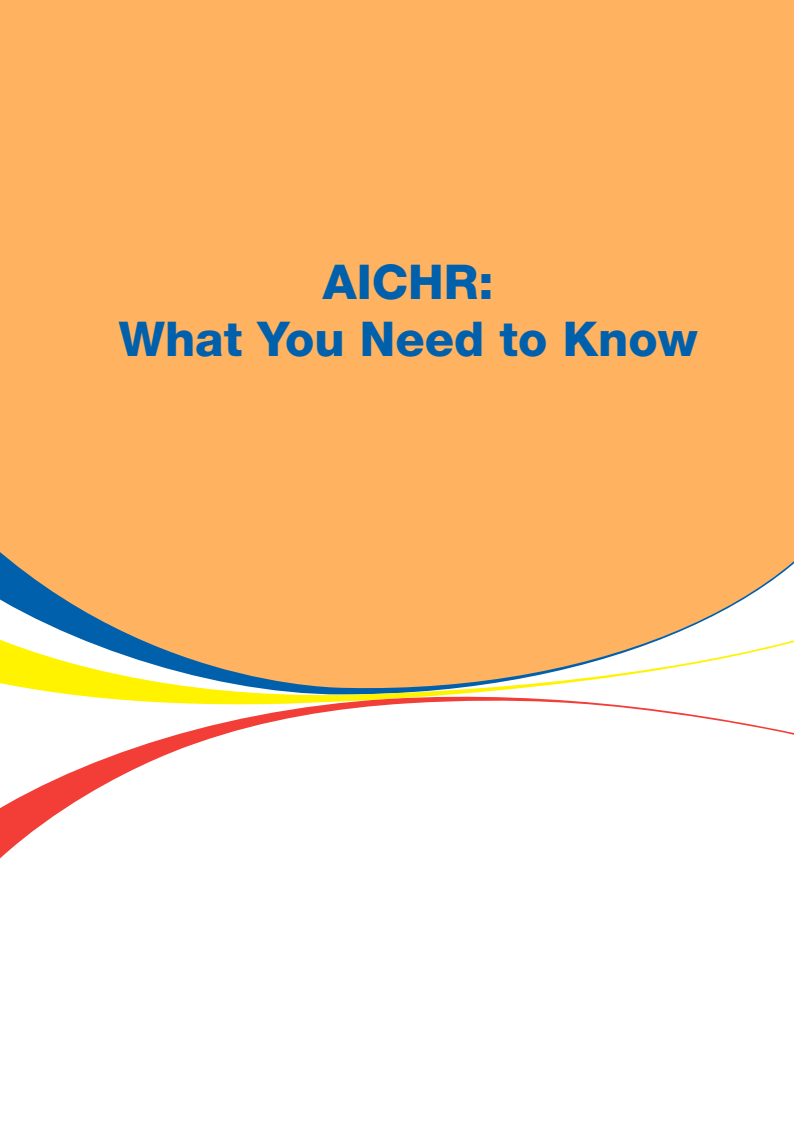
I have no doubt that the AICHR will continue to be innovative in pursuing forward-looking strategies to strengthen regional cooperation on human rights, and responsive in the face of emerging human rights challenges. The *AICHR: What You Need to Know - ASEAN 50th Anniversary Edition, A Compendium* outlines a wide array of the AICHR's structure, mandates and functions. With updates including recent developments since the launch of the ASEAN Community in 2015, and equipped with fundamental documents of the AICHR, namely the AHRD, the Phnom Penh Statement on the Adoption of the AHRD, and the Terms of Reference of AICHR, I believe this Compendium will provide considerable insights on the AICHR's contributions and its aspirations for the future.



LE LUONG MINH

Secretary-General of ASEAN

AICHR: What You Need to Know

The image features a solid orange background. In the lower half, there are three thick, curved lines that sweep across the frame from left to right. The topmost curve is blue, the middle one is yellow, and the bottom one is red. These lines overlap and create a sense of dynamic movement.



INTRODUCTION

For five decades since its establishment, ASEAN as an intergovernmental organisation has always endeavoured towards improving the lives of the peoples in the region, particularly in the economic, political-security and socio-cultural aspects. Human rights are an integral part of the ASEAN Community and are reflected in the ASEAN Charter (Articles 1.7, 2.2.i, and 14), the ASEAN Political-Security Blueprint 2009-2015 (section A.1.5), and the ASEAN Political-Security Community Blueprint 2025 (section A.2.5).

ASEAN established regional human rights bodies reflecting its strong commitment to the promotion and protection of human rights and fundamental freedoms and to further ensure the wellbeing of its people. The ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) were established in 2009 and 2010 respectively.

The AICHR, as the overarching human rights body in ASEAN with a cross-cutting mandate that handles matters related to human rights cooperation with other ASEAN Bodies, external partners and stakeholders, had set the tone for cooperation in human rights promotion and protection in ASEAN.

Yet how many people within the ASEAN region know of the AICHR? And how many are aware of how the AICHR came about and what mandates it holds? This booklet is intended to provide quick facts regarding the AICHR and the development of human rights in the ASEAN region.

ASEAN

ASEAN was established on 8 August 1967, through the signing of the ASEAN Declaration (Bangkok Declaration) by the five founding members of ASEAN: Indonesia, Malaysia, Philippines, Singapore and Thailand. Additional membership of five countries—Brunei Darussalam (1984), Viet Nam (1995), Lao PDR and Myanmar (1997), and Cambodia (1999)—raised the number of ASEAN Member States to ten.

The purposes of ASEAN, as encapsulated in the ASEAN Charter, include among others:

- To maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region;
- To enhance regional resilience by promoting greater political, security, economic and socio-cultural cooperation;

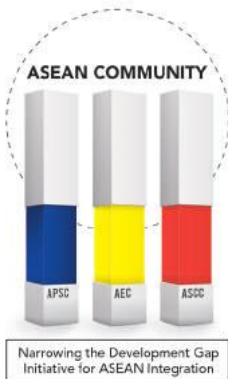
- To ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment;
- To alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation;
- To strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regards to the rights and responsibilities of the Member States of ASEAN;
- To develop human resources through closer cooperation in education and life-long learning, and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community;
- To enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice;
- To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building;
- To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region;

The ASEAN Charter's entry into force in 2008 provides legal status and institutional framework for ASEAN. Codifying ASEAN norms, rules and values, the Charter also ensures accountability and compliance and sets clear targets for ASEAN.

ASEAN has committed itself to establish an ASEAN Community by 2015, and has adopted a “Roadmap for an ASEAN Community 2009-2015”. This Community has been supported by the three Community Pillars, along with their respective Blueprints: the ASEAN Political-Security Community (APSC) Blueprint, the ASEAN Economic Community (AEC) Blueprint, and the ASEAN Socio-Cultural Community (ASCC) Blueprint. Each Community has its own Community Council which coordinates the work of different sectors under its purview.

At the 27th ASEAN Summit in Kuala Lumpur, Malaysia, ASEAN welcomed the formal establishment of the ASEAN Community and adopted the “ASEAN 2025: Forging Ahead Together” which succeeds the aforementioned Roadmap. It consists of the Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together, the ASEAN Community Vision 2025, the ASEAN Political-Security Community Blueprint 2025, the ASEAN Economic Community Blueprint 2025 and the ASEAN Socio-Cultural Community Blueprint 2025. These integral documents will chart the path over the next decade to further strengthen the ASEAN Community and to enable the realisation of a politically cohesive, economically integrated and socially responsible community – an ASEAN that is truly people-oriented, people-centred and rules-based.

The ASEAN Summit, which is composed of the ASEAN Heads of State/Government, is the highest policy-making body in ASEAN. They meet twice every year at the ASEAN Summit Meetings. The ASEAN Leaders are supported by their respective Foreign Ministers who meet as the ASEAN Coordinating Council (ACC) and in the ASEAN Foreign Ministers’ Meeting (AMM). Further into the structure of



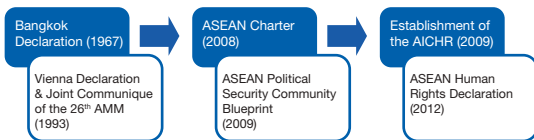
ASEAN, the ASEAN Member States appoint representatives to ASEAN with the rank of ambassadors, who sit as members of the Committee of Permanent Representatives (CPR). The CPR is tasked to coordinate with the ASEAN National Secretariats and the ASEAN Sectoral Ministerial Bodies and to facilitate ASEAN's cooperation with external partners.

Supporting the work and efforts undertaken by ASEAN is the ASEAN Secretariat. The ASEAN Secretariat is headed by the Secretary-General of ASEAN (who is accorded the same level as a Minister) and is assisted by four Deputy Secretaries-General, one for each of the ASEAN Communities and one for the Community and Corporate Affairs of ASEAN.

HUMAN RIGHTS ON THE ASEAN AGENDA

In 1993, the United Nations convened the World Conference on Human Rights in Vienna, Austria. The Member Countries of ASEAN, back then only consisting of six members, all participated at the World Conference. The Conference resulted in the Vienna Declaration and Programme of Action.

Development of human rights in ASEAN



Subsequently, the ASEAN Foreign Ministers in their Joint Communiqué of the 26th AMM (July 1993) stated the following:

16. *The Foreign Ministers welcomed the international consensus achieved during the World Conference on Human Rights in Vienna, 14-25 June 1993, and reaffirmed ASEAN's commitment to and respect for human rights and fundamental freedoms as set out in the Vienna Declaration of 25 June 1993. They stressed that human rights are interrelated and indivisible comprising civil, political, economic, social and cultural rights. These rights are of equal importance. They should be addressed in a balanced and integrated manner and protected and promoted with due regard for specific cultural, social, economic and political circumstances. They emphasized that the promotion and protection of human rights should not be politicized.*
17. *The Foreign Ministers agreed that ASEAN should coordinate a common approach on human rights and actively participate and contribute to the application, promotion and protection of human rights. They noted that the UN Charter had placed the question of universal observance and promotion of human rights within the context of international cooperation. They*

stressed that development is an inalienable right and that the use of human rights as a conditionality for economic cooperation and development assistance is detrimental to international cooperation and could undermine an international consensus on human rights. They emphasized that the protection and promotion of human rights in the international community should take cognizance of the principles of respect for national sovereignty, territorial integrity and non-interference in the internal affairs of states. They were convinced that freedom, progress and national stability are promoted by a balance between the rights of the individual and those of the community, through which many individual rights are realized, as provided for in the Universal Declaration of Human Rights.

18. *The Foreign Ministers reviewed with satisfaction the considerable and continuing progress of ASEAN in freeing its peoples from fear and want, enabling them to live in dignity. They stressed that the violations of basic human rights must be redressed and should not be tolerated under any pretext. They further stressed the importance of strengthening international cooperation on all aspects of human rights and that all governments should uphold humane standards and respect human dignity. In this regard and in support of the Vienna Declaration and Programme of Action of 25 June 1993, they agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights. For the first time, ASEAN set itself towards the development of regional human rights regime.*

The Second ASEAN Informal Summit, held in Kuala Lumpur on 15 December 1997, adopted the ASEAN Vision 2020 which sets out a broad vision for ASEAN in the year 2020: an ASEAN as a concert of Southeast Asian Nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies. In order to implement the long-term vision, the Hanoi Plan of Action (HPA) 1997 was drawn up.

Under Section IV, paragraph 4.8 of the HPA, ASEAN commits itself to enhance exchange of information in the field of human rights among ASEAN Countries in order to promote and protect all human rights and fundamental freedoms of all peoples in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action.

To support the realisation of an ASEAN Vision 2020, the ASEAN Member States drew up the 2004 Vientiane Action Programme. In the Action Programme, under the sub-section ‘Political Developments’, the Member States agree to “promote human rights and obligations”.

Five years later, ASEAN Member States decided to accelerate the establishment of an ASEAN Community by 2015. The Member States adopted the Roadmap for an ASEAN Community 2009-2015 and the three ASEAN Community Blueprints.

Human rights components, which were included in the 2004 Vientiane Action Programme were reiterated in the Action Programme under the ASEAN Political-Security Community (APSC) Blueprint 2009-2015, section A.1.5. “Promotion and



The AICHR with the Committee of Permanent Representatives (CPR) to ASEAN

Protection of Human Rights”, consisting of seven (7) action lines.

ASEAN’s commitment to realise an inclusive and responsive community that ensures the peoples’ enjoyment of human rights and fundamental freedoms is further emphasised under the APSC Blueprint 2025, section A.2.5 “Promote and protect human rights, fundamental freedoms and social justice to ensure our peoples live with dignity, in peace, harmony and prosperity” with the following action lines:

ACTIONS:

- i. Encourage ASEAN Member States to strengthen domestic legislation and institutions, promote human rights education and hold consultations with relevant stakeholders;

- ii. Encourage ASEAN Member States to ratify or to accede to core international human rights instruments and ensure their effective implementation;
- iii. Encourage ASEAN Member States to enhance engagement with the UN and relevant human rights mechanisms to which ASEAN Member States are parties, including on the Universal Periodic Review and relevant Treaty Bodies as well as share experiences and best practices;
- iv. Support the ASEAN Intergovernmental Commission on Human Rights (AICHR) in the discharge of its mandate, in accordance with its Terms of Reference (TOR);
- v. Enhance exchange of information on efforts to advance human rights and fundamental freedoms among ASEAN Member States in accordance with the ASEAN Charter, ASEAN Human Rights Declaration (AHRD) and Phnom Penh Statement on the Adoption of AHRD as well as international human rights declarations and instruments to which ASEAN Member States are parties;
- vi. Strengthen the implementation of the AHRD and the Phnom Penh Statement on the Adoption of the AHRD, including dissemination of information and promotion of public awareness on this Declaration;
- vii. Promote the mainstreaming of human rights across all three pillars of the ASEAN Community, through consultation among relevant ASEAN Sectoral Bodies;

- viii. Encourage interaction and consultation, where appropriate among AICHR, relevant ASEAN Sectoral Bodies and other stakeholders, including CSOs concerned with the promotion and protection of human rights;
- ix. Continue the work of AICHR in conducting collaborative research on thematic human rights issues in accordance with its TOR;
- x. Continue the work of AICHR in obtaining information from ASEAN Member States on the promotion and protection of human rights;
- xi. Enhance public awareness of human rights, among the peoples of ASEAN, including publication of periodic updates of AICHR activities and public information activities by relevant ASEAN Sectoral Bodies;
- xii. Consider, as appropriate, the review of the TOR of AICHR as provided in the TOR, consistent with the purposes and principles of the ASEAN Charter, with a view to further enhancing the promotion and protection of human rights within ASEAN;
- xiii. Strengthen the interaction between the network of existing human rights mechanisms as well as other CSOs, with relevant ASEAN Sectoral Bodies;
- xiv. Encourage coordination and consultation among relevant ASEAN Organs and Bodies with a view to enhancing the implementation of the AHRD, the Ha Noi Declaration on the Enhancement of Welfare and

Development of ASEAN Women and Children as well as the Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community, while maintaining their respective reporting lines; and

- xv. Cooperate closely with the relevant Sectoral Bodies, while maintaining the respective reporting lines, to expedite the work of the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers in developing an instrument to ensure the rights of migrant workers are well protected within the region, in accordance with the laws, regulations and policies of respective Member States.



AICHR

AICHR

“In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body” (ASEAN Charter, Article 14).





 ASSOCIATION OF SOUTHEAST ASIAN NATIONS



The High Level Panel on an ASEAN Human Rights Body drafted the Terms of Reference of AICHR (the TOR of the AICHR), which was adopted by the ASEAN Foreign Ministers' Meeting in July 2009. On 23 October 2009, the ten AICHR Representatives, one from each Member State, were appointed and the AICHR was inaugurated at the 15th ASEAN Summit in Cha-Am Hua Hin, Thailand.

In the *Cha-Am Hua Hin Declaration on the Inauguration of the AICHR*, the ASEAN Leaders stated that the AICHR is part of the intergovernmental cooperation among ten ASEAN Member States to develop regional cooperation on human rights. The establishment of the AICHR demonstrates ASEAN's commitment to pursue forward-looking strategies to strengthen regional cooperation on human rights. It is designed to be an integral part of ASEAN organisational structure and an overarching institution with overall responsibility for the promotion and protection of human rights in ASEAN.

Decision-making of the AICHR is based on consultation and consensus. The AICHR engages in dialogues and consultations with Entities associated with ASEAN, and also consults other national, regional and international institutions and entities concerned with the promotion and protection of human rights.

The AICHR holds two regular meetings in a year and additional meetings if and when necessary. They have produced several foundation documents as a framework and basis for their operationalisation such as:

- AICHR Five-Year Work Plan 2010-2015, AICHR Five-Year Work Plan 2016-2020, and indicative budgets;
- AICHR Priority Programmes/Activities (2010-2011, 2012, 2013, 2014, 2015, 2016 and 2017) with the respective annual budgets;
- Guidelines on the Operations of the AICHR (also known as the Guidelines of the AICHR);
- Rules of Procedure of the AICHR Fund (also known as the ROP of the AICHR Fund);
- Guidelines on Budget Standardisation;
- Guidelines on the AICHR Website's Editorial Board;
- Guidelines on Alignment between AICHR and ASEAN Sectoral Bodies dealing with Human Rights;
- Guidelines on the AICHR's Relations with Civil Society Organisations; and
- Rules of Procedure of the AICHR Programme Account (also known as the ROP of the AICHR Programme Account).

ASEAN Foreign Ministers' Interface with the Representatives of the AICHR at the 48th ASEAN Foreign Ministers' Meeting



MANDATES AND FUNCTIONS OF THE AICHR

The TOR of the AICHR lists out the fourteen (14) mandates of the AICHR.

- i. To develop strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN Community;
- ii. To develop an ASEAN Human Rights Declaration with a view to establishing a framework for human rights cooperation through various ASEAN Conventions and other instruments dealing with human rights;
- iii. To enhance public awareness of human rights among the peoples of ASEAN through education, research and dissemination of information;
- iv. To promote capacity building for the effective implementation of international human rights treaty obligations undertaken by ASEAN Member States;
- v. To encourage ASEAN Member States to consider acceding to and ratifying international human rights instruments;
- vi. To promote the full implementation of ASEAN instruments related to human rights;
- vii. To provide advisory services and technical assistance on human rights matters to ASEAN Sectoral Bodies upon request;

- viii. To engage in dialogue and consultation with other ASEAN Bodies and Entities associated with ASEAN, including civil society organisations and other stakeholders, as provided for in Chapter V of the ASEAN Charter;
- ix. To consult, as may be appropriate, with other national, regional and international institutions and entities concerned with the promotion and protection of human rights;
- x. To obtain information from ASEAN Member States on the promotion and protection of human rights;
- xi. To develop common approaches and positions on human rights matters of interest to ASEAN;
- xii. To prepare studies on thematic issues of human rights in ASEAN;
- xiii. To submit an annual report on its activities, or other reports if deemed necessary, to the ASEAN Foreign Ministers Meeting; and
- xiv. To perform any other task as maybe assigned to it by the ASEAN Foreign Ministers Meeting.

Each Representative of the AICHR is appointed by the respective government for the term of three years and is renewable once. The AICHR Representatives, in the discharge of his or her duties, shall act impartially in accordance with the ASEAN Charter and the TOR of the AICHR.

The TOR of the AICHR also sets out the line of reporting of the AICHR, the conduct of meeting(s), the role of the Chair of the AICHR, decision-making process, the release of public information and the AICHR's relationship with other human rights bodies within ASEAN.

The TOR of the AICHR can be accessed on the asean.org. You can also browse AICHR's Regional Website at aichr.org.

PROGRAMMES AND ACTIVITIES OF THE AICHR

The AICHR's priority areas on human rights are found in the Five-Year Work Plan, which is based on the 14 mandates of the AICHR outlined in their TOR. Each year, the AICHR specifies their high priority programmes and activities for the year based on the Work Plan and in response to emerging exigencies on human rights in the region. The AICHR has completed its first Five-Year Work Plan 2010-2015.

The AICHR has begun the implementation of its second Five-Year Work Plan 2016-2020, which was endorsed at the 48th AMM. The second Five-Year Work Plan builds on the first to further promote and implement the AHRD and the Phnom Penh Statement on the Adoption of the AHRD. It also aims to further enhance the synergy between the AICHR and relevant ASEAN Organs and Bodies to mainstream human rights in the three pillars of ASEAN.

The activities of the AICHR in the short and medium term include, among others:

- Undertake needs assessment for capacity building;
- Complete a stocktaking of existing human rights instruments acceded and ratified by ASEAN Member States;
- Conduct workshops on various themes related to human rights;

HUMAN RIGHTS-BASED APPROACH IN THE IMPLEMENTATION OF THE ASEAN CONVENTION AND ASEAN PLAN OF ACTION AGAINST TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN (ACTIP AND APA)

Jakarta, Indonesia
29-30 September 2016



AICHR-SOMTC Consultation on Human Rights-Based Approach in the Implementation of ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) and ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA)

- Conduct trainings on human rights for specific target groups, such as government officials, law enforcement officers, journalists, etc.;
- Strengthen the ASEAN Secretariat's support for the AICHR;
- Disseminate information relating to the work of the AICHR including publications in both English and national languages of the ASEAN Member States;
- Share best practices of effective implementation of international human rights treaty obligations among ASEAN Member States;



The AICHR Regional Dialogue on the Mainstreaming the Rights of Persons with Disabilities in the ASEAN Community

- Coordinate and consult with relevant ASEAN Sectoral Bodies to ensure the effective implementation of ASEAN instruments related to human rights;
- Identify current and potential human rights matters of interest to ASEAN;
- Develop regional plan of actions, recommendations, or ASEAN policy framework on human rights for women, children and persons with disabilities to mainstream and enhance human rights across the Community pillars, organs and bodies;
- Engage in dialogues with regional stakeholders on emerging human rights issues of interest to ASEAN pertaining to the promotion and protection of human rights in accordance with the AHRD, the Phnom Penh Statement on the Adoption of AHRD and the TOR of the AICHR;



The Workshop on Transition between the AICHR Representatives 2013-2015 and the AICHR Representatives 2016-2018

- Conduct studies on thematic issues of human rights in ASEAN; and
- Dialogue and consult with the three Communities on their respective activities in the ASEAN Community Vision 2025 and the Community Blueprints 2025 concerning the promotion and protection of human rights.

The AICHR in its eighth year of existence remains steadfast in its endeavours towards the advancement of human rights in ASEAN. Recognising that promotion and protection of human rights in ASEAN can only be holistically addressed through a close coordination between ASEAN institutions, the AICHR adopted Guidelines on Alignment between AICHR and ASEAN Sectoral Bodies dealing with Human Rights. Through the adoption of the Guidelines, the AICHR aims to enhance synergy and coherence with other bodies in ASEAN dealing with human rights, namely the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), the ASEAN Committee on Women (ACW) as well as the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). The AICHR also works together with relevant ASEAN Organs and Bodies on targeted human rights issues, for example with the Senior Officials Meeting on Transnational Crime (SOMTC) on trafficking in persons.

THE ASEAN HUMAN RIGHTS DECLARATION (AHRD)

Article 4.2 of the TOR of the AICHR states that the AICHR is mandated to develop an ASEAN Human Rights Declaration (AHRD) with a view to establishing a framework for human



The AICHR at the Signing Ceremony of the Phnom Penh Statement on the Adoption of the AHRD

rights cooperation through various ASEAN conventions and other instruments dealing with human rights.

In 2011, the AICHR commenced to discharge this mandate by setting up a Drafting Group to prepare the basic draft of the AHRD. Upon receiving the basic draft of the AHRD from the Drafting Group, the AICHR submitted their first Progress Report on the drafting of the AHRD to the AMM at the AMM Retreat in January 2012. In their first Progress Report, the AICHR set out the ways forward in drafting the AHRD—which includes scheduling meetings regularly dedicated to the drafting of the AHRD, engagement with the relevant stakeholders, including experts on human rights, submitting progress reports to the AMM, and setting the deadline of submitting the final version of the AHRD to the AMM before the 21st ASEAN Summit in November 2012.

In the drafting of the AHRD, the AICHR consulted and dialogued with representatives of ASEAN Sectoral Bodies, national, regional and international civil society organisations (CSOs), and human rights experts. The AICHR was very appreciative of the participation and contributions by the representatives of Sectoral Bodies, CSOs and the Experts, which helped make the draft of the AHRD a comprehensive declaration reflecting not only the aspiration of the peoples of ASEAN but also adding value to the international norms and standards of human rights by the inclusion of the right to peace, right to development and the avoidance of stigma for those suffering from communicable diseases such as HIV.

The AICHR submitted the first draft of the AHRD to the AMM at the 45th AMM in July 2012. With the submission of the first draft, the AICHR sought further guidance and instructions from the AMM on the next steps in drafting the AHRD. A refined second draft of the AHRD was presented to the Foreign Ministers during their Informal Meeting (IAMM) in September 2012, before it was submitted to the ASEAN Leaders. The ASEAN Leaders adopted the AHRD on 18 November 2012 and signed the *“Phnom Penh Statement on the Adoption of the ASEAN Human Rights Declaration”* (the “Phnom Penh Statement”). The AHRD is a landmark ASEAN document, which sets the framework for further promotion and protection of human rights and fundamental freedoms in the region. The AHRD represents the aspirations and determination of the ASEAN Member States and their populaces for a people-oriented ASEAN Community, as stipulated in the ASEAN Charter. The AHRD also reflects ASEAN’s commitments to the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other international human rights instruments, to which ASEAN Member States

are parties as well as to other relevant ASEAN declarations and instruments pertaining to human rights.

Given the significance of the AHRD and the Phnom Penh Statement, the AICHR gave priority to the dissemination of these documents, including raising awareness on their importance and relevance, conducting their translation into national languages of the AMS and uploading the translated versions to the AICHR Website (aichr.org). The AICHR also discussed and consulted relevant ASEAN Sectoral Bodies on the possibility of developing ASEAN legal instruments on human rights to implement the promotion and protection of human rights enshrined in the AHRD.

To raise awareness on the significance of these documents, the AICHR, in partnership with the CPR, held a joint event themed “Contributing to the ASEAN Community Building through the Implementation of the ASEAN Human Rights Declaration (AHRD)”. The



event was organized in conjunction with the Celebration of the 46th ASEAN Day at the ASEAN Secretariat in Jakarta, Indonesia. At the event, the AICHR also launched the “ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the Adoption of the AHRD and its Translations” (AHRD Book), which contains the translation of the AHRD to the main languages of the ASEAN Member States. The Launching was marked with the presentation of the AHRD Book to representatives from parliamentarians, business organisations, think tanks and academia, civil

society organisations, and youth leaders. During the event, a panel discussion on “The AHRD and the ASEAN Community Building by 2015” was also convened with Representatives from the AICHR and CPR as panel discussants.

THE AICHR’S ENGAGEMENT WITH EXTERNAL PARTIES

Since its establishment, the AICHR has been putting efforts to institutionalise cooperation with external partners at national, regional and international levels. The dialogues with the Inter-American Commission on Human Rights, the Fundamental Rights Agency, the European Court of Human Rights, government agencies of the European Union (EU), Japan, and the United States (U.S.) as well as other agencies/actors including CSOs have paved the way for the AICHR to further cooperate with different stakeholders at all levels.

The AICHR has conducted a study visit to the U.S. in November 2010 at the invitation of the President of the U.S., H.E. Barack Obama. The visit provided the AICHR with a timely opportunity to inform the U.S. government, relevant United Nations (UN) agencies, international organisations and international CSOs about the work of the AICHR since its inauguration as well as its proposed programmes and activities for the years to come. It allowed for the exchanged views on human rights issues of mutual concerns and explores possibilities of future cooperation with the U.S. State Department, the relevant UN agencies and the Inter-American Commission on Human Rights and CSOs.

The AICHR also conducted a study visit to Europe in May 2011 by invitation of the External Relations Directorate General of the European Commission. AICHR visited three European cities, Brussels, Strasbourg and Vienna, and met with various European institutions dealing with human rights. They met with European External Action Service (EEAS) of the EU, the European Commission, the relevant divisions of the Council of Europe, the Fundamental Rights Agency and the Organisation for Security and Cooperation in Europe (OSCE), especially those dealing with Freedom of Media, and the OSCE Special Representative and Coordinator for Combating Trafficking in Human Rights. They also met with various European CSOs and exchanged information about activities.

The second visit to the EU was conducted in October 2015. The AICHR along with the Chairs of the ACWC, the ACW and the ACMW participated in the ASEAN-EU Policy Dialogue on Human Rights. This was the first policy dialogue on human rights between ASEAN and the EU. During the policy dialogue both sides exchanged open and constructive views on human rights issues of mutual interests and on recent human rights developments in the EU and ASEAN, and identified the potential areas of human rights cooperation. The ASEAN Delegation met with Members of the European Parliament, Brussels-based Human Rights and Democracy NGO network. They also met with various European businesses at the round table organised by The Shift and CSR Europe. They attended a seminar on “Pan European Human Rights Mechanism” hosted by the Belgian Ministry of Foreign Affairs with the participation of representatives from the Council of Europe and the OSCE. The Delegation also visited several Belgian institutions dealing with migrants, persons with disabilities and equal opportunities.



ASEAN Delegates at the ASEAN-EU Policy Dialogue on Human Rights

The AICHR was invited to Japan in 2014 for a study visit where they met with several key interlocutors. The AICHR met with Parliamentary Senior Vice-Minister for Foreign Affairs, the Vice-Minister for Foreign Policy and Deputy Chief Cabinet Secretary/Secretary General of National Security Secretariat. The AICHR also met with human rights experts from Japan such as Dr. Yozo Yokota, the President, Center for Human Rights Education and Training and member of the UN Sub-Commission on the Promotion and Protection of Human Rights, Ambassador in charge of UN Affairs, Director of the Kyoto Human Rights Research Institute, among others. The AICHR was also able to observe an example of Japan's employment of persons with disabilities at the Isetan Mitsukoshi Soleil.

As of 2014, the AICHR has jointly organised several activities and workshops with various external partners concerned with the promotion and protection of human rights such as UN Women, United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), United Nations High Commissioner for Refugees (UNHCR), the EU and the Working Group for an ASEAN Human Rights Mechanism.

The AICHR had also met the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, at its 7th Meeting in November 2011 in Bali, Indonesia, and the EU Special Representative for Human Rights, Mr. Stavros Lambrinidis, at its 12th Meeting in May 2013 at the ASEAN Secretariat.

The AICHR has engaged with CSOs in a number of occasions, most importantly in the consultations during the drafting of the AHRD, and the consultations aiming at contributing to the review of the TOR of the AICHR. 2015 marked a significant development on interaction between the AICHR and CSOs with the adoption of the *Guidelines on the AICHR's Relations with Civil Society Organisations*. It prescribes the types and modalities of engagement, and thereby further institutionalises the interactions between the AICHR and CSOs.

The AICHR will continue the operationalisation of these Guidelines periodically for a strengthened ASEAN cooperation in the promotion and protection of human rights and fundamental freedoms. The list of CSOs which have been granted Consultative Relationship with the AICHR is available at aichr.org.

DEVELOPMENTS SINCE THE ESTABLISHMENT OF ASEAN COMMUNITY

Since its establishment in 2009, the AICHR has been vigorous in developing strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of an inclusive, people-oriented and people-centred ASEAN Community. Despite being the youngest human rights mechanism established, it has seen significant achievements in advancing human rights in the ASEAN region.

The implementation of AICHR's programme has shifted from activity-based towards programmatic approach since late 2015, such as on the development of ASEAN legal human rights instruments, and on the intersection between human rights, environment and climate change.

The AICHR has also broaden its priorities to include new topics and target groups, such as right to peace, right to education, corporate social responsibility and human rights, and media and human rights. In March 2017, the AICHR initiated its first engagement with the judiciaries of ASEAN Member States through the *AICHR Judicial Colloquium on the Sharing of Good Practices Regarding International Human Rights Law*.

Various cross-sectoral and cross-pillar cooperation have been undertaken to ensure that human rights are mainstreamed in all the three pillars of ASEAN. The first *AICHR-SOMTC Consultation on Human Rights-Based Approach to the Implementation of the ASEAN Convention Against Trafficking in Persons, Especially Woman and Children (ACTIP)* was conducted in September 2016, and the second consultation is scheduled to be convened in later part of 2017.



24th Meeting of the AICHR at the ASEAN Secretariat

Rights of persons with disabilities has also been another priority for the AICHR. The AICHR in collaboration with the Senior Officials Meeting on Social Welfare and Development (SOMSWD) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) established the *Task Force on the Mainstreaming of the Rights of Persons with Disabilities in the ASEAN Community* with the mandate to draft a regional action plan on disability. This marks the first collaboration between the ASEAN Political-Security Community and the ASEAN Socio-Cultural Community pillar on disabilities.

The following activities will be organised by the AICHR to commemorate the 50th Anniversary of ASEAN:

- Launch of the Regional Action Plan on the Mainstreaming Rights of Persons with Disabilities in the ASEAN Community.
- AICHR Youth Debate on Human Rights 2017 – 50th Anniversary of ASEAN: Forging Ahead Together Toward a Sustainable Community.

A Video of the AICHR and a Compendium of the AICHR's core documents consisting of 1) AICHR: What You Need to Know Booklet, 2) the ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the Adoption of the AHRD and 3) the Terms of Reference of the AICHR will also be released in commemoration of the golden anniversary of ASEAN.

AICHR ACTIVITIES



AICHR-ACWC Training Workshop on the UN Convention on the Rights of the Child (UN CRC), 13-14 July 2017, Singapore



AICHR Judicial Colloquium on the Sharing of Good Practices regarding International Human Rights Law, 13-15 March 2017, Kuala Lumpur, Malaysia



AICHR Regional Workshop on Strengthening National Plans of Action on Trafficking in Persons to Ensure Effective Implementation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) and ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA), 1-2 December 2016, Phnom Penh, Cambodia



AICHR Seminar on Promoting Corporate Social Responsibility (CSR) and Human Rights in ASEAN, 3-4 November 2016, Singapore



The AICHR Workshop on Effective Communication Strategies to Combat Trafficking in Persons, 23-24 June 2016, Nha Trang, Viet Nam



AICHR Youth Debate on Human Rights, 5-6 September 2015, Singapore



The AICHR Programme on Human Rights: Training of Trainers for Journalists in ASEAN Member States, 25-29 July 2015, Bangkok, Thailand



FREQUENTLY ASKED QUESTIONS

FREQUENTLY ASKED QUESTIONS (FAQs)

1. What does intergovernmental mean?

A. Intergovernmental means that the organisation is established by the agreement among the nation-states. Members of the organisation are composed of sovereign states (referred to as Member States).

2. Why are the AICHR members referred to as Representatives and not Commissioners?

A. The members of the AICHR are Representatives of ASEAN Member States, accountable to their respective Governments, appointed with full mandate, with due respect to the principles of the ASEAN Charter, their Terms of Reference, international human rights standards and bear the responsibility to promote and protect human rights and fundamental freedoms of the peoples of ASEAN.

3. What are the duties of the AICHR?

A. The Terms of Reference (TOR) of the AICHR stipulates the 14 mandates of AICHR. The AICHR is a principal organ of ASEAN and the overarching institution on human rights with overall responsibility for the promotion and protection of human rights in ASEAN.

The AICHR as the overarching institution in ASEAN on human rights shall work with other ASEAN Bodies dealing with human rights to align with the AICHR as well as other ASEAN Bodies on common areas of interest. Through its cooperation with other ASEAN Bodies and with external partners, the AICHR will develop a regional cooperation on human rights.

4. The AICHR often uses the term “overarching” when describing their mandate. What does it mean?

A. Although there are other ASEAN Bodies dealing with human rights, such as those specializing on the issue of the rights of women and children or of migrant workers, the AICHR has the overall responsibility in ASEAN to promote and protect human rights and fundamental freedoms. The AICHR also deals with all categories of human rights such as political, civil, economic, social, and cultural rights including rights of different groups.

5. How will the AICHR work with other entities, such as the civil society organisations, non-government organisations, the national human rights institutions, other human rights organisations, and UN, regional sectoral bodies as well as private sector?

A. As a consultative body, the AICHR shall consult and cooperate with other entities as deemed appropriate. The AICHR needs to subscribe a method for engagement with the different types of organisation or entity.

6. If my rights are violated, can I submit my grievances to the AICHR or to the AICHR Representative of my country? How does the public communicate with the AICHR?

A. As an intergovernmental body, the AICHR focuses its work on the regional cooperation of the promotion and protection of human rights. In its current TOR, endorsed in July 2009 by the ASEAN Foreign Ministers, the AICHR does not have the mandate to handle individual cases.



The AICHR's meeting with the Secretary-General of ASEAN

Organisations or individuals may send letters for the attention of the AICHR through the AICHR Chair, and copying all the other AICHR Representatives and the ASEAN Secretariat.

7. To what extent does the work of the AICHR contribute or create an impact on human rights in the region and the human rights of the people in the Southeast Asian region?

A. The impact on human rights can be derived by creating awareness in the peoples of ASEAN on their rights. In addition, the systematic approach of thematic studies with deliverable results to the public will surely create an impact on human rights. The annual report of the AICHR, presented to the Foreign Ministers, opinions given by the AICHR, public information on the work of the AICHR could certainly create an impact on human rights.

8. The AICHR seems to focus more on the promotion side rather than the protection of human rights, is it true?

A. The AICHR works under the spirit of consultation and consensus. However, it is not an obstacle to the promotion and protection of human rights, especially on educating and raising awareness on human rights to the people of ASEAN. The promotion of human rights should be done in parallel with other developments, to ensure that strong protection mechanisms are created.

9. What is the role of the Secretary-General of ASEAN and the ASEAN Secretariat (ASEC)?

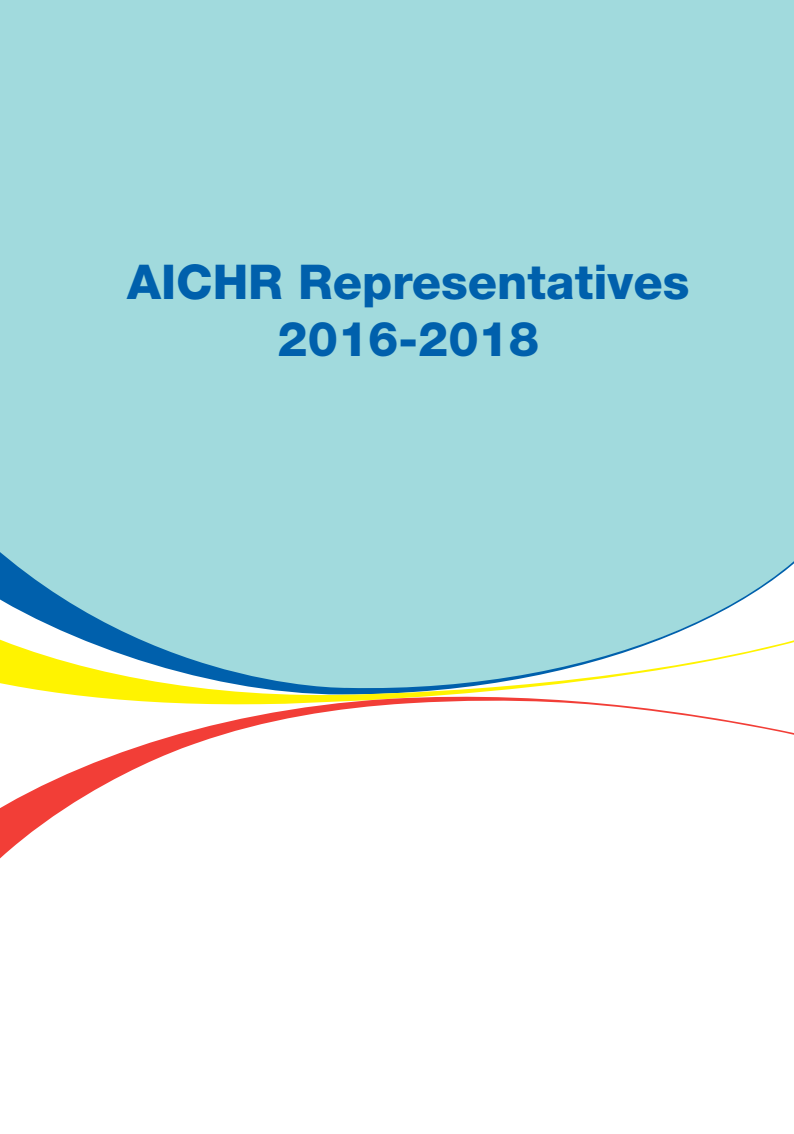
A. The Secretary-General of ASEAN may bring relevant issues to the attention of the AICHR with regards to carrying out his/her duties and responsibilities in accordance with the provisions of the ASEAN Charter. The Secretary-General can also raise attention to issues related to the implementation of ASEAN agreements and decisions.

The ASEAN Secretariat currently serves as the regional secretariat of the AICHR. The ASEAN Secretariat maintains effective lines of communication between the AICHR with other ASEAN Bodies, external parties and other relevant stakeholders, as well as disseminates information on the latest developments of ASEAN and the AICHR to those concerned. The ASEAN Secretariat is the custodian of the AICHR Fund and the institutional memory of ASEAN and of the AICHR. The ASEAN Secretariat supports the implementation of the AICHR's Priority Programmes/Activities, as well as propose, assess, and assist in project formulation and implementation of the AICHR's Work Plan.

10. Where can I find more information about the AICHR?

A. General information and the latest news updates about ASEAN, including the press releases of the AICHR, can be accessed through the asean.org. The AICHR also has its own regional website, aichr.org.

AICHR Representatives 2016-2018

The background of the page is a solid light blue. In the lower half, there are three large, curved, overlapping shapes in dark blue, yellow, and red. These shapes originate from the left edge and curve towards the right, creating a dynamic, abstract design. The dark blue shape is the largest and is positioned highest, with the yellow and red shapes layered beneath it.

The Representatives of the AICHR are selected and appointed by their respective Governments with due consideration to gender equality, integrity and competence in the field of human rights. The AICHR Representatives have a term of office of three years, and may be re-appointed for one more term.

THE REPRESENTATIVES OF THE AICHR (2016-2018)



Brunei Darussalam

H.E. Haji Nazmi bin Haji Mohamad
(since June 2017)



Education:

- B.A. Management, University Brunei Darussalam.

Career:

- 2017: Representative of Brunei Darussalam to the AICHR.
- 2017: Permanent Secretary (Corporate Affairs and Public Administration), Prime Minister's Office.

- 2014: Board Member of the Brunei Economic Development Board (BEDB).
- 2012: Permanent Secretary (Management and International), Ministry of Finance.
- 2012: Deputy Chairman, Centre for Strategic and Policy Studies (CSPS).
- 2012: Deputy Co-Chairman, Employee Trust Fund.
- 2012: Chairman, Brunei Darussalam Deposit Protection Corporation.
- 2012: Chairman, Islamic Financial Supervisory Board.
- 2012: Alternate Governor, Asian Development Bank (ADB).
- 2008: Deputy Permanent Secretary, Ministry of Foreign Affairs and Trade.
- 2008: Director, Expenditure Division, Ministry of Finance.
- 2007: Adviser to the Executive Director of the Southeast Asia Voting Group, International Monetary Fund (IMF).
- 2004: Administrative Officer, Ministry of Finance.
- 2000: Administrative Officer, Ministry of Industry and Primary Resources.
- 1997: Member of the Brunei Darussalam Economic Council (BDEC) Secretariat.
- 1996: Administrative Officer, Prime Minister's Office.
- 1995: Administrative Officer (Special Grade), Ministry of Finance.
- 1991: Project Officer, Ministry of Industry and Primary Resources.



Cambodia

H.E. Mrs. Polyne Hean



Education:

- M.A. in Democracy and Governance, Georgetown University, USA.
- M.A. in Development Studies, University of East Anglia, UK.
- B.A. in Economics, Royal University of Law and Economics, Cambodia.
- B.Ed. in TEFL, Royal University of Phnom Penh, Cambodia.

Career:

- Representative of Cambodia to the AICHR.
- Director, ASEAN Department, Office of the Council of Ministers.
- Board Member, iAB Group.
- Vice President, iAB Architecture and Construction Co., Ltd.

- CM Focal Point, National Committee on NTMs and NTR.
- Member, National Committee to Counter Trafficking.
- Member, the Cambodia-China Relations Research Group.



Indonesia

H.E. Mrs. Dinna Wisnu, Ph.D.



Education:

- Ph.D. (Doctor of Philosophy) in Political Science, the Ohio State University, USA – by full scholarship.
- M.A. in Political Science, the Ohio State University, USA – by full scholarship.
- B.A. in International Relations, the University of Indonesia, Jakarta-Indonesia.

Career:

- 2017-now: Co-founder & Director, Atma Jaya Institute of Public Policy.
- 2015: Co-founder & Member, Center for Social Protection & Master Degree program in Social Protection, University of Indonesia.
- 2009-now: Advise the Government of Indonesia and is involved in various political economy and diplomacy-related activities.

- September 2008-2017: Co-founder & Director, Paramadina Graduate School of Diplomacy & Paramadina Graduate Schools.
- 2007-2008: Research Director, Center for East Asia Cooperation Studies, University of Indonesia.
- 2007-2008: Deputy Director & Civil Society Expert, RESPECT Project on Religious and Social Pluralism, Equity and Tolerance (World Learning & USAID).
- 2001-2007: Teaching Associate, Department of Political Science, the Ohio State University, USA.
- 1998-2001: National Democratic Institute.
- 1996-1998: Suara Karya Weekly Newspaper.



Lao PDR

H.E. Mr. Phoukhong Sisoulath



Education:

- M.A. in International Law, Moscow State Institute of International Relations (MGIMO).
- PGDip in International Law, Nottingham University.
- Higher Diploma in Politics and Public Administration, Lao National Academy of Politics and Public Administration.
- Alumnus, Fulbright American Studies Institute: Reform in American History and Law at Boston College.

Career:

- 2015: Member of the Lao Delegation to the UPR 2nd Cycle of the UN Human Rights Council.
- Since 2014: Head of Output 5: International Law and Human Rights, Legal Sector Master Plan on the Rule of Law.
- Since 2014: Head of Secretariat, Lao National Steering Committee on Human Rights.

- Since 2014: Director General, Department of Treaties and Law, Ministry of Foreign Affairs.
- 2014: Participant of EU Visitor Programme (EUVP).
- Since 2013: Representative of the Lao PDR to the AICHR.
- 2011-2012: Assistant to the Lao PDR Representative to the AICHR, then Lao PDR Alternate Representative to the AICHR.
- 1996-2010: Joined the Department of Treaties and Laws, Ministry of Foreign Affairs (MoFA), served in capacities, including Desk Officer, Legal Officer, Human Rights Officer, Deputy Director of the Legal Affairs Division, Director of the Multilateral Treaties Division, Director of the Human Rights Division, Deputy Director-General, National Project Manager of the International Law Project Phases I, II and III.



Malaysia

H.E. Mr. Edmund Bon Tai Soon



Education:

- MSt in International Human Rights Law, University of Oxford, England (British Chevening Scholarship).
- LL.B. Laws Honours, University College of London, England (Malaysian Scholarship).

Career:

- 2016: Head of Chambers (Civil), AmerBON *Advocates*, Kuala Lumpur.
- 2014-2016: Head of Chambers, BON *Advocates*, Kuala Lumpur.
- 2012-2014: Partner, Chooi & Company, *Advocates & Solicitors*, Kuala Lumpur.
- 2002-2012: Senior Associate, Chooi & Company, *Advocates & Solicitors*, Kuala Lumpur.
- 1998-2002: Associate, Chooi & Company, *Advocates & Solicitors*, Kuala Lumpur.

- 2011: Co-founder of the Malaysian Centre for Constitutionalism & Human Rights (MCCHR).
- 2010: Co-author of Halsbury's Laws of Malaysia on "Citizenship, Immigration, National Security & the Police" (Volume 27).
- 2016-2017: Chairperson, Innovation and Future of Law Committee, Bar Council.
- 2009-2011: Chairperson, Constitutional Law Committee, Bar Council.
- 2007-2009: Chairperson, Human Rights Committee, Bar Council.
- 2006-2008: Chairperson, National Young Lawyers' Committee, Bar Council.
- 2006-2011; 2016-2017: Elected member, Bar Council, Malaysia.
- 2006-2008: Secretariat member, Suara Rakyat Malaysia (SUARAM).
- 2006: Co-founder of blawg (legal blog), www.loyarburok.com.
- 2005-2008: Legal Counsel, United Nations High Commissioner for Refugees (UNHCR).
- 2004-2014: Member, National Human Rights Society (HAKAM).
- 1998-2017: More than 60 human rights and public interest cases reported in the media and law journals, and more than 900 hours of training and capacity-building programmes conducted locally and regionally.
- 1998: Advocate and Solicitor, the High Court of Malaya (Admitted to the Bar of Malaya in June 1998).
- 1997: Utter Barrister, the Honourable Society of Lincoln's Inn (Admitted to the Bar of England & Wales in September 2007).



Myanmar

H.E. Amb. Hla Myint



Education:

- Master in Public Policy, John Hopkins University, USA.
- B.A., Yangon University.

Career:

- 2015: Myanmar Representatives to High Level Task Force on the ASEAN Community's Post-2015 Vision.
- 2008-present: ASEAN Regional Forum of Experts and Eminent Persons.
- 2011-2012: Expert and Eminent Person of Myanmar to ASEAN-U.S.
- 2011-2014: Member of Myanmar National Human Rights Commission.
- 2008-2010: Ambassador Extraordinary and Plenipotentiary to the Commonwealth of Australia and New Zealand.
- 2006-2008: Director-General, International Organizations and Economic Department, Ministry of Foreign Affairs.

- Director-General, Training Research and Foreign Language Department, Ministry of Foreign Affairs.
- 2005-2006: Deputy Director-General, International Organizations and Economic Department, Ministry of Foreign Affairs.
- 2002-2005: Minister Counsellor, Myanmar Embassy, Pretoria, South Africa.
- 1998-2002: Director, International Organizations and Economic Department, Ministry of Foreign Affairs.
- 1992-1998: First Secretary, Myanmar Permanent Mission, New York, USA.
- 1988-1992: Assistant Director, Ministry of Foreign Affairs.
- 1984-1988: Third Secretary, Myanmar Permanent Mission, Geneva, Switzerland.
- 1980: Ministry of Foreign Affairs.
- 1974-1980: Ministry of Home Affairs.
- 1970-1974: Ministry of Education.



Philippines

H. E. Mr. Leo M. Herrera-Lim
(since December 2016)



Education:

- Bachelor of Laws (LL.B.), University of the Philippines.
- Bachelor of Arts, Major in Economics (*Cum Laude*), University of the Philippines.

Career:

- May 2017-present: Assistant Secretary, Office of the Undersecretary for International Economic Relations, Department of Foreign Affairs.
- July 2016-May 2017: Senior Special Assistant, Office of the Undersecretary for International Economic Relations, Department of Foreign Affairs.
- 2014-2016: Consul General, Philippine Consulate General Los Angeles, California.
- 2010-2014: Consul General, Philippine Consulate General Chicago, Illinois.

- 2008-2010: Special Assistant, Office of the Undersecretary of Foreign Affairs (Policy).
- 2000-2008: First Secretary & Consul, then Minister & Consul General, Philippine Embassy London, United Kingdom.
- 1998-2000: Special Assistant, Office of the Undersecretary of Foreign Affairs (Admin).
- 1991-1998: Third Secretary, later Second Secretary and Consul, Philippine Embassy in Washington, DC.
- 1989-1991: Director, U.S. Division, Office of American Affairs, DFA.
- 1988-1991: Assistant Director, Treaties Division, Office of Legal Affairs, DFA.



Singapore

H.E. Amb. Barry Desker



Education:

- M.A., University of London (Ford Foundation Fellowship).
- B.A. (First Class Honours), University of Singapore (President's Scholarship).

Career:

- Member of the Presidential Council for Minority Rights.
- Non-Resident Ambassador of Singapore to the Holy See and Spain.
- Expert and Eminent Person (EEP) of Singapore, ASEAN Regional Forum.
- Member of the Board of Directors of the Lee Kuan Yew Exchange Fellowship.
- Deputy Chairman, Trilateral Commission.
- Member of Governing Board of the Economic Research Institute for ASEAN and East Asia.
- Distinguished Fellow at RSIS.

- 2007-2014: Dean of Rajaratnam School of International Studies, Nanyang Technological University (RSIS).
- 2000-2014: Director of the Institute of Defence and Strategic Studies.
- 1994-2000: Chief Executive Officer, Trade Development Board.
- 1986-1993: Ambassador of Singapore to Indonesia.
- 1984-1986: Deputy Secretary and Director, Policy, Planning and Analysis Division, Ministry of Foreign Affairs.
- 1982-1984: Deputy Permanent Representative to the United Nations, New York.



Thailand

H.E. Dr. Seree Nonthasoot



Education:

- Doctor of Philosophy, University of Oxford, England, United Kingdom.
- Magister Juris (European and Comparative Law), University of Oxford (Chevening Scholarship).
- LL.M. (International Trade Law), Columbia University School of Law, New York, USA (Fulbright Scholarship).
- Barrister-at-Law, Bar Association of Thailand.
- LL.B., Thammasat University, Bangkok, Thailand.

Career:

- Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights [www.AICHR.or.th].
- Director and Audit Committee Member, SME Development Bank of Thailand.
- Director and Chairman of Audit Committee Member, KTB Law Co., Ltd.

- Director, Krungthai Computer Services, Co., Ltd.
- Senior Executive Vice President, Institute of Research and Development for Public Enterprises [www.IRDP.org].
- 2004-Present: Special lecturer at Thammasat University, Faculty of Law.
- 1999-Present: Special lecturer in the Master Degree in Human Rights Studies (International Programme), Mahidol University.
- 2011: Member, Drafting Group for the ASEAN Human Rights Declaration.
- 2003-2013: Legal Counsel, State Enterprise Policy Office, Ministry of Finance.
- 1995-2000: Legal Advisor, Office of the Council of State, Office of the Prime Minister.



Viet Nam

H.E. Amb. Nguyen Thi Nha



Education:

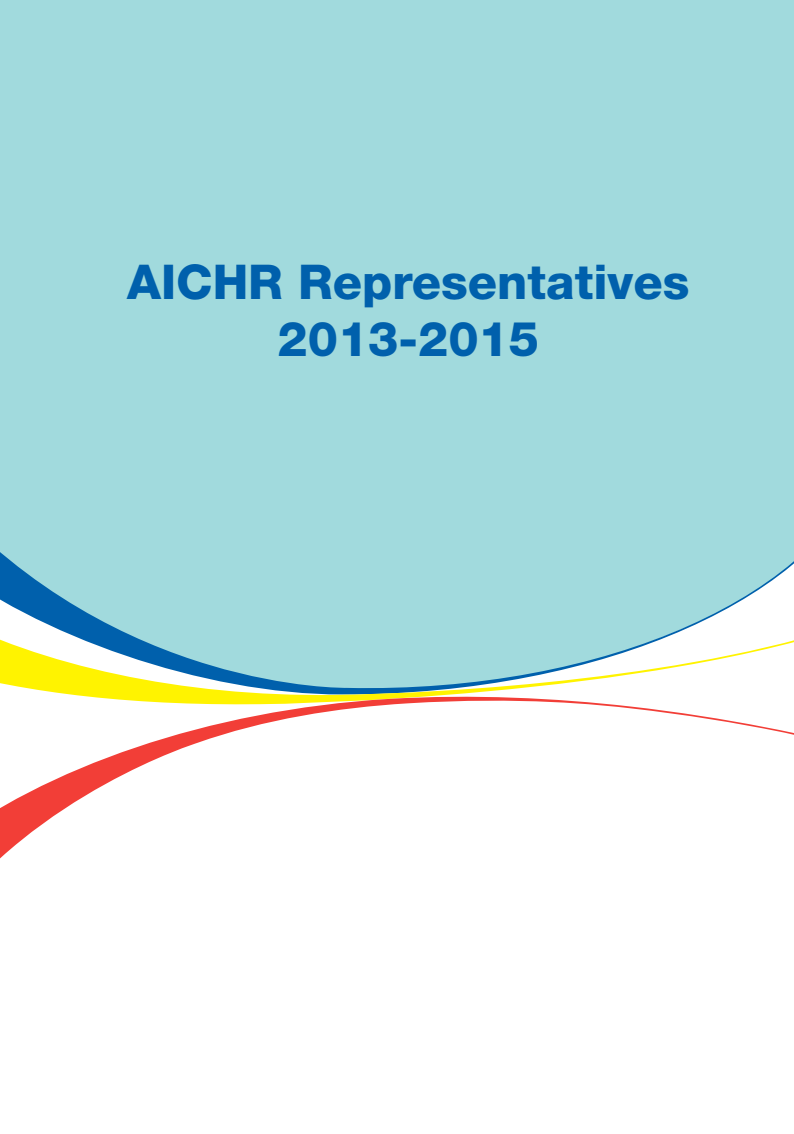
- Master Degree in Law & Diplomacy – Tufts University, Fletcher School of Law & Diplomacy, Massachusetts, United States.
- TESOL Diploma - Canberra, Australia.
- Bachelor's Degree in International Relations, Diplomatic Academy of Viet Nam – Hanoi.

Career:

- 2016-2018: Ambassador, Representative of Viet Nam to the ASEAN Intergovernmental Commission on Human Rights (AICHR).
- Since 2013: Ambassador, Ministry of Foreign Affairs of Viet Nam.
- 2011-2014: Director-General, Ministry of Foreign Affairs.
- 2011-2014: Consul-General of Viet Nam to Hong Kong & Macau - China's Special Administrative Regions.

- 2005-2008: Minister Counselor, Deputy Head of Mission, Embassy of Viet Nam to the United Kingdom and Northern Ireland.
- 1995-1999: First Secretary, Permanent Mission of Viet Nam to the United Nations, New York, USA.
- 1990-1992: Third Secretary, Permanent Mission of Viet Nam to the United Nations Office and other international organisations in Geneva, Switzerland.
- 1980-1990: Official, General Affairs and International Organizations Department.

AICHR Representatives 2013-2015

The background of the page is a solid light blue. In the lower half, there are three large, curved, overlapping shapes. The topmost is a dark blue shape that curves upwards at both ends. Below it is a yellow shape that also curves upwards at both ends. The bottommost is a red shape that curves upwards at both ends. These shapes create a sense of movement and depth.

THE REPRESENTATIVES OF THE AICHR (2013-2015)



Brunei Darussalam

H.E. Pehin Dato Dr. Awang Hj. Ahmad bin Hj. Jumat



Cambodia

H.E. Mr. Srun Thirith





Indonesia

H.E. Mr. Rafendi Djamin



Lao PDR

H.E. Mr. Phoukhong Sisoulath





Malaysia

H.E. Tan Sri Dr. Muhammad Shafee Abdullah



Myanmar

H.E. Amb. Kyaw Tint Swe





Philippines

H.E. Amb. Rosario Gonzalez Manalo



Singapore

H.E. Amb. Chan Heng Chee





Thailand

H.E. Dr. Seree Nonthasoot



Viet Nam

H.E. Ms. Le Thi Thu



AICHR Representatives 2009-2012

The background of the page is a solid light blue. In the lower half, there are three large, curved, overlapping shapes. The topmost is a dark blue shape that curves upwards at both ends. Below it is a yellow shape that also curves upwards at both ends. The bottommost is a red shape that curves upwards at both ends. These shapes create a sense of movement and depth.

THE REPRESENTATIVES OF THE AICHR (2009-2012)



Brunei Darussalam

H.E. Pehin Dato Dr. Awang Hj. Ahmad bin Hj. Jumat (since November 2011)



Cambodia

H.E. Dr. Om Yenteng





Indonesia

H.E. Mr. Rafendi Djamin



Lao PDR

H.E. Mr. Bounkeut Sangsomsak





Malaysia

H.E. Dato' Sri Dr. Muhammad Shafee Abdullah



Myanmar

H.E. Amb. Kyaw Tint Swe





Philippines

H.E. Amb. Rosario Gonzalez Manalo



Singapore

H.E. Mr. Richard Magnus





Thailand

H.E. Dr. Sriprapha Petcharamesree



Viet Nam

H.E. Amb. Nguyen Duy Hung
(since November 2010)



ASEAN HUMAN RIGHTS DECLARATION

**AND
THE PHNOM PENH STATEMENT
ON THE ADOPTION OF THE
ASEAN HUMAN RIGHTS
DECLARATION (AHRD)**

ASEAN HUMAN RIGHTS DECLARATION

WE, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (hereinafter referred to as “ASEAN”), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, on the occasion of the 21st ASEAN Summit in Phnom Penh, Cambodia.

REAFFIRMING our adherence to the purposes and principles of ASEAN as enshrined in the ASEAN Charter, in particular the respect for and promotion and protection of human rights and fundamental freedoms, as well as the principles of democracy, the rule of law and good governance;

REAFFIRMING FURTHER our commitment to the Universal Declaration of Human Rights, the Charter of the United Nations, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties;

REAFFIRMING ALSO the importance of ASEAN’s efforts in promoting human rights, including the Declaration of the Advancement of Women in the ASEAN Region and the Declaration on the Elimination of Violence against Women in the ASEAN Region;

CONVINCED that this Declaration will help establish a framework for human rights cooperation in the region and contribute to the ASEAN community building process;

HEREBY DECLARE AS FOLLOWS:

GENERAL PRINCIPLES

1. All persons are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of humanity.
2. Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.
3. Every person has the right of recognition everywhere as a person before the law. Every person is equal before the law. Every person is entitled without discrimination to equal protection of the law.
4. The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalised groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms.
5. Every person has the right to an effective and enforceable remedy, to be determined by a court or other competent authorities, for acts violating the rights granted to that person by the constitution or by law.
6. The enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties as every person has responsibilities to all other individuals, the community and the society

where one lives. It is ultimately the primary responsibility of all ASEAN Member States to promote and protect all human rights and fundamental freedoms.

7. All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.
8. The human rights and fundamental freedoms of every person shall be exercised with due regard to the human rights and fundamental freedoms of others. The exercise of human rights and fundamental freedoms shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition for the human rights and fundamental freedoms of others, and to meet the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society.
9. In the realisation of the human rights and freedoms contained in this Declaration, the principles of impartiality, objectivity, non-selectivity, non-discrimination, non-confrontation and avoidance of double standards and politicisation, should always be upheld. The process of such realisation shall take into account peoples' participation, inclusivity and the need for accountability.

CIVIL AND POLITICAL RIGHTS

10. ASEAN Member States affirm all the civil and political rights in the Universal Declaration of Human Rights. Specifically, ASEAN Member States affirm the following rights and fundamental freedoms:
11. Every person has an inherent right to life which shall be protected by law. No person shall be deprived of life save in accordance with law.
12. Every person has the right to personal liberty and security. No person shall be subject to arbitrary arrest, search, detention, abduction or any other form of deprivation of liberty.
13. No person shall be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for the purpose of trafficking in human organs.
14. No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
15. Every person has the right to freedom of movement and residence within the borders of each State. Every person has the right to leave any country including his or her own, and to return to his or her country.
16. Every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements.

17. Every person has the right to own, use, dispose of and give that person's lawfully acquired possessions alone or in association with others. No person shall be arbitrarily deprived of such property.
18. Every person has the right to a nationality as prescribed by law. No person shall be arbitrarily deprived of such nationality nor denied the right to change that nationality.
19. The family as the natural and fundamental unit of society is entitled to protection by society and each ASEAN Member State. Men and women of full age have the right to marry on the basis of their free and full consent, to found a family and to dissolve a marriage, as prescribed by law.
20. (1) Every person charged with a criminal offence shall be presumed innocent until proved guilty according to law in a fair and public trial, by a competent, independent and impartial tribunal, at which the accused is guaranteed the right to defence.

(2) No person shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed and no person shall suffer greater punishment for an offence than was prescribed by law at the time it was committed.

(3) No person shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of each ASEAN Member State.

21. Every person has the right to be free from arbitrary interference with his or her privacy, family, home or correspondence including personal data, or to attacks upon that person's honour and reputation. Every person has the right to the protection of the law against such interference or attacks.
22. Every person has the right to freedom of thought, conscience and religion. All forms of intolerance, discrimination and incitement of hatred based on religion and beliefs shall be eliminated.
23. Every person has the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information, whether orally, in writing or through any other medium of that person's choice.
24. Every person has the right to freedom of peaceful assembly.
25. (1) Every person who is a citizen of his or her country has the right to participate in the government of his or her country, either directly or indirectly through democratically elected representatives, in accordance with national law.

(2) Every citizen has the right to vote in periodic and genuine elections, which should be by universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with national law.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

26. ASEAN Member States affirm all the economic, social and cultural rights in the Universal Declaration of Human Rights. Specifically, ASEAN Member States affirm the following:
27. (1) Every person has the right to work, to the free choice of employment, to enjoy just, decent and favourable conditions of work and to have access to assistance schemes for the unemployed.
- (2) Every person has the right to form trade unions and join the trade union of his or her choice for the protection of his or her interests, in accordance with national laws and regulations.
- (3) No child or any young person shall be subjected to economic and social exploitation. Those who employ children and young people in work harmful to their morals or health, dangerous to life, or likely to hamper their normal development, including their education should be punished by law. ASEAN Member States should also set age limits below which the paid employment of child labour should be prohibited and punished by law.
28. Every person has the right to an adequate standard of living for himself or herself and his or her family including:
- a. The right to adequate and affordable food, freedom from hunger and access to safe and nutritious food;
 - b. The right to clothing;
 - c. The right to adequate and affordable housing;

- d. The right to medical care and necessary social services;
 - e. The right to safe drinking water and sanitation;
 - f. The right to a safe, clean and sustainable environment.
29. (1) Every person has the right to the enjoyment of the highest attainable standard of physical, mental and reproductive health, to basic and affordable health-care services, and to have access to medical facilities.
- (2) The ASEAN Member States shall create a positive environment in overcoming stigma, silence, denial and discrimination in the prevention, treatment, care and support of people suffering from communicable diseases, including HIV/AIDS.
30. (1) Every person shall have the right to social security, including social insurance where available, which assists him or her to secure the means for a dignified and decent existence.
- (2) Special protection should be accorded to mothers during a reasonable period as determined by national laws and regulations before and after childbirth. During such period, working mothers should be accorded paid leave or leave with adequate social security benefits.
- (3) Motherhood and childhood are entitled to special care and assistance. Every child, whether born in or out of wedlock, shall enjoy the same social protection.

31. (1) Every person has the right to education.
- (2) Primary education shall be compulsory and made available free to all. Secondary education in its different forms shall be available and accessible to all through every appropriate means. Technical and vocational education shall be made generally available. Higher education shall be equally accessible to all on the basis of merit.
- (3) Education shall be directed to the full development of the human personality and the sense of his or her dignity. Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States. Furthermore, education shall enable all persons to participate effectively in their respective societies, promote understanding, tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.
32. Every person has the right, individually or in association with others, to freely take part in cultural life, to enjoy the arts and the benefits of scientific progress and its applications and to benefit from the protection of the moral and material interests resulting from any scientific, literary or appropriate artistic production of which one is the author.
33. ASEAN Member States should take steps, individually and through regional and international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to

achieving progressively the full realisation of economic, social and cultural rights recognised in this Declaration.

34. ASEAN Member States may determine the extent to which they would guarantee the economic and social rights found in this Declaration to non-nationals, with due regard to human rights and the organisation and resources of their respective national economies.

RIGHT TO DEVELOPMENT

35. The right to development is an inalienable human right by virtue of which every human person and the peoples of ASEAN are entitled to participate in, contribute to, enjoy and benefit equitably and sustainably from economic, social, cultural and political development. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. While development facilitates and is necessary for the enjoyment of all human rights, the lack of development may not be invoked to justify the violations of internationally recognised human rights.
36. ASEAN Member States should adopt meaningful people- oriented and gender responsive development programmes aimed at poverty alleviation, the creation of conditions including the protection and sustainability of the environment for the peoples of ASEAN to enjoy all human rights recognised in this Declaration on an equitable basis, and the progressive narrowing of the development gap within ASEAN.

37. ASEAN Member States recognise that the implementation of the right to development requires effective development policies at the national level as well as equitable economic relations, international cooperation and a favourable inter national economic environment. ASEAN Member States should mainstream the multidimensional aspects of the right to development into the relevant areas of ASEAN community building and beyond, and shall work with the international community to promote equitable and sustainable development, fair trade practices and effective international cooperation.

RIGHT TO PEACE

38. Every person and the peoples of ASEAN have the right to enjoy peace within an ASEAN framework of security and stability, neutrality and freedom, such that the rights set forth in this Declaration can be fully realised. To this end, ASEAN Member States should continue to enhance friendship and cooperation in the furtherance of peace, harmony and stability in the region.

COOPERATION IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

39. ASEAN Member States share a common interest in and commitment to the promotion and protection of human rights and fundamental freedoms which shall be achieved through, inter alia, cooperation with one another as well as with relevant national, regional and

international institutions/organisations, in accordance with the ASEAN Charter.

40. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to perform any act aimed at undermining the purposes and principles of ASEAN, or at the destruction of any of the rights and fundamental freedoms set forth in this Declaration and international human rights instruments to which ASEAN Member States are parties.

Adopted by the Heads of State/Government of ASEAN Member States at Phnom Penh, Cambodia, this Eighteenth Day of November in the Year Two Thousand and Twelve, in one single original copy in the English Language.

PHNOM PENH STATEMENT ON THE ADOPTION OF THE ASEAN HUMAN RIGHTS DECLARATION (AHRD)

WE, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (ASEAN), on the occasion of the 21st ASEAN Summit in Phnom Penh, Cambodia;

REAFFIRMING ASEAN's commitment to the promotion and protection of human rights and fundamental freedoms as well as the purposes and the principles as enshrined in the ASEAN Charter, including the principles of democracy, rule of law and good governance;

REITERATING ASEAN and its Member States' commitment to the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties as well as to relevant ASEAN declarations pertaining to human rights;

ACKNOWLEDGING the importance of the role of the ASEAN Intergovernmental Commission on Human Rights (AICHR), as the overarching institution responsible for the promotion and protection of human rights in ASEAN, that contributes towards the building of a people-oriented ASEAN Community and as a vehicle for progressive social development and justice, the full realization of human dignity and the attainment of a higher quality of life for ASEAN peoples;

COMMENDING AICHR for developing a comprehensive declaration on human rights, in consultation with ASEAN Sectoral Bodies and other relevant stakeholders;

ACKNOWLEDGING the meaningful contribution of ASEAN Sectoral Bodies and other relevant stakeholders in the promotion and protection of human rights in ASEAN, and encourage their continuing engagement and dialogue with the AICHR;

DO HEREBY:

1. **ADOPT** the ASEAN Human Rights Declaration (AHRD);
2. **AFFIRM** our commitment to the full implementation of the AHRD to advance the promotion and protection of human rights in the region; and
3. **REAFFIRM** further our commitment to ensure that the implementation of the AHRD be in accordance with our commitment to the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties, as well as to relevant ASEAN declarations and instruments pertaining to human rights.

DONE at Phnom Penh, Kingdom of Cambodia, this Eighteenth Day of November in the Year Two Thousand and Twelve, in a single original in the English language.

For Brunei Darussalam:
HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:
SAMDECH AKKA MOHA SENA PADEI TECHO HUN SEN
Prime Minister

For the Republic of Indonesia:
SUSILO BAMBANG YUDHOYONO
President

For the Lao People's Democratic Republic:
THONGSING THAMMAVONG
Prime Minister

For Malaysia:
DATO' SRI MOHD NAJIB TUN ABDUL RAZAK
Prime Minister

For the Republic of the Union of Myanmar:
U THEIN SEIN
President

For the Republic of the Philippines:
BENIGNO S. AQUINO III
President

For the Republic of Singapore:
LEE HSIEN LOONG
Prime Minister

For the Kingdom of Thailand:

YINGLUCK SHINAWATRA

Prime Minister

For the Socialist Republic of Viet Nam:

NGUYEN TAN DUNG

Prime Minister

**ASEAN
INTERGOVERNMENTAL
COMMISSION ON
HUMAN RIGHTS**
(Terms of Reference)

Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights

Pursuant to Article 14 of the ASEAN Charter, the ASEAN Intergovernmental Commission on Human Rights (AICHR) shall operate in accordance with the following Terms of Reference (TOR):

1 PURPOSES

The purposes of the AICHR are:

- 1.1. To promote and protect human rights and fundamental freedoms of the peoples of ASEAN;
- 1.2. To uphold the right of the peoples of ASEAN to live in peace, dignity and prosperity;
- 1.3. To contribute to the realisation of the purposes of ASEAN as set out in the ASEAN Charter in order to promote stability and harmony in the region, friendship and cooperation among ASEAN Member States, as well as the well-being, livelihood, welfare and participation of ASEAN peoples in the ASEAN Community building process;
- 1.4. To promote human rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities;

- 1.5. To enhance regional cooperation with a view to complementing national and international efforts on the promotion and protection of human rights; and
- 1.6. To uphold international human rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and international human rights instruments to which ASEAN Member States are parties.

2

PRINCIPLES

The AICHR shall be guided by the following principles:

- 2.1. Respect for principles of ASEAN as embodied in Article 2 of the ASEAN Charter, in particular:
 - a) respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States;
 - b) non-interference in the internal affairs of ASEAN Member States;
 - c) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion;
 - d) adherence to the rule of law, good governance, the principles of democracy and constitutional government;
 - e) respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;

- f) upholding the Charter of the United Nations and international law, including international humanitarian law, subscribed to by ASEAN Member States; and
 - g) respect for different cultures, languages and religions of the peoples of ASEAN, while emphasising their common values in the spirit of unity in diversity.
- 2.2. Respect for international human rights principles, including universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, as well as impartiality, objectivity, non-selectivity, non-discrimination, and avoidance of double standards and politicisation;
- 2.3 Recognition that the primary responsibility to promote and protect human rights and fundamental freedoms rests with each Member State;
- 2.4 Pursuance of a constructive and non-confrontational approach and cooperation to enhance promotion and protection of human rights; and
- 2.5 Adoption of an evolutionary approach that would contribute to the development of human rights norms and standards in ASEAN.

3

CONSULTATIVE INTER-GOVERNMENTAL BODY

The AICHR is an inter-governmental body and an integral part of the ASEAN organisational structure. It is a consultative body.

- 4.1. To develop strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN Community;
- 4.2. To develop an ASEAN Human Rights Declaration with a view to establishing a framework for human rights cooperation through various ASEAN conventions and other instruments dealing with human rights;
- 4.3. To enhance public awareness of human rights among the peoples of ASEAN through education, research and dissemination of information;
- 4.4. To promote capacity building for the effective implementation of international human rights treaty obligations undertaken by ASEAN Member States;
- 4.5. To encourage ASEAN Member States to consider acceding to and ratifying international human rights instruments;
- 4.6. To promote the full implementation of ASEAN instruments related to human rights;
- 4.7. To provide advisory services and technical assistance on human rights matters to ASEAN sectoral bodies upon request;
- 4.8. To engage in dialogue and consultation with other ASEAN bodies and entities associated with ASEAN, including civil society organisations and other stakeholders, as provided for in Chapter V of the ASEAN Charter;

- 4.9. To consult, as may be appropriate, with other national, regional and international institutions and entities concerned with the promotion and protection of human rights;
- 4.10. To obtain information from ASEAN Member States on the promotion and protection of human rights;
- 4.11. To develop common approaches and positions on human rights matters of interest to ASEAN;
- 4.12. To prepare studies on thematic issues of human rights in ASEAN;
- 4.13. To submit an annual report on its activities, or other reports if deemed necessary, to the ASEAN Foreign Ministers Meeting; and
- 4.14. To perform any other tasks as may be assigned to it by the ASEAN Foreign Ministers Meeting.

5 COMPOSITION

Membership

- 5.1. The AICHR shall consist of the Member States of ASEAN.
- 5.2. Each ASEAN Member State shall appoint a Representative to the AICHR who shall be accountable to the appointing Government.

Qualifications

- 5.3. When appointing their Representatives to the AICHR, Member States shall give due consideration to gender equality, integrity and competence in the field of human rights.
- 5.4. Member States should consult, if required by their respective internal processes, with appropriate stakeholders in the appointment of their Representatives to the AICHR.

Term of Office

- 5.5. Each Representative serves a term of three years and may be consecutively re-appointed for only one more term.
- 5.6. Notwithstanding paragraph 5.5, the appointing Government may decide, at its discretion, to replace its Representative.

Responsibility

- 5.7. Each Representative, in the discharge of his or her duties, shall act impartially in accordance with the ASEAN Charter and this TOR.
- 5.8. Representatives shall have the obligation to attend AICHR meetings. If a Representative is unable to attend a meeting due to exceptional circumstances, the Government concerned shall formally notify the

Chair of the AICHR of the appointment of a temporary representative with a full mandate to represent the Member State concerned.

Chair of the AICHR

- 5.9. The Chair of the AICHR shall be the Representative of the Member State holding the Chairmanship of ASEAN.
- 5.10. The Chair of the AICHR shall exercise his or her role in accordance with this TOR, which shall include:
- a) leading in the preparation of reports of the AICHR and presenting such reports to the ASEAN Foreign Ministers Meeting;
 - b) coordinating with the AICHR's Representatives in between meetings of the AICHR and with the relevant ASEAN bodies;
 - c) representing the AICHR at regional and international events pertaining to the promotion and protection of human rights as entrusted by the AICHR; and
 - d) undertaking other specific functions entrusted by the AICHR in accordance with this TOR.

Immunities and Privileges

- 5.11. In accordance with Article 19 of the ASEAN Charter, Representatives participating in official activities of the AICHR shall enjoy such immunities and privileges as are necessary for the exercise of their functions.

6 MODALITIES

Decision-making

- 6.1. Decision-making in the AICHR shall be based on consultation and consensus in accordance with Article 20 of the ASEAN Charter.

Number of Meetings

- 6.2. The AICHR shall convene two regular meetings per year. Each meeting shall normally be not more than five days.
- 6.3. Regular meetings of the AICHR shall be held alternately at the ASEAN Secretariat and the Member State holding the Chair of ASEAN.
- 6.4. As and when appropriate, the AICHR may hold additional meetings at the ASEAN Secretariat or at a venue to be agreed upon by the Representatives.
- 6.5. When necessary, the ASEAN Foreign Ministers may instruct the AICHR to meet.

Line of Reporting

- 6.6. The AICHR shall submit an annual report and other appropriate reports to the ASEAN Foreign Ministers Meeting for its consideration.

Public Information

- 6.7. The AICHR shall keep the public periodically informed of its work and activities through appropriate public information materials produced by the AICHR.

Relationship with Other Human Rights Bodies within ASEAN

- 6.8. The AICHR is the overarching human rights institution in ASEAN with overall responsibility for the promotion and protection of human rights in ASEAN.
- 6.9. The AICHR shall work with all ASEAN sectoral bodies dealing with human rights to expeditiously determine the modalities for their ultimate alignment with the AICHR. To this end, the AICHR shall closely consult, coordinate and collaborate with such bodies in order to promote synergy and coherence in ASEAN's promotion and protection of human rights.

7

ROLE OF THE SECRETARY-GENERAL AND ASEAN SECRETARIAT

- 7.1. The Secretary-General of ASEAN may bring relevant issues to the attention of the AICHR in accordance with Article 11.2 (a) and (b) of the ASEAN Charter. In so doing, the Secretary-General of ASEAN shall concurrently inform the ASEAN Foreign Ministers of these issues.
- 7.2. The ASEAN Secretariat shall provide the necessary secretarial support to the AICHR to ensure its effective performance. To facilitate the Secretariat's support to the AICHR, ASEAN Member States may, with the concurrence of the Secretary-General of ASEAN, second their officials to the ASEAN Secretariat.

- 8.1. The AICHR shall prepare and submit a Work Plan of programmes and activities with indicative budget for a cycle of five years to be approved by the ASEAN Foreign Ministers Meeting, upon the recommendation of the Committee of Permanent Representatives to ASEAN.
- 8.2. The AICHR shall also prepare and submit an annual budget to support high priority programmes and activities, which shall be approved by the ASEAN Foreign Ministers Meeting, upon the recommendation of the Committee of Permanent Representatives to ASEAN.
- 8.3. The annual budget shall be funded on equal sharing basis by ASEAN Member States.
- 8.4. The AICHR may also receive resources from any ASEAN Member States for specific extra-budgetary programmes from the Work Plan.
- 8.5. The AICHR shall also establish an endowment fund which consists of voluntary contributions from ASEAN Member States and other sources.
- 8.6. Funding and other resources from non-ASEAN Member States shall be solely for human rights promotion, capacity building and education.
- 8.7. All funds used by the AICHR shall be managed and disbursed in conformity with the general financial rules of ASEAN.

- 8.8. Secretarial support for the AICHR shall be funded by the ASEAN Secretariat's annual operational budget.

9

GENERAL AND FINAL PROVISIONS

- 9.1. This TOR shall come into force upon the approval of the ASEAN Foreign Ministers Meeting.

Amendments

- 9.2. Any Member State may submit a formal request for an amendment of this TOR.
- 9.3. The request for amendment shall be considered by the Committee of Permanent Representatives to ASEAN in consultation with the AICHR, and presented to the ASEAN Foreign Ministers Meeting for approval.
- 9.4. Such amendments shall enter into force upon the approval of the ASEAN Foreign Ministers Meeting.
- 9.5. Such amendments shall not prejudice the rights and obligations arising from or based on this TOR before or up to the date of such amendments.

Review

- 9.6. This TOR shall be initially reviewed five years after its entry into force. This review and subsequent reviews shall be undertaken by the ASEAN Foreign Ministers Meeting, with a view to further enhancing the promotion and protection of human rights within ASEAN.

- 9.7. In this connection, the AICHR shall assess its work and submit recommendations for the consideration of the ASEAN Foreign Ministers Meeting on future efforts that could be undertaken in the promotion and protection of human rights within ASEAN consistent with the principles and purposes of the ASEAN Charter and this TOR.

Interpretation

- 9.8. Any difference concerning the interpretation of this TOR which cannot be resolved shall be referred to the ASEAN Foreign Ministers Meeting for a decision.

LIST OF MEMBERS OF THE HIGH LEVEL PANEL ON AN ASEAN HUMAN RIGHTS BODY (HLP)

■ Brunei Darussalam

H.E. DATO SHOFRY ABDUL GHAFOR

Permanent Secretary

Ministry of Foreign Affairs and Trade

■ Cambodia

H.E. MR. OM YENTIENG

Advisor to the Royal Government of Cambodia

President of the Human Rights Committee of Cambodia

■ Indonesia

H.E. MR. RACHMAT BUDIMAN

Director of Political, Security and Territorial Treaties

Department of Foreign Affairs

■ Lao PDR

H.E. MR. BOUNKEUT SANGSOMSAK

Deputy Foreign Minister

Ministry of Foreign Affairs

■ Malaysia

H.E. TAN SRI AHMAD FUZI ABDUL RAZAK

Ambassador –at-Large

Ministry of Foreign Affairs

Myanmar

H.E. MR. U MYAT KO

Secretary of Myanmar Human Rights Group
Director-General, General Administration Department
Ministry of Home Affairs

The Philippines

H.E. AMBASSADOR ROSARIO G. MANALO

Special Envoy
Department of Foreign Affairs

Singapore

H.E. MR. BILAHARI KAUSIKAN

Second Permanent Secretary
Ministry of Foreign Affairs

Thailand

H.E. AMBASSADOR SIHASAK PHUANGKETKEOW

Permanent Representative of Thailand to the UN Office
in Geneva

Viet Nam

H.E. MR. PHAM QUANG VINH

Assistant Minister
Ministry of Foreign Affairs



ASEAN: A Community of Opportunities

 ASEAN

 @ASEAN

 @asean

 www.asean.org www.aichr.org