



SUMMARY REPORT

AICHR REGIONAL CONSULTATION ON ENHANCING ASEAN'S HUMAN RIGHTS MECHANISMS FOR THE EFFECTIVE PROMOTION AND PROTECTION OF HUMAN RIGHTS

22 to 23 September 2025
Putrajaya, Malaysia

Introduction

1. The global and regional human rights landscape has evolved over the past two decades. In Southeast Asia, the Association of Southeast Asian Nations ('ASEAN') Member States have made important strides toward the promotion and protection of human rights. A key milestone in this journey was the establishment of the ASEAN Intergovernmental Commission on Human Rights ('AICHR'), inaugurated by ASEAN Leaders on 23 October 2009 at the 15th ASEAN Summit in Cha-Am Hua Hin, Thailand, in accordance with Article 14 of the ASEAN Charter. This step reflected a collective and forward-looking commitment by ASEAN to ensure that human rights is an integral part of its regional agenda.

2. ASEAN's approach to human rights is distinctive and rooted in regional specificities. The AICHR was established in 2009 prior to the adoption of a regional human rights declaration. Three years later, the ASEAN Human Rights Declaration ('AHRD') and the Phnom Penh Statement on the Adoption of the AHRD was adopted. Together, these documents provide the normative foundation for AICHR's work and guide its operational modalities, including the development and implementation of its work plans.

3. Guided by its Terms of Reference ('TOR'), AICHR carries out a range of functions, including developing strategies for the promotion and protection of human rights, supporting the implementation of ASEAN human rights instruments, and formulating common approaches on regional human rights issues. AICHR has made notable progress.

4. The TOR, particularly Clauses 9.6 and 9.7, envisions a periodic review of AICHR with a view to enhancing its effectiveness. They provide the basis for AICHR to reflect on its achievements and recommend future directions for ASEAN's collective human rights efforts. AICHR has thus conducted two self-assessment exercises in 2014 and 2021, with recommendations submitted to the ASEAN Foreign Ministers' Meeting ('AMM'). These assessments reflect AICHR's commitment to continuous improvement consistent with Articles 7 and 8 of the Cha-Am Hua Hin Declaration on the AICHR 2009.

5. Importantly, the *ASEAN Community Vision 2045: Resilient, Innovative, Dynamic, and People-Centred ASEAN* places the ASEAN peoples at the heart of ASEAN efforts to ensure the meaningful and inclusive participation of all stakeholders in the ASEAN Community-building process. It also commits to strengthening ASEAN's institutions and refreshing processes to make them more resilient, innovative, agile, adaptive, responsive, and decisive in addressing cross-cutting issues and urgent and specific situations in a timely manner, as well as future-ready to address regional challenges. Further, ASEAN's institutional capacity and effectiveness will be enhanced to promote greater synergy and coordination in cross-pillar and cross-sectoral issues.

6. In line with the new Vision 2045 and building on past activities on ASEAN's human rights mechanisms, AICHR convened the "Regional Consultation on Enhancing ASEAN's Human Rights Mechanisms for the Effective Promotion and Protection of Human Rights" on 22 and 23 September 2025 in Putrajaya, Malaysia. The Consultation brought together AICHR Representatives, Alternate Representatives, former AICHR Representatives, representatives from Timor-Leste, ASEAN Secretariat and key ASEAN stakeholders such as ASEAN sectoral bodies, national human rights institutions ('NHRIs'), the Working Group for an ASEAN Human Rights Mechanism ('WGAHRM') — an Annex II body under the ASEAN Charter 2007, civil society organisations, academia and experts, including from and on the Inter-American Commission on Human Rights ('IACHR') and the African Commission on Human and People's Rights ('ACHPR') to explore pathways to enhance the effectiveness of ASEAN's human rights architecture.

7. The programme was jointly supported by ASEAN through its AICHR Fund, WGAHRM, Australia through the Australian Human Rights Commission ('AHRC') and Australian AID, the Friedrich Naumann Foundation for Freedom ('FNF'), and in collaboration with the Human Rights Commission of Malaysia ('SUHAKAM').

Welcome Remarks

8. Delivering his welcome remarks, **H.E. Edmund Bon Tai Soon**, Chair of AICHR 2025 and Representative of Malaysia to AICHR,

9. In his remarks, the Representative of Malaysia to AICHR opened by posing the perennial question of how ASEAN's human rights mechanisms could be made more effectively protective of the people, noting that this had long been the subject of debate and numerous seminars organised by ASEAN bodies, external partners and civil society organisations. He situated the Consultation within the vision of *ASEAN 2045: Our Shared Future* and the *ASEAN Community Vision 2045: "Resilient, Innovative, Dynamic, and People-Centred ASEAN"*, which calls for an inclusive and cohesive Community that respects political, social, religious, cultural and ethnic diversity, upholds democracy, the rule of law and good governance, and promotes and protects human rights and social justice, anchored in ASEAN Centrality with

organs and mechanisms that are more decisive, responsive, agile and future-ready in addressing regional and cross-cutting challenges.

10. He noted that the consultation built on more than a decade of work on ASEAN's human rights architecture and expressed appreciation for the presence of WGAHRM, which he described as one of ASEAN's key norm entrepreneurs on human rights, credited in academic literature for its diplomacy in advocating for the establishment of an ASEAN human rights mechanism. He recalled that WGAHRM's work, together with that of other stakeholders, had contributed to the establishment of AICHR as the human rights body under Article 14 of the ASEAN Charter.

11. Turning to institutional developments, he updated participants on the review of the AICHR TOR, explaining that pursuant to paragraph 9.6 of the TOR, a review was to be undertaken five years after entry into force by the AMM, with a view to further enhancing the promotion and protection of human rights within ASEAN. He noted that AICHR had already conducted two self-assessment exercises, in 2014 and 2021, with recommendations submitted to the AMM, reflecting AICHR's commitment to continuous improvement consistent with Articles 7 and 8 of the 2009 Cha-Am Hua Hin Declaration. He further reported that a Panel of Experts tasked by the ASEAN Senior Officials' Meeting in 2019 had, as of June 2025, received nominations from five Member States — Cambodia, Indonesia, Malaysia, the Philippines and Thailand — and clarified that while parts of the TOR, such as the drafting of the AHRD, had already been implemented, a review did not necessarily entail change and could instead affirm the status quo. Notwithstanding the pending review, he cited the work of regional scholars, including Dr Tan Hsien-Li's writing on AICHR's "adaptive" protection of human rights through the institutionalisation of its scrutiny functions, and Dr Robin Ramcharan's survey of the Commission's work on prevention, mitigation, remedies and redress, as evidence of AICHR's recent progress in its protection role.

12. He stressed that, while AICHR is sometimes seen to deliberate on human rights at a high level, Representatives remained alive to real-world issues facing the region, sharing and seeking information on human rights developments at every meeting. He pointed to press releases issued when appropriate, such as on the Myanmar-Thailand earthquake (2025) and the COVID-19 pandemic (2020), as well as statements by groups of individual Representatives on the execution of activists in Myanmar (2022), the military coup in Myanmar (2021), World Human Rights Day and transboundary haze pollution in 2019, and the Rakhine State situation and resulting refugee outflow (2018). He also described AICHR's communication mechanism, through which complaints and cases are received, reviewed, verified, and responded to, citing recent cases in which AICHR has responded and others that remain under consideration.

13. In closing, he underscored that the importance of AICHR could not be overstated, noting that issues raised in the media or by civil society, and received by the Commission or by individual Representatives, included violations, conflicts and hostilities in the region. He expressed hope that AICHR could lead the region in meeting these human rights challenges, and that the Consultation would continue to explore good practices, foster dialogue and

generate recommendations to make AICHR more effective and its work more relevant and impactful for the people most in need. His remarks appear as **Annex A**.

14. **Altaf Deviyati Ismail**, the Secretary of SUHAKAM, underscored the significance of the Consultation as a timely opportunity to reflect on the evolution and future direction of ASEAN's human rights mechanisms. She noted that 2025 marks 16 years since the establishment of AICHR, which signalled ASEAN's formal recognition of human rights as an integral component of regional cooperation and community-building. Reflecting on developments since 2009, she observed that AICHR has made steady progress in expanding the scope of human rights issues addressed at the regional level and in strengthening engagement with stakeholders. In particular, she highlighted the increasing inclusivity of AICHR's consultations, including the participation of NHRIs, civil society organisations, and representatives of vulnerable and marginalised groups. She also noted the growing practice of providing space for youth and children to contribute to regional human rights discussions.

15. At the same time, she emphasised that further improvements are necessary to deepen inclusivity and participation. She pointed in particular to the number of civil society organisations granted consultative status with AICHR, and suggested that expanding both the number of accredited organisations and the scope of engagement would better reflect ASEAN's commitment to inclusivity and a people-centred approach. She further highlighted the importance of strengthening institutional mechanisms within AICHR, particularly by developing a formalised system to receive and respond to human rights complaints. Such a mechanism, she noted, would enhance AICHR's ability to address emerging issues in a timely manner and provide an avenue for individuals in ASEAN Member States without NHRIs. In this regard, she commended ongoing efforts within AICHR to move towards institutionalising such a mechanism.

16. Drawing attention to regional cooperation, she noted that AICHR's engagement with the Southeast Asia National Human Rights Institutions Forum ('SEANF') since 2020 has facilitated dialogue on a wide range of issues, including public health, the situation in Myanmar, business and human rights, environmental and climate issues, statelessness, and migration. These engagements, she suggested, demonstrate the potential for stronger collaboration between regional and national human rights actors. However, she identified structural constraints that continue to limit the effectiveness of such cooperation. In particular, she pointed to the principle of consensus in decision-making, which can hinder the ability of regional bodies to take unified and timely action, especially in situations involving disagreement among Member States. She suggested that this dynamic has, at times, resulted in a less cohesive regional response to pressing human rights challenges. She concluded by reaffirming the importance of maintaining independence while strengthening collaboration among ASEAN human rights actors. She expressed hope that the Consultation would generate concrete and actionable steps to enhance the capacity and effectiveness of ASEAN's human rights mechanisms, enabling them to respond more meaningfully to evolving challenges in the region.

17. **Dr. Sriprapha Petcharamesree**, Senior Lecturer at the Faculty of Law, Chulalongkorn University, former Representative of Thailand to AICHR (2009-2012), and Co-Chair of WGAHRM, noted the longstanding engagement of WGAHRM in supporting the development of ASEAN's human rights architecture. She situated her intervention within a broader moment of reflection, recalling a recent discussion with a member of the original High-Level Panel tasked with drafting the TOR of AICHR in 2008 under Article 14 of the ASEAN Charter, which prompted a series of fundamental questions about AICHR's evolution, performance, and future direction. She first addressed the issue of the TOR review, noting that while the review is explicitly mandated under paragraph 9.6 of the TOR, it has yet to be meaningfully realised despite at least two attempts. She emphasised that the TOR not only provides for periodic review, but also allows for amendments upon request by Member States under paragraph 9.2, indicating that institutional reform is procedurally possible within ASEAN's existing framework. She further noted that AICHR is responsible for assessing its own work and submitting recommendations to the AMM as part of the review process. However, she observed that progress in this regard has been limited. In this context, she identified several key areas requiring attention, including strengthening AICHR's mandate, improving transparency, ensuring greater institutional independence, and addressing resource allocation. These elements, she suggested, are essential if AICHR is to meaningfully fulfil its role in both the promotion and protection of human rights in the region. She stressed that the TOR review should be understood as a cyclical process designed to enhance AICHR's effectiveness in fulfilling its mandate.

18. Turning to the question of AICHR's protection mandate, she noted that protection is generally understood to encompass the prevention of human rights violations, timely responses to emerging human rights crises, coordination in assisting Member States in implementing human rights obligations, as well as monitoring and investigation, including fact-finding missions on specific human rights situations. However, she observed that AICHR's ability to perform these functions remains limited. She attributed these limitations primarily to ASEAN's procedural norms of consultation and consensus-based decision-making, as well as the regulative norms of state sovereignty, non-interference in internal affairs, and the peaceful settlement of disputes. She elaborated that these norms often result in a cautious, restrained approach, particularly in situations involving sensitive or contentious issues, creating a gap between AICHR's formal mandate and its practical capacity to respond effectively to human rights violations.

19. The former Representative of Thailand to AICHR then examined AICHR's role in situations of conflict, noting that while ASEAN is equipped with dispute settlement frameworks, such as the 1976 Treaty of Amity and Cooperation in Southeast Asia ('TAC'), AICHR as an institution currently has a limited role in addressing interstate conflicts. She explained that this limitation stems from both institutional design and broader ASEAN principles, particularly the principle of non-interference, which restricts AICHR from intervening in or investigating situations where human rights violations arise in the context of interstate disputes. She further observed that consensus-based decision-making poses an additional constraint, as the requirement for all Member States to agree before action can be

taken often results in inaction, particularly on politically sensitive issues. This dynamic allows any Member State to block collective responses, thereby undermining regional human rights advocacy. Although AICHR adopted the AHRD in 2012, she noted that it is not a legally binding instrument. While it affirms universal human rights principles, its enforcement remains weak and its application is explicitly conditioned by national laws and regional and national contexts. Consequently, its influence over Member States, particularly during conflict situations, remains limited. She further observed that ASEAN's traditional approach to conflict management prioritises state-centric stability over human rights concerns, which does not provide robust protection for affected populations. Notwithstanding these limitations, she acknowledged that AICHR has undertaken thematic initiatives linking human rights and peacebuilding, reflecting a growing recognition of their interconnection.

20. Concluding her remarks, she highlighted AICHR's engagement with civil society organisations through interface consultations, which provide an avenue for information-sharing and dialogue on human rights issues. However, she noted that the impact of such engagement on actual state behaviour remains limited, given AICHR's lack of enforcement powers and the constraints imposed by its institutional framework. She emphasised the need for deeper reflection within ASEAN on the future of its human rights mechanisms.

21. **Georgia Carter**, Program Officer for International Engagement at AHRC, shared that AHRC — as Australia's NHRI — focuses on both the promotion and protection of human rights domestically and cooperation with international partners. She highlighted that AHRC has collaborated with NHRIs in approximately 120 countries and has supported AICHR since 2011, shortly after its establishment. She noted that this partnership has continued to develop over the years, with AHRC supporting the work of AICHR representatives and ASEAN Member States in advancing human rights across the region. Since 2019, this engagement has been formalised through a programme covering a range of human rights issues. She further introduced a new phase of collaboration under the Southeast Asia and Australia Government-to-Government Partnership Programme, described as a whole-of-government initiative to deepen institutional partnerships between Australia and Southeast Asia. Under this programme, AHRC will provide multi-year support to AICHR to strengthen human rights engagement, knowledge, and implementation across ASEAN, in line with AICHR's Five-Year Work Plan. She noted that the present Consultation is among the first activities under this new programme.

22. The representative from AHRC noted that the Consultation brings together key ASEAN human rights actors to explore pathways for enhancing the effectiveness of ASEAN's human rights architecture. She expressed her interest in learning from participants over the course of the Consultation, particularly through the sharing of regional experiences and perspectives on strengthening human rights mechanisms. She concluded by reaffirming AHRC's commitment to supporting the outcomes of the Consultation and to continuing its partnership with AICHR in the implementation of its work plan.

23. **Kewalin Sa-ngapet**, Regional Programme Officer for FNF noted that the entity she represents is a non-profit organisation from Germany, publicly funded by the German Government, and is active in more than 60 countries worldwide. She explained that while FNF's activities vary depending on local contexts, they are guided by shared core principles, including the recognition of human rights. She highlighted that human rights are a complex issue and that interpretations of the concept may differ across societies. In this regard, she emphasised the importance of collective efforts, particularly at the regional level, to find common ground for action and to ensure that such efforts benefit people in the region.

24. She underscored the importance of strong cross-border institutions and cooperation, noting that these are key to identifying and developing shared approaches to human rights challenges. In Southeast Asia, she reaffirmed FNF's support for AICHR, relevant ASEAN bodies, and stakeholders who continue to advance the human rights agenda despite various challenges. She further noted that FNF, together with its regional partners, including WGAHRM, has contributed to this process through initiatives such as conferences, seminars, publications, and other activities. She described each of these initiatives as important milestones in advancing human rights in the region. The representative from FNF stated that the Consultation is meaningful because it brings together diverse stakeholders who can contribute to strengthening human rights mechanisms. She expressed confidence that the outcomes of the Consultation would help set new standards for the promotion and protection of human rights in ASEAN. She concluded by welcoming participants not only in her capacity as a representative of FNF but also as a fellow ASEAN citizen, expressing that such initiatives would benefit people in the region.

Opening Message

25. **H.E. Volker Türk**, the United Nations ('UN') High Commissioner for Human Rights, delivered the opening message. He welcomed the initiative to strengthen ASEAN's human rights architecture by bringing stakeholders together to chart a path forward. He noted that AICHR and other regional human rights organisations are vital bridges between the global human rights framework and national realities. He emphasised that their proximity to governments, as well as their understanding of the regional context, provides them with a unique legitimacy to respond to human rights challenges. He stressed that inclusive dialogue and participation are essential to credibility, highlighting that engagement with civil society, NHRIs, youth, and marginalised communities can ensure that regional mechanisms remain relevant and responsive. He further noted that regular multi-stakeholder consultations can help embed civil society and independent voices in their work. He encouraged ASEAN to take inspiration from other regional human rights mechanisms, noting that strengthening the mandate of AICHR to undertake country visits, investigate and monitor violations and abuses, issue public reports, and follow up on recommendations would significantly enhance its effectiveness.

26. He also highlighted the importance of cooperation with the UN human rights mechanisms as a means to share good practices and demonstrate commitment to human rights

norms and standards. In this regard, he reaffirmed that his Office stands ready to support these efforts. He expressed hope that the dialogue would continue the momentum achieved over 16 years of collaboration on issues including freedom of religion and belief, prevention of torture, criminal justice, environmental rights, climate justice, and the right to clean water and sanitation. He concluded by calling for collective efforts to build a stronger, more responsive, and more inclusive human rights system for all people in ASEAN.

Session 1: Reflection – Effective and Credible Promotion and Protection of Human Rights in the Region

27. This session is moderated by **Dr. Sriprapha Petcharamesree**. She outlined that the session aimed to provide context and insights into the establishment of ASEAN human rights mechanisms, examine the motivations and vision behind their creation, and reflect on the progress made and challenges faced in advancing human rights promotion and protection in the region. She reframed the discussion by posing guiding questions to the panellists, beginning with a reflection on the original vision behind the establishment of AICHR.

28. **H.E. Ambassador Rosario G. Manalo**, Representative of the Philippines to the High-Level Panel on an ASEAN Human Rights Body and former Representative of the Philippines to AICHR (2009-2015), reflected on the original vision and aspirations behind the establishment of ASEAN's human rights body. She noted that the vision has been partially realised, as ASEAN remains in an ongoing process of translating its aspirations into practical outcomes in the daily lives of people across the ten Member States.

29. Reflecting on the drafting of the TOR of AICHR, she stressed that the initial inputs provided by the High-Level Panel were critical in shaping the institution, noting that without these early contributions, ASEAN would not have reached its current stage. She observed that, at the time, ASEAN “started without knowing anything,” and that even before formal declarations, many societies in the region were already practising elements of human rights without explicitly conceptualising them as such. She further explained that the establishment of AICHR and the formulation of its frameworks enabled ASEAN to translate these existing practices into a structured regional mechanism. While acknowledging that implementation is inherently imperfect, she emphasised that this reflects the human condition, noting that no system can achieve perfection, and that ASEAN's human rights development should be understood as a continuous process.

30. The former Representative of the Philippines then reframed the discussion by posing a series of questions on how AICHR can better meet the expectations of the ASEAN peoples. She first highlighted the issue of human rights education, questioning the extent to which people across ASEAN Member States are educated about human rights, from elementary to higher education levels. She asked whether populations are aware that they are practising human rights and whether such practices are recognised as part of democratic life.

31. The following were her recommendations:

- a) AICHR should undertake more regular and systematic reviews of its implementation, suggesting that assessments be conducted every four months to evaluate the extent to which human rights commitments are being realised and identify obstacles towards implementation to enhance democratic participation and improve the quality of life in the region.
- b) Establishment of mechanisms for country visits, including the creation of committees or sub-committees within AICHR to assess implementation of human rights across ASEAN Member States.
- c) ASEAN Member States to undertake internal reviews to evaluate how human rights commitments are being implemented domestically and whether they are producing tangible benefits.

32. In addition, she highlighted the role of media and publications in promoting human rights, questioning whether media actors are sufficiently informed about human rights and whether they can contribute to increasing public understanding. She emphasised the potential for ASEAN to present itself as a region that actively practices and promotes human rights, including beyond Western contexts.

33. She also addressed the role of political actors, stressing that political parties must support human rights and that greater efforts are needed to ensure that politicians understand human rights principles. She noted that some political actors criticise human rights without recognising that they are already practising them, and emphasised the need for greater awareness and education in this regard.

34. The moderator invited **H.E. Yanti Kusumawardhani**, Representative of Indonesia on Children's Rights to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), to respond to two questions: first, on how ACWC and AICHR have worked together since their establishment, and second, on how such collaboration has contributed to the advancement of human rights in ASEAN. The moderator noted that ACWC was established six months after AICHR, and that while there are similarities in their TOR, there are also differences in institutional arrangements and working methods.

35. The Representative of ACWC clarified an institutional point regarding ACWC's chairmanship, noting that while it was previously held for a three-year term, it has since been revised to a one-year rotation following the ASEAN Chairpersonship. She explained that the Chair and Vice-Chair positions rotate between representatives responsible for women's rights and children's rights across Member States. She further noted that ACWC is currently undergoing several institutional developments, including the review of its TOR and rules of procedure, as well as the development of its next Work Plan. In this regard, she highlighted that ACWC's increasing involvement in AICHR activities has been significant, particularly in informing the drafting of its future work plans and in strengthening integration with the agendas of other ASEAN sectoral bodies.

36. She emphasised that ACWC views its engagement with AICHR as highly relevant to its mandate, noting that ACWC is tasked with promoting and protecting the rights of women and children. She highlighted that participation in AICHR events provides opportunities to advance ACWC's priorities and to strengthen collaboration between the two bodies. She also acknowledged AICHR's efforts to integrate women's and children's issues into its work plans, including its commitment to conducting annual dialogues with youth and children and incorporating their recommendations.

37. She observed that collaboration between ACWC and AICHR has strengthened in recent years, including through joint projects, technical working groups, and participation in dialogues and reviews of regional instruments. She cited the development of guidelines on alternative detention as an example of such collaboration, which involved AICHR representatives in technical working groups. She further noted that many issues addressed by ACWC, including migration and violence against women and children, are cross-cutting in nature and intersect with AICHR's broader human rights agenda.

38. At the same time, she highlighted challenges in implementing ACWC's work plan, noting that the mid-term review of the ACWC Work Plan for 2021–2025 identified the need for stronger collaboration. She explained that implementation has been affected by factors such as the COVID-19 pandemic, which increased cases of violence against women and children, as well as other unpredictable developments in the region and resource constraints, including financial limitations and reliance on external partners. These challenges, she noted, have reinforced the need for cooperation with other ASEAN sectoral bodies, including AICHR.

39. She also highlighted the role of AICHR as a platform that brings together multiple stakeholders, including development partners, civil society organisations, and UN agencies, providing opportunities for ACWC to promote its agenda and avoid duplication of efforts. She noted that engagement in AICHR-led processes has enabled ACWC to identify potential areas for collaboration and to strengthen coordination with other sectoral bodies involved in the development of regional instruments.

40. Looking ahead, she identified several areas for further strengthening collaboration between ACWC and AICHR, including sustained interface meetings, joint activities and thematic projects, and the development of cross-sectoral mechanisms within ASEAN. She also referred to ongoing and proposed collaborative initiatives, including work related to women, peace and security, gender mainstreaming, and projects aimed at enhancing gender-responsive treatment of women, including women prisoners, in ASEAN.

41. The moderator invited **Professor Dr. Dewi Fortuna Anwar**, Research Professor at the Research Center for Politics, National Research and Innovation Agency (BRIN), Indonesia, to reflect on ASEAN Vision 2045 and its implications for the effectiveness of ASEAN's human rights mechanisms, including AICHR and ACWC. The questions focused on how the new vision builds on past developments and how it can contribute to strengthening human rights promotion and protection in the region.

42. In her response, Professor Dewi began by noting that her perspective may be critical, emphasising that while ASEAN's diplomatic culture values politeness, her role as an academic requires her to speak candidly. She characterised ASEAN Vision 2045 as representing the "ASEAN dream" of a stable, prosperous, and people-centred region that upholds democracy and human rights. She observed that the vision is explicitly rights-based, with human rights mainstreamed across the three pillars of the ASEAN Community, namely the political-security, economic, and socio-cultural pillars.

43. She situated the development of ASEAN's human rights agenda within broader historical and societal changes in the region. She noted that ASEAN was initially state-centric and elitist, with limited attention to democracy and human rights. However, over time, domestic political transformations in several Member States, including democratic transitions in the Philippines, Thailand, and Indonesia, contributed to increased emphasis on human rights. She highlighted that these changes were driven by internal societal pressures rather than external imposition.

44. She further explained that the push for incorporating human rights into ASEAN's framework was linked to broader developments, including the establishment of the ASEAN Political-Security Community in 2003, which recognised the need to address not only relations between states but also conflicts within states. She noted that many human rights violations in the region arise from intrastate conflicts, reinforcing the importance of addressing both dimensions.

45. She recalled that the original vision for a regional human rights body was to establish a credible ASEAN Human Rights Commission that would not only demonstrate ASEAN's commitment to human rights, but also serve as an enabling mechanism to support Member States in advancing human rights domestically. This vision included a "sharing and caring" approach, whereby more developed Member States would support those with less developed human rights systems.

46. However, she emphasised that a gap emerged between this vision and the eventual institutional design. She pointed out that the inclusion of the term "intergovernmental" in AICHR's name reflects a structural design choice that makes the body government-centric and government-driven. She noted that such framing is unusual compared to other regional human rights mechanisms and signals inherent limitations from the outset.

47. She further highlighted structural constraints within AICHR's TOR, including principles such as non-interference, respect for sovereignty, and consensus-based decision-making. While noting that these principles are not unique to ASEAN, she observed that they have been applied in ways that create significant limitations, resulting in "more brakes than gas" in terms of AICHR's mandate and operational capacity.

48. She identified several key limitations affecting AICHR's effectiveness, including the absence of enforcement powers, the lack of an individual complaint mechanism, and the continued dominance of government control. She noted that while ASEAN has introduced references to democracy and human rights in its Charter, corresponding enforcement mechanisms have not been realised.

49. She also raised concerns regarding the appointment of AICHR Representatives, noting that they are government-appointed and that civil society involvement in the selection process is limited. She questioned whether representatives primarily serve to advance human rights or to defend national interests, observing that diplomats, by training, are often tasked with defending their governments' positions, including in situations involving human rights criticisms.

50. In reflecting on ASEAN Vision 2045, she cautioned that while the Vision contains strong commitments, it remains anchored in existing institutional frameworks, including the current TOR. She emphasised that without genuine political will to undertake substantive reforms, including revising the TOR, strengthening protection functions, and considering more binding human rights instruments, ASEAN risks maintaining a gap between its aspirations and actual practice.

51. She further observed that AICHR is often perceived as lacking credibility, independence, and substantive impact, and is viewed as a "toothless" body. She warned that unless meaningful reforms are undertaken, ASEAN may face increasing frustration among stakeholders regarding the effectiveness of its human rights mechanisms.

52. She concluded by emphasising that ASEAN faces a choice between lowering its ambitions or taking concrete steps to realise its vision. She expressed a preference for a more ambitious and assertive ASEAN, noting that comparisons with other regional human rights systems suggest that ASEAN's mechanisms are currently behind in terms of mandate, capacity, and credibility. She underscored that addressing these shortcomings ultimately depends on the collective responsibility of ASEAN Member States.

53. The former Representative of the Philippines to AICHR provided an intervention, reflecting on her experience serving as a UN expert on the Committee on the Elimination of Discrimination against Women ('CEDAW') in Geneva for 16 years, noting that she had contributed to the early drafting of the Convention. She raised concern regarding the limited representation of women from Southeast Asia in the Committee, questioning why more ASEAN Member States have not nominated qualified candidates despite the availability of capable and experienced women in the region.

54. She emphasised the importance of ensuring broader regional representation, observing that ASEAN Member States should take more active steps in nominating candidates to international human rights bodies. She noted that participation in international mechanisms provides an opportunity for ASEAN to demonstrate leadership and contribute to shaping global

human rights discourse. She further underscored that the region has a strong foundation in promoting human rights and encouraged greater confidence and participation in advancing these principles at the international level.

55. During the discussion, a representative from the ASEAN Institute for Peace and Reconciliation ('ASEAN-IPR'), **Kartika Budhi Wijayanti**, shared her observation that discussions on the promotion and protection of human rights in ASEAN, as well as the review of AICHR's TOR, have persisted over the years. She highlighted the intersection between human rights and peacebuilding, noting ongoing collaboration between AICHR and ASEAN-IPR, particularly through a series of workshops on pathways to peace. She emphasised the importance of strengthening AICHR's protection mandate, particularly in relation to conflict prevention. While acknowledging that conflict-related issues can be sensitive within ASEAN, she highlighted recommendations to develop an ASEAN early warning system and a more effective crisis management mechanism to identify root causes of conflict, monitor critical developments, and provide timely recommendations. In this regard, she suggested that AICHR's existing complaint-receiving function could serve as an entry point for such an early warning system, as complaints may act as initial indicators of emerging human rights concerns at the community, national, or regional level. She further proposed that AICHR could play a central role in such efforts given its ability to conduct fact-finding, undertake visits, receive information, and provide recommendations to ASEAN Member States and relevant bodies.

56. **H.E. Ambassador U Nyunt Swe**, Representative of Myanmar to AICHR, reflected on the historical development of AICHR, recalling the drafting of the ASEAN Charter and the TOR, and noting that the process involved extensive and, at times, difficult negotiations, particularly on the purposes and principles underpinning the mechanism. He emphasised that these provisions were closely linked to the ASEAN Charter and formed the foundation of AICHR's current structure. He further noted that the TOR had been designed with both rigidity and flexibility, including provisions for periodic review. He remarked that discussions on strengthening protection functions, including complaint mechanisms, must be carefully considered within ASEAN's intergovernmental framework and foundational principles.

57. In response, Professor Dewi noted that ASEAN has made progress, highlighting the establishment of AICHR and the adoption of the AHRD as important achievements. However, she emphasised that the key question is whether ASEAN is prepared to move forward in line with its Vision 2045. She stressed that ASEAN must consider whether it is "fit for purpose" for future generations, noting that evolving geopolitical dynamics and societal expectations require reassessing existing approaches. She further highlighted the importance of engaging younger generations and ensuring that ASEAN remains relevant to their expectations and aspirations.

58. **H.E. Ambassador Yong Chanthalangsy**, Representative of Lao to AICHR, reiterated that ASEAN, by design, is an intergovernmental organisation established by sovereign states, and that AICHR operates within this framework as a Charter-based body. He emphasised that this structure reflects deliberate decisions by ASEAN Leaders, grounded in principles of

sovereignty and non-interference, which have historically shaped the region's approach to cooperation. While noting that proposals for reform continue to be considered, he underscored that AICHR will continue to function as an intergovernmental mechanism in accordance with these principles.

59. In response, Professor Dewi reiterated that while ASEAN is intergovernmental, it is ultimately an association of nations representing peoples, not merely governments. She emphasised that ASEAN has evolved from an elite, state-centric organisation towards a more people-oriented one, as reflected in its vision and commitments. She stressed that if ASEAN is serious about its Vision 2045 and the mainstreaming of human rights across its pillars, it must be willing to reassess how its mechanisms function, rather than remain defensive about existing structures.

60. Another participant, **Brema Mathi**, representative from WGAHRM, underscored the need to broaden the scope of discussions and avoid being overly constrained by the original design of AICHR. She noted that developments such as AICHR's work plan, including references to the handling of correspondence and complaints, indicate emerging areas for further development. She expressed the view that moving beyond a limited approach to complaints could strengthen both the promotion and protection of human rights, particularly in the context of preventive efforts. She further emphasised that global and regional dynamics are evolving, particularly with the rise of younger generations, and highlighted the need for ASEAN mechanisms to remain responsive to these changes. In this regard, she called for greater consideration of how ASEAN's human rights mechanisms can engage with, and remain relevant to, future leaders.

61. In a brief intervention, the former Representative of the Philippines to AICHR suggested that recommendations raised during the discussion could be formalised through more binding arrangements within ASEAN, noting that while declarations express aspirations, more formal agreements may enhance implementation and accountability among Member States.

62. **H.E. Anita Ashvini Wahid**, Representative of Indonesia to AICHR, highlighted the gap between ASEAN's long-term vision and its current institutional practice. She observed that while human rights challenges have evolved significantly over time, institutional responses have remained largely anchored in earlier frameworks. She underscored the tension between aspirations for a more effective human rights mechanism and the constraints of ASEAN's intergovernmental nature, including consensus-based decision-making and the principle of non-interference. She emphasised that these structural choices carry consequences, particularly in terms of AICHR's continued relevance and effectiveness in addressing contemporary human rights issues.

63. In concluding the session, the moderator reflected that while ASEAN's human rights mechanisms are intergovernmental in nature, they ultimately serve the peoples of ASEAN. She emphasised that ASEAN should not be constrained by past approaches and highlighted the

importance of ensuring that Vision 2045 is realised through meaningful participation and accountability. She further underscored that the promotion and protection of human rights should not be viewed as sequential processes, but rather as parallel and mutually reinforcing functions. She concluded by expressing appreciation to the speakers and participants for their contributions.

Session 2(a): Sharing of Good Practices and Challenges on the Promotion and Protection of Human Rights – Perspectives from Regional Human Rights Mechanisms

64. The session was moderated by **H.E. Severo Catura**, Representative of the Philippines to AICHR. He reflected on key themes emerging from the previous session, including the recognition that human rights values have long existed within ASEAN societies prior to formal institutionalisation. He emphasised the importance of deepening human rights consciousness and moving beyond fragmented understandings of human rights. While acknowledging ASEAN's existing human rights ecosystem, including AICHR and complementary bodies such as ACWC, he noted a shared aspiration among participants to strengthen protection functions. He highlighted persistent structural constraints, including the principles of consensus and non-interference, and raised the question of ASEAN's preparedness to advance towards a more protection-oriented approach in line with ASEAN Community Vision 2045. He further underscored the need for ASEAN to learn from other regional systems while remaining mindful of its own context. He posed guiding questions to the panel on mandates, stakeholder engagement, priority issues, and best practices in balancing promotion and protection.

65. **Professor Christina Cerna**, Adjunct Professor at Georgetown U Law Center, provided an overview of the Inter-American human rights system under the Organization of American States ('OAS'). She shared that the IACHR was modelled after the European system but the political situation in the Americas at the time of its creation in 1959 was very different from Europe's. It was created in a context of dictatorships "flourishing" in the region. She explained that the system did not begin with a binding treaty framework, but rather with the American Declaration of the Rights and Duties of Man, which antedated the Universal Declaration on Human Rights ('UDHR'). As a declaration, it lacked intrinsic legal force, which meant that early institutional practice relied heavily on normative persuasion rather than enforceable obligations. The binding framework only emerged later with the American Convention on Human Rights, which was adopted in 1969 and entered into force in 1978, subsequently enabling the establishment of the Inter-American Court of Human Rights (IACtHR). However, she noted that even after its creation, the Court took time to become operational, as the Commission initially referred only a few cases, resulting in a period of slow judicial work during which the Court primarily issued advisory opinions.

66. Over time, the system has matured into a dual structure comprising the Commission and the Court, with the Court now having issued over 500 judgments and developed a substantial body of jurisprudence in human rights law across the Americas. The system's defining feature, she emphasised, is that it is victim-driven: individuals and groups submit

complaints to the Commission, which investigates alleged violations and issues decisions. Where states fail to comply, cases may be referred to the Court for binding adjudication.

67. She highlighted that the system has addressed a wide spectrum of violations, ranging from serious civil and political rights abuses, including enforced disappearances, torture, arbitrary detention, and extrajudicial killings, to more complex institutional and constitutional issues in post-authoritarian contexts. Notwithstanding these developments, she identified structural fragmentation as one of the system's most pressing challenges. She outlined three categories of state compliance and participation:

- (i) States that have not ratified the Convention (nine states, including major countries such as the United States and Canada);
- (ii) States that have ratified the Convention and accepted the Court's jurisdiction (23 countries, of which 20 have accepted the jurisdiction of the Inter-American Court); and
- (iii) States that have denounced the Convention or withdrawn from the system (three countries).

68. She emphasised that the lack of universal participation undermines both the coherence and legitimacy of the system. Withdrawals by states, such as Nicaragua and Venezuela, illustrate the fragility of regional human rights commitments in the face of political contestation. She also drew attention to the continued reliance on the American Declaration as a default normative instrument for states that have not ratified the Convention. While the Commission treats the Declaration as having some binding effect, she critically noted that this position remains legally ambiguous and, in her view, insufficient. She argued that a stronger and more legitimate system would require universal ratification of the Convention, similar to the European model.

69. The former Representative of the Philippines to AICHR raised two country-specific questions: the extent to which human rights (particularly women's rights) are protected in Cuba and Brazil, especially in light of political developments. In response, Professor Cerna explained that Cuba represents a special case within the Inter-American system. Although formally a member of the OAS, Cuba has not ratified the Convention and does not participate in the system's mechanisms. While the Commission continues to monitor the human rights situation in Cuba through reports and cases (often brought by individuals outside the country), Cuba does not cooperate with the Commission nor comply with its decisions, and the Court has no jurisdiction over Cuba due to the absence of treaty ratification. Regarding Brazil, she noted that while she could not immediately recall specific leading cases concerning women, the Commission and Court address such issues across all member states, and women's rights remain an integral part of the system's broader human rights mandate.

70. The former Representative of Thailand to AICHR asked whether IACHR had been affected by recent changes in the United States administration policy. She also inquired how the Commission is able to investigate and report on all OAS member states, including those that have not ratified the Convention. Professor Cerna responded that, unlike broader cuts to

international assistance, the OAS system had not been significantly affected. She noted that political dynamics, such as the appointment of a Cuban-American commissioner supported by the United States, had shaped representation within the Commission, but did not fundamentally disrupt its functioning. Professor Cerna explained that the Commission relies on the American Declaration as the applicable legal framework for such states. However, she reiterated her critical view that this arrangement is legally and institutionally problematic. In her assessment, the Declaration's quasi-binding status is insufficient to ensure robust accountability and the system would be strengthened if all member states were required to ratify the Convention as a condition of membership in the OAS.

71. The moderator reflected on Professor Cerna's responses by noting the progressive but complex nature of the Inter-American system. He highlighted that while its evolution demonstrates the potential for strengthening human rights mechanisms over time, it also illustrates the risks associated with fragmentation, uneven participation, and political contestation. He suggested that these experiences offer important lessons for ASEAN, particularly in assessing its own institutional readiness to adopt more progressive and protection-oriented mechanisms.

72. **Professor Frans Viljoen**, Director of the Centre for Human Rights in the Faculty of Law at the University of Pretoria, provided an overview of the African regional human rights system under the African Union, highlighting structural parallels with ASEAN. He began by noting that, like Southeast Asia, Africa is characterised by its non-homogeneity, a strong emphasis on sovereignty, shaped by a shared colonial history and a corresponding sensitivity to external interference. These historical experiences have contributed to a continued attachment to principles of non-interference and self-determination, which have influenced the design and evolution of regional institutions. He explained that the African system did not initially include a human rights mechanism when the Organisation of African Unity was established in 1963. It was only in the 1980s that a regional human rights framework began to take shape with the adoption of the African Charter on Human and Peoples' Rights. This gradual development reflects an incremental approach, whereby institutional structures were built over time rather than established at the outset.

73. The current system comprises multiple organs, including ACHPR, the African Committee of Experts on the Rights and Welfare of Child, a sub-system within the broader African human rights architecture, and the African Court on Human and Peoples' Rights. However, he emphasised that it would be misleading to view the Court as the central feature of the system. In practice, the Commission has played a more foundational role, particularly in its early decades, functioning as a quasi-judicial body that combines promotional and protective mandates. He further noted that while most African Union member states have ratified the Charter, acceptance of the Court's jurisdiction remains uneven, as most states require that cases must first go to the Commission and the Commission may then refer cases to the Court. Only a subset of states allows direct access to the Court, and even fewer permit individuals and civil society organisations to bring cases directly. This reflects a broader pattern

also observed in other regions, where states are cautious about ceding authority to supranational judicial bodies.

74. In assessing the performance of the system, Professor Viljoen observed that its greatest success lies in the area of promotion, particularly in cultivating a regional human rights culture. A central mechanism in this regard is the state reporting procedure, through which governments submit periodic reports on their implementation of the Charter. These reports are examined in public sessions that bring together state representatives, civil society organisations, and other stakeholders. He emphasised that these sessions create an important space for dialogue that is often unavailable at the domestic level, enabling scrutiny, exchange, and the gradual internalisation of norms. He underscored that this process has contributed to the development of a distinctly African human rights discourse. Rather than simply adopting externally imposed standards, the system has sought to interpret and apply human rights in ways that resonate with regional contexts and experiences. In this sense, the promotional mandate has played a foundational role in shaping both awareness and acceptance of human rights norms across the continent.

75. At the same time, Professor Viljoen acknowledged that the system's protective function remains more limited. Remarkably, he noted that once a state ratifies the African Charter, it automatically accepts the individual complaints procedure. Nevertheless, this mechanism has been relatively underutilised. He noted that the number of cases brought before the Commission remains modest, and that procedural requirements, such as the need to exhaust domestic remedies, can pose practical barriers for victims seeking redress. He stressed, however, that the limited use of the complaints mechanism should not be interpreted as an absence of accountability. Even where enforcement is weak, the Commission's findings of violations and recommendations contribute to normative pressure on states. Nonetheless, implementation remains inconsistent, and compliance remains a key challenge.

76. Professor Viljoen also highlighted the system's role in advancing the rights of groups that are often marginalised at the domestic level. He pointed to developments relating to indigenous peoples, whose existence has historically been denied by some states, as well as to persons with disabilities and other vulnerable groups. Through its interpretive work, the Commission has contributed to the recognition and articulation of these rights within the regional framework. He further observed that the African system has been active in developing normative standards through general comments, guidelines, and recommendations. These instruments have clarified the content of rights under the Charter, including economic, social, and cultural rights, and have provided practical guidance to states in implementing their obligations.

77. Despite these advances, Professor Viljoen identified significant challenges in responding to large-scale human rights violations arising from conflict. He noted that many of the most serious abuses in Africa occur in situations of internal armed conflict, which often fall beyond the effective reach of the Commission. In this regard, he pointed to the need for stronger

coordination between the human rights system and other regional bodies, particularly those responsible for peace and security.

78. During the discussion, the former Representative of the Philippines to AICHR raised questions on broader geopolitical situations, including developments in Russia and China, and how human rights mechanisms respond to such contexts. Professor Viljoen acknowledged the seriousness of these situations but emphasised the limits of regional systems, particularly when states withdraw or disengage. In such cases, accountability shifts primarily to global mechanisms, especially within the UN framework.

79. **Abiola Idowu-Ojo**, the Executive Secretary of ACHPR, provided an institutional perspective from the African Commission, building on the analytical overview presented earlier. She began by situating her remarks around two core areas: how working methods help the Commission fulfil its mandate of promoting and protecting human rights in Africa, and the Commission's main achievements and challenges. She acknowledged that enforcement remains a key concern, noting that the Commission did not originally have an explicit compliance framework within its founding charter or early rules of procedure. Despite these weaknesses, the Commission developed various ways to engage states and encourage compliance through a diversity of mechanisms, tools, working methods, dialogues and follow-up practices. She framed this as one of the Commission's greatest strengths.

80. She highlighted that the Commission operates under the African Charter on Human and Peoples' Rights, which mandates both promotion and protection, and that reporting obligations under the Charter have become a central mechanism for engagement with states. Initially, the African Charter requires states to report on the measures taken to implement the Charter, however, it did not specify how and what states should report, as well as what happens after submission. She explained that over time, the reporting process has evolved into a recurring form of constructive dialogue between the Commission and states, in which commissioners question, comment on, and provide recommendations on the states' reports. While a small number of states have yet to report, most have engaged with the process, and peer influence among states has contributed to encouraging broader participation. Through this mechanism, the Commission has been able to monitor implementation, raise concerns, and guide states in aligning domestic practices with regional standards.

81. The representative from ACHPR further highlighted another major working method innovation: the development of special mechanisms within the Commission, which address thematic human rights issues across the continent. These include areas such as security, transitional justice, freedom of expression, and the rights of vulnerable groups. Individual commissioners are assigned responsibility for specific thematic mandates, enabling more focused engagement with emerging and cross-cutting issues. She noted that these mechanisms have been very productive, generating soft-law instruments, guidance documents, as well as normative frameworks such as guidelines, declarations, general comments, among others.

82. She also highlighted the Commission's role in norm development beyond the core Charter. This includes championing new protocols that address issues not sufficiently covered by the Charter, as well as producing soft-law and interpretive instruments that clarify the Charter. Recent developments include instruments addressing right to social security, nationality, and the rights of persons with disabilities and older persons. These efforts have contributed to expanding and deepening the regional human rights framework.

83. In terms of operational practice, she explained that members of the Commission serve on a part-time basis and each commissioner is assigned responsibility for monitoring about five African countries. Commissioners engage with states through correspondence and interventions, including urgent appeals and letters of concern. She noted that, in some cases, heads of state have responded directly to such engagements, reflecting the Commission's role in raising human rights concerns at the highest political levels.

84. She also addressed the Commission's communications (complaints) procedure, acknowledging that it remains underutilised despite being in place since the late 1980s. Although the Commission faces resource constraints and accessibility challenges, it has nonetheless managed to conclude nearly 700 cases out of the 873 cases received over the years. She emphasised ongoing efforts to improve visibility and accessibility, including initiatives to engage more directly with affected communities. She also underscored the importance of stakeholder engagement, particularly with civil society organisations and NHRIs. She noted that partnerships with these actors have been central to the Commission's work, including in providing information on human rights situations, offering technical inputs to the Commission's deliberations, discussing thematic issues, and supporting implementation of its recommendations. At the same time, she acknowledged that gaps in communication between the Commission and states remain a challenge, particularly in ensuring timely and comprehensive reporting, especially in references to sensitive issues.

85. She concluded by reflecting on the broader relevance of the African experience for ASEAN, noting that the Commission began with limited capacity and a broad mandate. Over time, through cumulative efforts, diverse participation, and trust-building, it has been able to strengthen its role. She emphasised that the issuance of decisions or recommendations is only the first step, and that their effectiveness depends on the establishment of a robust compliance mechanism.

86. During the open forum, the former Representative of Thailand to AICHR raised questions on the evolving concept of sovereignty and the transition from promotion to protection within the African system. In response, Professor Viljoen noted that sovereignty should be understood as a responsibility exercised on behalf of the people, rather than an absolute shield against scrutiny. He reiterated that the African system demonstrates the importance of gradual development, where promotional efforts lay the foundation for stronger protection mechanisms, although this transition remains ongoing and dependent on political will.

87. The Representative of Malaysia to AICHR, **H.E. Edmund Bon**, posed a question to both the representative from ACHPR and Professor Viljoen regarding the public sessions of the African Commission, noting that these sessions appear to be widely accessible and well-documented. He asked how such sessions are conducted and what their practical benefits are.

88. In response, the representative from ACHPR explained that the Commission holds two sessions annually, each comprising both open and closed segments. The open sessions bring together a wide range of stakeholders, including states, civil society organisations, and NHRIs. During these sessions, participants present information on the human rights situation in their respective countries, and states have the opportunity to respond. State reports are also presented, during which commissioners engage directly with state representatives through questions and dialogue. In addition, commissioners provide updates on their thematic and country mandates, allowing for broader discussion and feedback from participants. These exchanges contribute to transparency and accountability, as well as to a shared understanding of regional human rights challenges. The closed sessions, by contrast, are used by the Commission to deliberate on communications, reports, and recommendations, including inputs received from stakeholders. These internal deliberations inform the Commission's final outputs and decisions. She emphasised that this combination of open and closed processes allows the Commission to balance transparency with deliberative decision-making. The open sessions, in particular, provide an important platform for civil society participation and contribute to the visibility of the Commission's work, thereby strengthening its overall impact.

89. **Karen Gomez-Dumpit**, Chair of the Philippine WGAHRM, offered a reflective response to the comparative experiences shared by the earlier speakers. She began by acknowledging that ASEAN's human rights system remains more developed in the area of promotion than protection, a point that has been consistently recognised in previous assessments. However, she emphasised that the central question confronting ASEAN is not whether the region should move towards stronger protection of human rights, but how quickly and through what pathways such a transition can realistically take place. In this regard, she highlighted the importance of balancing sovereignty and protection, noting that other regions demonstrate that the interpretation of these concepts can evolve over time without undermining regional ownership. She stressed that the key challenge for ASEAN is how to make its human rights system both credible and effective, despite and through the principles of consensus and non-interference.

90. She observed that strengthening credible and effective protection can be pursued at two levels. At the institutional level, this requires clear mandates, transparent and participatory procedures, and the political will to act on findings rather than merely issue reports. At the societal level, credibility depends on trust from communities on the ground, particularly marginalised groups, while effectiveness must be measured by tangible improvements in people's lives. To assess these dimensions, she emphasised the need for a multi-stakeholder monitoring approach that includes not only governments but also NHRIs, civil society and other stakeholders, including the private sector.

91. Reflecting on lessons from other regions, the representative from the Philippine WGAHRM noted that protection mechanisms often develop incrementally, beginning with states recognising that protection can reinforce, rather than diminish, sovereignty. She highlighted that creativity and purposive interpretation can open pathways for protection even in the absence of explicit mandates, and that intergovernmental systems can incorporate monitoring, reporting and even independent judicial mechanisms without eroding sovereignty. In this context, she underscored that sovereignty should not be understood solely in terms of the state, but also in relation to the people, and is reflected in procedural safeguards such as the exhaustion of domestic remedies. The key lesson, she noted, is that protection mechanisms and sovereignty can co-exist where states commit to rules and accountability.

92. She further suggested that ASEAN need not replicate other regional models in full, but can adapt relevant elements in ways that are consistent with its own context. These include the use of flexible consensus, as well as the development of clearer rules of procedure for protection, such as for complaint submission, follow-up, urgent appeals, early warnings, and action on human rights defenders. She referred in particular to AICHR's Five-Year Work Plan as an opportunity to build on existing practices, including its complaints-related processes, while also drawing lessons from NHRIs, especially in relation to participatory and non-adversarial approaches. She also highlighted the importance of strengthening collaboration between AICHR and other ASEAN bodies, including ACWC.

93. She concluded by emphasising that no regional human rights system began in a perfect form, and that all continue to face challenges. In her view, protection develops progressively through incremental steps, and ASEAN can follow a similar path at its own pace through evolving interpretation and sustained engagement, including from civil society. As a practical recommendation, she suggested that AICHR could begin by expanding its engagement with civil society through the accreditation of civil society organisations with consultative relationship with AICHR, including by recognising coalitions or networks to broaden participation and facilitate more direct interaction.

94. She noted that AICHR stands at a critical juncture, particularly in the context of its new Five-Year Work Plan, which presents an opportunity to embed stronger protection functions. She emphasised that learning from other regions does not diminish ASEAN centrality; rather, it enables ASEAN to design a system that is credible, effective, and authentically its own. The question, she concluded, is not whether external lessons apply, but how ASEAN will adapt them to ensure that its human rights mechanisms meet the expectations of its peoples.

Session 2(b): Sharing of Good Practices and Challenges on the Promotion and Protection of Human Rights – Perspectives from National Human Rights Commissions

95. This session focused on the sharing of good practices and challenges in the promotion and protection of human rights from the perspectives of NHRIs in the region. Moderated by H.E. Assistant Professor Dr. Bhanubhatra Jittiang, Representative of Thailand to AICHR, the session brought together representatives from the Commission on Human Rights of the

Philippines ('CHRP'), the National Human Rights Commission of Thailand ('NHRCT'), and the Provedor for Human Rights and Justice of Timor-Leste ('PDHJ'). The discussion aimed to draw out practical insights from national-level experiences, particularly in complaint handling, stakeholder engagement, and institutional constraints, while also exploring how these experiences could inform stronger regional cooperation through ASEAN mechanisms and the SEANF.

96. **Ms. Jasmin Regino**, Director IV, Human Rights Protection Office, CHRP, presented a detailed account of how the Commission operationalises its protection mandate through a structured and multi-layered complaints handling system, alongside sustained engagement with civil society and evolving regional cooperation.

97. She began by situating CHRP as one of the oldest NHRIs in the region, emphasising that its current systems are the result of decades of refinement. Given the Philippines' large population of over 110 million and its geographic spread, CHRP maintains a nationwide presence through 17 regional offices and a substantial workforce. At the centre of its protection function is the Human Rights Protection Office, which comprises four divisions: investigation, legal, forensic, as well as security protection and assistance. The investigation division operates proactively, including through its *motu proprio* powers, allowing it to initiate investigations even without a formal complaint. CHRP relies on information from media and other public sources, deploying quick reaction teams on a 24/7 basis to respond to alleged violations. The forensic division supports this work through technical, medical and scientific expertise, including autopsies and medical examinations.

98. A unique distinctive feature of the Commission is the Security Protection Assistance Division, which functions similarly to a witness protection programme. Individuals identified as "persons at risk" may be placed in protective shelters for the duration of proceedings. This addresses the common problem of fear of reprisals, which often discourages victims and witnesses from pursuing complaints.

99. The legal division provides counselling, legal advisory services and outreach. Through initiatives such as the "Legal Clinic Caravan," CHRP brings legal assistance to geographically isolated and disadvantaged areas, as well as those who cannot afford legal services, addressing barriers to access to justice. The Commission also conducts human rights education ("Know Your Rights module") using translated materials, ensuring accessibility for communities that may not be reached effectively through English-language materials.

100. She highlighted a recent institutional development: the establishment of a strategic litigation unit. This allows CHRP to directly represent victims or act as a nominal complainant in court, particularly in cases where victims are unwilling or unable to file due to fear. Initial cases include those involving constitutional remedies such as writs of *habeas corpus*, *amparo*, and *habeas data*. She mentioned that the first case of the strategic litigation unit will focus on issues relating to the Good Conduct Time Allowance for persons deprived of liberty.

101. In response to technological developments, CHRP has introduced the Management Information System Monitoring Outlet online portal, enabling Filipinos both domestically and abroad to file complaints. This is supported by an integrated case management system that consolidates data from more than 15,000 cases, facilitating both internal analysis and external reporting. The Commission also participates in judicial processes through *amicus* briefs, including in cases involving the country's anti-terrorism law.

102. Beyond individual complaints, CHRP conducts public inquiries as a non-adversarial mechanism for examining systemic issues. The inquiry on climate justice was cited as a prominent example, generating recommendations based on expert testimony despite jurisdictional challenges. This inquiry is now used as a reference both internationally and domestically, with various actors quoting CHRP's recommendations. More recent inquiries have focused on the situation of human rights defenders, particularly the issue of "red-tagging," with a report expected to be released. A future inquiry on artificial intelligence and human rights, particularly concerning media personalities is also planned.

103. On stakeholder engagement, she explained that CHRP works closely with civil society organisations through formal partnerships under its advocacy division. These partners assist in documenting violations, especially in areas where CHRP's presence is limited, and contribute to both investigative and promotional activities. Such collaboration significantly extends the Commission's reach.

104. At the regional level, she introduced the concept of an inter-NHRI inquiry mechanism, discussed among five NHRIs in 2024. Still in its formative stage, this mechanism aims to strengthen collective capacity to address transboundary issues and extraterritorial obligations, primarily through information sharing and coordination in line with the Paris Principles.

105. One question from participant addressed how CHRP determines which issues warrant public inquiries. She explained that decisions are based on patterns identified through case data; issues of national importance or widespread concern may prompt the Commission to initiate an inquiry. Another question asked about the status of the inter-NHRI mechanism, to which she responded that it remains in a "birthing process," with potential for engagement from regional bodies such as AICHR.

106. **Rattikul Chansuriya**, Advisor to NHRCT, presented a structured overview of the Commission's mandate, operational strengths, institutional limitations, and its perspective on regional human rights cooperation, particularly in relation to ASEAN mechanisms and the SEANF.

107. She began by grounding her remarks in the foundational principles of the NHRCT, emphasising that it is an independent body operating in accordance with its organic law and the Paris Principles. Its core functions include investigating complaints, issuing recommendations, advising government agencies and lawmakers on policy and legal reforms, promoting public awareness of human rights, and assisting victims in accessing both legal and

non-legal remedies. While she noted that these functions are extensive, she chose to focus her intervention on key strengths and limitations rather than providing a full institutional breakdown.

108. One of the central strengths she identified is the Commission's independence, particularly its ability to investigate and monitor government performance while advocating for accountability. This independence is complemented by efforts to improve accessibility. Beyond its headquarters in Bangkok, the NHRCT has established three regional offices in the northern, northeastern, and southern regions of Thailand. These offices carry out the same core functions as the central office and are designed to reduce barriers for individuals who would otherwise need to travel to Bangkok to seek assistance. Accessibility is further enhanced through multiple complaint channels, including online submissions, hotlines, postal services, and in-person reporting. The establishment of regional offices has also enabled the Commission to deepen engagement with local communities, local government actors, media, and civil society organisations, thereby strengthening trust and expanding its operational networks at the grassroots level.

109. Another key initiative highlighted was the mobile human rights clinic, which specifically targets stateless persons in remote areas. Through this mechanism, the NHRCT works closely with relevant government agencies, particularly the Ministry of Interior, to ensure that stateless individuals are legally recognised and registered. This recognition is critical for enabling access to basic rights such as education, employment, healthcare, housing, and social services.

110. In terms of human rights promotion, she underscored the importance of the Human Rights Executive Programme, a six-month training initiative open to participants from diverse sectors, including business, government, media, and civil society. With nearly 300 participants across multiple cohorts, the programme has contributed to building a network of "human rights change agents" who continue to support the Commission's work.

111. She then shared the Commission's limitations. The most significant constraint is the absence of legal enforcement authority. While the NHRCT can issue recommendations, it cannot compel government agencies to act on them, which often results in delays or lack of follow-through. A second major limitation is the lack of mandate to investigate transboundary cases. As cross-border human rights issues become more prevalent, this jurisdictional restriction hampers the Commission's ability to respond effectively. Addressing how the NHRCT maintains its independence while working with government agencies, she explained that the Commission is guided by the principles of fairness, objectivity, and reason. The Commission engages through consultation, shares its findings, and follows up on recommendations, but the absence of enforcement powers means that outcomes often depend on the willingness of government actors to cooperate.

112. Turning to the regional level, she offered several reflections on how ASEAN, particularly AICHR, could strengthen its mechanism. She emphasised the need for deeper

engagement between AICHR, NHRIs, and civil society organisations, noting that such collaboration has already shown promise, including in processes such as the development of the ASEAN Declaration on Environmental Rights.

113. She also highlighted the growing urgency of cross-border issues, using the example of online scams that affect individuals across ASEAN and have both economic and human rights implications. Given that many NHRIs, including the NHRCT, lack jurisdiction beyond national borders, she suggested that AICHR could play a more active role in monitoring such issues, producing regional reports, and developing policy recommendations for the ASEAN Leaders. She further proposed strengthening cooperation with international organisations and private sector actors, particularly online service providers and technology companies, to enhance prevention and response measures.

114. In relation to SEANF, she outlined its current five-year strategic plan (2022–2026), which focuses on areas such as human rights in the context of COVID-19, business and human rights, the prevention of torture and other cruel treatment, and the strengthening of SEANF's institutional capacity. She suggested that AICHR could engage more actively with SEANF by participating in thematic initiatives, co-developing joint statements or studies on cross-border issues, co-convening consultations with civil society organisations and affected communities, as well as coordinating responses to urgent human rights situations such as trafficking, humanitarian crises, online scams and environmental disasters. These are potential areas of collaboration where regional solidarity and rapid communication can prevent or mitigate harm.

115. **Virgílio da Silva Guterres**, Ombudsman for PDHJ, delivered an intervention that combined institutional explanation with broader reflections on democracy, political realities, and the evolving role of NHRIs in a young state such as Timor-Leste. Reflecting on the ASEAN Community Vision 2045, he emphasised that even if one may not live to see long-term outcomes, there remains value in contributing to their realisation. He explained that PDHJ was established approximately two decades ago with a strong constitutional mandate. Initially, the institution held three main roles: ombudsman functions, human rights advocacy, and anti-corruption. However, following the establishment of a dedicated anti-corruption commission in 2009, PDHJ's mandate now focuses on its dual role as an ombudsman and a national human rights institution. This hybrid nature distinguishes it from some other NHRIs in the region. In terms of functions, PDHJ has the authority to supervise, monitor and advise public institutions in promoting compliance with human rights and principles of good governance. Importantly, it also holds the power to initiate judicial review by submitting petitions to the High Court. This allows the institution to challenge laws, policies, parliamentary resolutions, or administrative decisions that may be inconsistent with constitutional or human rights standards or contradict principles of good governance.

116. He illustrated this mandate with concrete examples. In one instance, PDHJ challenged a directive from the Ministry of Health that prohibited health professionals from engaging in private practice outside official working hours. The High Court ruled in favour of PDHJ, finding that the directive violated constitutional rights, specifically the right to work, thereby

allowing health professionals to resume private practice. In contrast, he cited another case concerning discrimination against minority religions, where PDHJ challenged the requirement for a Catholic baptism certificate in civil marriage registration. The Court rejected the petition, underscoring the limits of judicial recourse and the absence of further avenues for appeal at the regional or international level, which he suggested ASEAN mechanisms could potentially address.

117. He further noted that, as PDHJ operates with a dual identity as both ombudsman and NHRI, it participates in both SEANF and the Southeast Asian Ombudsman Forum. As a relatively new institution in a young state, PDHJ is committed to learn from peer institutions as reference points for norms, procedures and good practices. He highlighted a recent agreement with the Indonesian human rights commission, Komnas HAM, to address issues in border areas, particularly economic, social, and cultural rights. This builds on earlier cooperation relating to missing children and will involve a preliminary assessment phase followed by more structured engagement over a two-year period.

118. Despite having formal powers, he emphasised that the institution faces practical challenges in exercising them. He described the situation metaphorically as “a baby putting their feet in big shoes,” indicating that while the mandate is broad, institutional capacity and influence remain limited. In particular, PDHJ lacks enforcement authority and can only issue recommendations after conducting investigations. Government agencies do not always act on these recommendations, which constrains the institution’s effectiveness. He also reflected on the broader political context, noting that shifts in political leadership can affect the interpretation and prioritisation of human rights. He cited recent domestic developments where student protests successfully pressured parliament to reconsider policies related to privileges for politicians, such as lifetime pensions and procurement of official vehicles. These examples were used to illustrate both the dynamic nature of democratic processes and the role of public pressure in shaping governance outcomes.

119. More broadly, he framed the role of NHRIs not as instructing political leaders on human rights, but as guiding them. Using the analogy of airport runway lights guiding pilots, he suggested that NHRIs provide direction and standards rather than direct control, acknowledging both the authority and the limitations of such institutions within political systems.

120. During the Q&A session, the former Representative of the Philippines to AICHR raised concerns about the risks posed by artificial intelligence and asked what plans CHRP has to address them. In response, the representative from CHRP acknowledged institutional limitations, stating that CHRP currently lacks the technical capacity to investigate AI-related issues and therefore plans to partner with external experts to build internal capacity, particularly among investigators.

121. The second question focused on cross-border human rights protection for migrant workers, comparing it with ASEAN consumer dispute mechanisms and asking whether a

similar platform could be developed for human rights cases. The representative from CHRP explained that CHRP has entered into agreements with relevant government agencies such as the Department of Migrant Workers in the Philippines, as well as with counterpart NHRIs in countries such as Qatar and Malaysia. These partnerships address issues such as abuse of migrant workers and statelessness, and reflect CHRP's assertion of jurisdiction over Filipinos abroad. The Ombudsman of PDHR noted that Timor-Leste has ratified key international conventions, including those related to migrant workers, which creates an obligation to engage with these issues. Although PDHJ does not yet have a dedicated programme on migrant workers, it is beginning to engage with emerging cross-border concerns, including those linked to online activities such as casinos in enclave areas.

122. Another question posed by the representative of ASEAN University Network-Human Rights Education ('AUN-HRE') explored engagement with universities and human rights education. The representative from CHRP highlighted CHRP's extensive collaboration with academic institutions through its Center for Human Rights Education, noting that the Commission has established memoranda of understanding with over 100 universities to promote human rights awareness.

123. Questions were also raised about stakeholder inclusion, cross-border cooperation under ASEAN frameworks, and the role and strategic direction of SEANF. The representative from NHRCT reiterated that, while NHRCT cannot conduct investigations beyond its jurisdiction, it maintains close cooperation with other NHRIs through information sharing. She suggested that if cases could be referred to AICHR for further action, this could enhance the overall effectiveness of regional responses. The representative from PDHJ explained that PDHJ maintains a consultative body comprising 13 civil society organisations, including trade unions. This body meets twice a year and serves as a platform for feedback, critique, and input into the institution's work. This reflects an effort to institutionalise dialogue with non-state actors despite broader capacity constraints. He confirmed that unions are part of PDHJ's consultative framework and contribute to its advisory processes.

124. Another question from Professor Dewi directed to the panellists concerned the feasibility of the "ASEAN minus X" formula, which allows a subset of ASEAN Member States to move forward on specific initiatives without requiring full consensus. In response, the representative from NHRCT noted that this approach has been discussed and applied in certain contexts and expressed support for it, arguing that without such flexibility, progress could be stalled. However, she also acknowledged that similar consensus-based challenges exist within SEANF itself, where decision-making processes are still under review.

125. The Representative of the Lao PDR to AICHR also sought clarification regarding CHRP's references to "transboundary issues" and "extraterritorial obligations" in the context of an emerging inter-NHRI inquiry mechanism, expressing concern about any analogy to "hot pursuit" doctrines, which have negative historical connotations in Southeast Asia. In response, the representative from CHRP clarified that the inter-NHRI inquiry mechanism does not confer enforcement powers but rather facilitates coordination and information sharing in cases

involving nationals abroad, in line with the Paris Principles. She emphasised that no actual case has yet been processed under this mechanism, and that its initial role would be to facilitate coordinated inquiries when persons in one state are affected by actions or omissions linked to another state, such as a Filipino experiencing rights violations in Malaysia.

Session 3: Breakout – Realising Effective Promotion and Protection of Human Rights in the Region

126. Session 3 was conducted as an interactive breakout exercise designed to translate conceptual discussions into applied, scenario-based problem-solving. Participants were divided into two groups, with each group assigned a distinct case study. Participants were asked to role-play as one of the stakeholders identified in the case study, which required them to engage from a specific institutional or societal perspective. Both cases were designed to simulate complex, real-world human rights situations involving multiple stakeholders, cross-border dimensions, and institutional constraints, allowing participants to explore both immediate responses and longer-term structural solutions within a regional human rights architecture. This session was facilitated by Tan Jo Hann and Arul Prakkash, both independent human rights experts.

127. The first sample case study, titled “Human Trafficking for Forced Labour”, revolved around a scenario involving six young migrant workers from one country who were trafficked to a neighbouring state and forced into online criminal activities by an organised criminal network. The case detailed elements of deception, coercion, debt bondage, physical and psychological abuse, and sexual exploitation, as well as the confiscation of identity documents and restrictions on movement. It further highlighted the complicity or inaction of local authorities, the criminalisation of victims, and the transnational nature of the crime spanning multiple countries within a regional grouping. Participants were required to navigate the roles and responsibilities of a wide range of stakeholders, including victims and their families, local and regional civil society organisations, police authorities, multiple national governments, NHRIs, the regional human rights commission, and the media.

128. In contrast, the second sample case study, titled “Urgent Appeal to Address the Plight of the Stateless Community in Country ‘Pan’”, focused on a stateless, nomadic community living in shared maritime areas across several countries. The case highlighted the structural challenges faced by stateless populations, including a lack of legal identity, exclusion from healthcare and education systems, poverty, discrimination, and vulnerability to preventable illness and death. It presented real-life inspired scenarios of individuals suffering severe health consequences due to a lack of access to treatment, and underscored the jurisdictional ambiguity arising from cross-border existence. Participants engaged with a diverse set of stakeholders, including civil society organisations, community representatives, police or immigration authorities, multiple national governments, ministries of health, media actors, NHRIs, regional human rights bodies, and international organisations.

129. Participants who worked on the first sample case study identified the human rights violations involved, including forced participation in online criminal activities (such as scams and money laundering), non-payment of wages, physical abuse, torture, and sexual exploitation. The case also exposed systemic failures: law enforcement authorities were unwilling or unable to act, in some cases demanding bribes, while judicial systems treated victims as offenders rather than victims of trafficking.

130. Through the role-play, participants simulated engagement with a wide range of stakeholders, including victims, local and regional civil society organisations, police, governments, NHRIs, the regional human rights body identified as “SHRC”, and the media. The exercise demonstrated that the initial response pathway was largely driven by non-state actors. Victims first approached local civil society organisations, which then engaged the media and authorities in the destination country, followed by involvement from NHRIs and eventual escalation to the regional level. Notably, victims and civil society organisations avoided direct engagement with the governments of the countries involved, particularly the country of origin, due to a perceived lack of trust and concerns over safety and responsiveness. This resulted in governments, despite their political and diplomatic leverage, being largely absent from the early stages of intervention.

131. In reflecting on the exercise, participants highlighted that this lack of trust between victims, civil society, and state actors significantly shaped the response strategy and limited the effectiveness of available mechanisms. The omission of the victim’s country of origin from the initial response chain was identified as a critical gap, raising questions about whether such exclusions stem from operational oversight, limited awareness of available channels, or deliberate avoidance due to political sensitivities. At the same time, the role-play underscored the limitations of current regional mechanisms, with the SHRC-type body functioning primarily as a facilitator or convenor rather than as an entity with investigative or enforcement capacity. While the regional body was perceived as open and collaborative, its role remained largely confined to coordination rather than direct intervention.

132. Participants also reflected on the uneven and underdeveloped role of the media in the simulated response. While media engagement was initiated, it lacked depth and follow-through, particularly in holding authorities accountable or seeking updates from relevant governments. This highlighted both the potential and the risks of media involvement. On one hand, effective media engagement could amplify the case and generate pressure for action; on the other, uncoordinated or premature dissemination, especially through social media, could disrupt carefully planned advocacy strategies or expose victims to further harm. In addition, the group noted the complexity of evidence-gathering processes, where the need for verification and documentation must be balanced against the risk of retraumatising victims through repeated questioning and procedural demands.

133. Building on these reflections, participants emphasised the importance of adopting a more coordinated and multi-stakeholder approach to advocacy in cross-border human rights cases. Rather than relying on a single-entry point, strategies should engage multiple actors

simultaneously, including governments, NHRIs, civil society organisations, media, and regional bodies. While trust deficits remain a significant challenge, participants recognised that governments, particularly those of the countries of origin and destination, are indispensable actors given their authority to facilitate rescue operations, pursue criminal accountability, and provide protection to victims. As such, advocacy efforts should be designed to engage state actors in a calibrated and strategic manner, even where trust is limited.

134. Participants further highlighted the need to strengthen collaboration between NHRIs across jurisdictions, particularly in cross-border cases, to enable joint fact-finding, coordinated responses, and more effective engagement with regional mechanisms. The use of regional and international platforms was also identified as an important avenue for advancing cases, including through engagement with broader mechanisms such as UN processes to enhance documentation, visibility, and pressure for accountability. At the same time, there is a need to improve how media actors are engaged, ensuring that they are equipped to report accurately and responsibly while contributing to sustained public awareness and advocacy.

135. Finally, participants recognised that the case reflects a broader and emerging regional trend of trafficking linked to digital and online scam operations. This points to the need for responses that go beyond individual cases, including thematic studies, policy development, and stronger regional coordination. The exercise underscored the importance of combining immediate, case-based responses with longer-term structural strategies, while ensuring that all interventions remain grounded in a victim-centred approach that prioritises safety, dignity, and access to justice.

136. Participants who worked on the second sample case study shared that the stateless Rubio community faced severe barriers to accessing healthcare, legal identity, and basic services due to their lack of nationality and unclear jurisdictional status. The case presented multiple urgent situations, including individuals suffering from serious medical conditions who were unable to obtain treatment due to their lack of legal identity and financial means. The community also faced broader challenges, including exclusion from public services, discrimination, food insecurity, and forced displacement.

137. Through the role play, participants simulated interactions among key stakeholders, including the affected community, local non-governmental organisations, NHRIs, government authorities across the three countries, ministries such as health and immigration, regional bodies, and the media. The exercise revealed that the initial response was led by civil society actors, with the community approaching a non-governmental organisation, which then engaged the NHRI. However, attempts to escalate the issue to the national level were met with resistance. The Pan government declined responsibility, citing jurisdictional ambiguity, while neighbouring governments invoked the principle of non-interference. As a result, no government actor assumed ownership of the issue, and the case failed to progress meaningfully beyond initial advocacy efforts.

138. Participants reflected that a central challenge in the case was the lack of political will among state actors to address the plight of stateless populations. Even where technical agencies, such as ministries of health, might have been willing to provide assistance, their ability to act was constrained by overarching government policies that excluded non-citizens. Law enforcement and immigration authorities, meanwhile, defaulted to a securitised approach, treating the community as undocumented migrants rather than rights holders in need of protection. This institutional positioning effectively criminalised the community and further limited their access to assistance.

139. Another key reflection concerned the absence of clear jurisdiction and accountability in cross-border contexts. Because the Rubio people move across maritime boundaries, no single state accepted responsibility for their protection. This resulted in a situation where the community was effectively “passed around” between institutions and states without resolution. The principle of non-interference, while politically significant within ASEAN, was seen as a major constraint in addressing transnational human rights issues, particularly those involving mobile or stateless populations. Participants noted that, in practice, this principle can inhibit timely and coordinated responses, even in urgent humanitarian situations.

140. The exercise also highlighted weak coordination and communication between stakeholders, particularly between governments and civil society. The issue largely remained confined within a limited circle of non-governmental organisations and NHRIs, without effective escalation or broader engagement. The role of the media was similarly minimal, with little effort to raise public awareness or generate pressure for action. This limited visibility contributed to the marginalisation of the issue and reduced opportunities to mobilise wider support or trigger more substantive responses from state actors.

141. In addition, participants reflected on the complexity and inaccessibility of existing mechanisms from the perspective of affected communities. The multiplicity of actors and processes, combined with unclear pathways for engagement, created significant barriers to access. From the standpoint of the Rubio community, navigating these systems required resources, knowledge, and capacity that they did not possess, resulting in delays and inefficiencies in seeking assistance.

142. In response to these challenges, participants emphasised the importance of establishing clear and formalised referral mechanisms across national and regional institutions. Such mechanisms would enable cases to be systematically directed to the appropriate bodies, reducing duplication, confusion, and delays. This includes strengthening linkages between NHRIs and regional human rights bodies, such as the SHRC, as well as clarifying the roles and responsibilities of stakeholders in handling cross-border cases.

143. Participants also highlighted the need for stronger cross-border coordination and cooperation, including the development of shared databases and information systems to better identify and support affected communities. In cases involving stateless or mobile populations, collaborative approaches between states are essential to ensure continuity of protection and

access to services. This may require moving beyond strict interpretations of non-interference towards more pragmatic and humanitarian-oriented forms of engagement, including bilateral or multilateral arrangements.

144. Furthermore, the group underscored the importance of enhancing communication and engagement between governments and civil society, ensuring that non-governmental organisations and community representatives are recognised as legitimate partners in addressing human rights issues. Greater efforts are also needed to engage the media as a strategic actor in raising awareness and mobilising support, while ensuring that reporting is accurate and sensitive to the vulnerabilities of affected communities.

145. Finally, participants recognised that the case of the Rubio people reflects broader structural issues related to statelessness in the region, including gaps in legal frameworks, limited accession to international conventions, and persistent challenges in recognising and protecting the rights of mobile populations. Addressing these issues will require not only case-specific interventions but also longer-term efforts to strengthen regional cooperation, develop inclusive policies, and promote recognition of the fundamental rights of all individuals, regardless of legal status.

146. Following the presentations by both groups, participants engaged in an interactive plenary discussion that focused primarily on procedural, institutional, and coordination-related issues, rather than the substantive details of the case studies. The discussion reflected a shared recognition that while the cases illustrated important human rights challenges, the more pressing gap lies in how existing mechanisms function in practice, particularly at the regional level.

147. A central theme that emerged was the need to clarify the role and added value of regional mechanisms, particularly AICHR, in handling complaints and responding to cross-border human rights issues. Participants observed that, in practice, AICHR currently operates more as a facilitator, convenor, or connector between stakeholders rather than as a body with investigative or adjudicative authority. This raised important questions regarding what can realistically be expected of AICHR within its existing mandate, and how its procedural functions can be strengthened to ensure more effective responses.

148. In this regard, participants emphasised the importance of developing clearer procedures and modalities for handling complaints at the regional level. While there is some understanding of processes at the national level, there remains significant ambiguity regarding what happens once a case is brought to AICHR. Participants highlighted the absence of a clearly articulated, accessible, and user-friendly framework outlining how complaints are received, processed, followed up, and communicated back to complainants. The need for step-by-step guidance, including timelines and points of engagement, was repeatedly stressed.

149. Relatedly, participants pointed to a broader knowledge gap regarding ASEAN's institutional architecture, noting that even among stakeholders present, there was limited

awareness of the roles, mandates, and ongoing work of various ASEAN sectoral bodies. The discussion highlighted that multiple mechanisms exist, such as those dealing with trafficking, labour, women and children, and policing, but these often operate in silos across different ASEAN pillars. This fragmentation limits opportunities for coordinated responses to complex, cross-cutting issues.

150. Participants also underscored the importance of strengthening cross-sectoral and inter-agency coordination within ASEAN. While examples of collaboration, such as between AICHR and other sectoral bodies, were acknowledged, these were seen as *ad hoc* or still evolving. There was a strong call for more systematic and institutionalised forms of cooperation, including clearer referral pathways between bodies, shared knowledge systems, and greater visibility of existing initiatives and tools across ASEAN.

151. Another key issue raised was the lack of trust between victims, civil society actors, and governments, which directly affects how cases are reported and pursued. Participants noted that victims and civil society organisations may avoid engaging state actors due to concerns over inaction, reprisals, or being treated as offenders. This trust deficit was recognised as a critical barrier to effective protection and response mechanisms, highlighting the need for governments to undertake more proactive outreach and confidence-building measures.

152. The discussion further highlighted concerns regarding the treatment of victims within national systems, particularly in cases of trafficking, where individuals are often criminalised rather than recognised as victims. This underscored the need for more consistent adoption of victim-centred approaches, including the application of the non-punishment principle and improved victim identification processes across ASEAN Member States.

153. Participants also reflected on the practical challenges of navigating existing mechanisms, particularly for victims and community-level actors. The complexity of processes, coupled with limited access to information and resources, creates significant barriers to engagement. This reinforced the need for more accessible, user-friendly systems, including simplified complaint procedures, clearer guidance materials, and improved public awareness of available channels.

154. Building on these discussions, participants collectively identified the importance of establishing more formalised and structured referral systems across national and regional institutions. Such systems would allow cases to be directed more efficiently to relevant actors based on their mandates and expertise, reducing fragmentation and improving response times. At the same time, there was recognition of the need to balance immediate responses to urgent cases with longer-term structural solutions, including policy reform and enhanced bilateral or multilateral cooperation to address cross-border challenges.

155. The discussion also emphasised the importance of strengthening investigative and information-gathering capacities, whether through national mechanisms, regional bodies, or collaborative approaches. Participants noted that effective responses require not only

coordination but also the ability to verify information, understand patterns, and respond in an evidence-based manner.

156. Finally, participants highlighted the critical role of media engagement in shaping public awareness and supporting advocacy efforts. While media can serve as a powerful ally in amplifying human rights concerns, there is also a need for more strategic and responsible engagement to avoid misinformation or unintended harm. Strengthening media literacy and partnerships was therefore seen as an important component of a broader ecosystem supporting human rights protection.

157. In concluding the discussion, it was emphasised that many of the challenges identified are not due to a lack of existing mechanisms or initiatives, but rather to gaps in visibility, coordination, and accessibility. Participants noted that ASEAN already possesses a range of frameworks, sectoral bodies, and ongoing initiatives relevant to human rights protection; however, these remain underutilised due to limited awareness, fragmented institutional linkages, and unclear procedural pathways. Addressing these gaps will be critical to enhancing the overall effectiveness of ASEAN's human rights architecture. Moving forward, greater emphasis should be placed on strengthening interlinkages among mechanisms, improving transparency and user accessibility, and translating existing commitments into more coherent, operational responses to complex, cross-border human rights issues.

Session 4 (Plenary): Fireside Reflection – Realising ASEAN 2045: Our Shared Future and Strengthening ASEAN Human Rights Mechanisms

158. Session 4 aimed to reflect on the challenges and opportunities in the existing ASEAN human rights mechanisms and to allow participants to provide key recommendations and actionable strategies to strengthen the role and capacity of these mechanisms. Participants were divided into three breakout groups, each facilitated by a prompter, to discuss key reflection questions and consolidate their ideas. Following these discussions, each group presented their findings in plenary. This session was facilitated by three prompters: **H.E. Anita A. Wahid**, Representative of Indonesia to AICHR; **H.E. Dr. Ratchada Jayagupta**, Thailand's Representative for Women's Rights to ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC); and **Dr. Fuadi Pitsuwan**, Lecturer at the Faculty of Political Science, Thammasat University and WGAHRM.

159. The first group, presented by Dr Fuadi Pitsuwan, noted that many of the group's proposed recommendations should be sustained across both short- and long-term. A key priority identified was the need to improve public understanding of ASEAN and its human rights mechanisms through education and awareness-building. This included simplifying information, mapping stakeholders, and encouraging the ASEAN Secretariat to play a stronger role in public education. The group proposed developing clear, practical guidelines for ASEAN citizens on what steps to take when their rights are violated. They also emphasised the importance of increasing legal literacy across ASEAN countries, involving lawyers and

multidisciplinary actors in advocacy, and strengthening media engagement to improve reporting and understanding of human rights issues.

160. The group further stressed the importance of two-way engagement between civil society and governments as well as the need to identify priority thematic areas and better coordinate efforts across levels. A practical recommendation was to institutionalise the knowledge of former AICHR representatives through an advisory council or similar mechanism. Statelessness, linked to the right to nationality under the AHRD, was identified as an urgent issue requiring immediate attention. In the longer term, the group proposed strengthening the legal status of the AHRD, clarifying AICHR's protection mandate, and institutionalising AICHR through a permanent secretariat and more structured selection processes. They also highlighted the need to review the TOR and the ASEAN Charter, particularly in relation to the principle of non-interference, while strengthening NHRIs as a foundational step. A periodic review of AICHR's performance was also recommended.

161. The second group, presented by Dr. Ratchada Jayagupta, aligned proposed short-term actions with ASEAN work plans and long-term goals with the ASEAN Community Vision 2045. The group called for a review of the TOR and mandates of ASEAN human rights sectoral bodies, emphasising the need for independence of commissioners. They proposed the development of human rights advisory notes through collaboration among ASEAN bodies and across pillars, including political-security, economic, and socio-cultural sectors. The group also highlighted the need to expand civil society participation by increasing the number of accredited organisations and ensuring regular consultations. Particular attention was given to accessibility of information, especially for vulnerable groups such as persons with disabilities, noting the need for inclusive approaches that account for different forms of disability. The group also raised the relevance of the "ASEAN minus X" formula in enabling progress despite consensus constraints.

162. For the long term, the second group proposed the establishment of complaint and referral mechanisms, drawing on existing regional practices such as those in the Mekong subregion on trafficking. They also raised the possibility of a regional human rights court as a longer-term aspiration. Institutional strengthening remained a central theme, including enhancing secretariat support for both AICHR and other bodies such as ACWC. The group concluded by highlighting three overarching priorities: strengthening institutions and mandates, expanding participation and inclusivity — especially for vulnerable groups identified in ASEAN frameworks — and improving accountability, transparency, and cooperation, including with external partners and international organisations.

163. The third group, presented by H.E. Anita Ashvini Wahid, focused its discussion on strengthening the protection mandate of AICHR, moving beyond its current emphasis on promotion. The group emphasised the need to make the protection function more explicit, which would require amendments to the TOR. They also underscored that responsibility for human rights protection should be shared across ASEAN sectoral bodies, particularly for cross-cutting issues, necessitating stronger inter-agency collaboration.

164. The group highlighted the need to shift towards more substantive thematic studies that provide actionable insights on regional human rights challenges. While acknowledging improvements in how complaints are handled, they noted that more consistent responses would help build trust in AICHR. They also pointed to the gap between ASEAN's numerous guidelines and their actual implementation, calling for regional standards, as well as monitoring and evaluation mechanisms to ensure these instruments are effectively applied at national and grassroots levels.

165. Further emphasis was placed on strengthening engagement with civil society and ensuring inclusivity, particularly for underrepresented and vulnerable groups. The group also stressed the importance of defining a clear framework for protection, including the need for better data collection, improved access to information, and enhanced capacity-building for AICHR and relevant stakeholders. From these discussions, three key actionable strategies emerged: first, the need to build strong political will through broader stakeholder engagement; second, the need to rethink core ASEAN principles such as sovereignty, non-interference, and consensus in light of a people-centred approach; and third, the importance of developing cross-border mechanisms to address transnational human rights issues.

166. In summary, the key recommendations are listed as follows:

a) Strengthening institutional frameworks and mandates

- (i) Review and strengthen the TOR and mandates of ASEAN human rights mechanisms, including clarifying and expanding the protection mandate.
- (ii) Institutionalise AICHR through a permanent and adequately resourced secretariat.
- (iii) Ensure independence of commissioners and standardise selection processes across Member States.
- (iv) Conduct periodic reviews of AICHR's performance to improve effectiveness and accountability.

b) Enhancing protection functions and mechanisms

- (i) Shift greater emphasis from promotion to protection, including defining a clear framework for protection mandates.
- (ii) Strengthen complaint and referral mechanisms, building on existing regional practices (e.g. sub-regional mechanisms).
- (iii) Explore long-term possibilities for a regional human rights court.
- (iv) Strengthen NHRIs and domestic mechanisms as a foundation for regional protection.

c) Improving implementation, monitoring, and coordination

- (i) Establish regional standards and monitoring mechanisms for the implementation of ASEAN human rights instruments and guidelines.

- (ii) Promote stronger cross-sectoral and cross-pillar collaboration among ASEAN bodies.
 - (iii) Enhance coordination between ASEAN mechanisms, national institutions, and external partners, including UN agencies.
- d) *Expanding participation, inclusivity, and stakeholder engagement*
 - (i) Increase engagement with civil society organisations, including expanding accreditation for civil society organisations with consultative relationship with AICHR and ensuring regular consultations.
 - (ii) Strengthen inclusivity by ensuring participation of vulnerable groups, including women, children, youth, persons with disabilities, and those in remote or climate-affected areas.
 - (iii) Promote two-way engagement between governments, national bodies, and civil society.
- e) *Building awareness, accessibility, and public engagement*
 - (i) Improve public education and awareness on ASEAN and its human rights mechanisms, including through the ASEAN Secretariat.
 - (ii) Develop practical guidelines for ASEAN citizens on available remedies when rights are violated.
 - (iii) Enhance accessibility of information, including for persons with disabilities and other vulnerable groups.
 - (iv) Strengthen engagement with media and improve media literacy on human rights issues.
- f) *Strengthening knowledge, capacity, and evidence-based approaches*
 - (i) Promote multidisciplinary approaches, including greater involvement of legal experts and other sectors.
 - (ii) Strengthen data collection systems and evidence-based policymaking.
 - (iii) Expand capacity-building and training for AICHR, ASEAN bodies, and stakeholders.
 - (iv) Learn from past AICHR representatives through advisory or expert mechanisms.
- g) *Advancing normative and legal development*
 - (i) Strengthen the legal status of the AHRD, including exploring pathways to make it more binding.
 - (ii) Advocate for review of the ASEAN Charter, particularly provisions related to human rights and institutional constraints.
- h) *Addressing structural and political constraints*
 - (i) Re-examine key ASEAN principles, including sovereignty, non-interference, and consensus, in light of a people-centred approach.

- (ii) Explore flexible approaches such as the “ASEAN minus X” formula to enable progress among willing Member States.
- (iii) Build stronger political will through sustained engagement with stakeholders at all levels.

i) Prioritising thematic and emerging issues

- (i) Identify and prioritise key regional human rights issues, including statelessness and the right to nationality.
- (ii) Strengthen cross-border mechanisms to address transnational human rights challenges.

Closing remarks

167. In his closing remarks, the Representative of Malaysia to AICHR reflected on the longstanding and complex nature of human rights protection within ASEAN, noting that the issue has been discussed for many years but continues to require renewed thinking and practical solutions. He expressed appreciation to participants for their active engagement, particularly in working through the case studies, which he described as grounded in real-life challenges faced by ASEAN human rights mechanisms. These discussions, he emphasised, had generated useful and concrete recommendations that could inform the work of AICHR moving forward.

168. Framing the discussion within the ASEAN Community Vision 2045, he highlighted the importance of renewing processes, refreshing institutions, and strengthening institutional capacity. He acknowledged that while questions around mandates and limitations, particularly the principle of non-interference, are frequently raised, these should not become constraints that hinder progress. Instead, he underscored that ASEAN bodies, including AICHR and ACWC, have already demonstrated that it is possible to advance human rights protection while still respecting sovereignty and the ASEAN Way. He cautioned against repeatedly invoking these limitations in ways that may unintentionally weaken regional resolve, stressing that all stakeholders share a common intention to strengthen ASEAN and work collectively despite differing national contexts.

169. Looking ahead, he called for a more forward-looking, pragmatic approach, encouraging participants to navigate existing constraints creatively and focus on building stronger institutions for future generations. He also noted the importance of inclusivity within ASEAN, particularly in light of Timor-Leste’s accession process. Rather than viewing Timor-Leste as a passive beneficiary, he emphasised its active role and contributions to regional discussions on peacebuilding and human rights, while reiterating that no country in the region has a perfect human rights record and that mutual learning remains essential.

170. He concluded by encouraging participants to carry forward the lessons from the Consultation, including comparative insights from other regional systems, and to translate them into practical steps to strengthen ASEAN’s human rights architecture. Expressing appreciation

to all participants, speakers, and organisers, he closed the session by reiterating his hope for continued collaboration in future ASEAN engagements.

ANNEX A

**WELCOME REMARKS BY EDMUND BON,
AICHR CHAIR AND REPRESENTATIVE OF MALAYSIA TO AICHR, AT THE
AICHR REGIONAL CONSULTATION ON ENHANCING ASEAN'S HUMAN
RIGHTS MECHANISMS FOR THE EFFECTIVE PROMOTION AND
PROTECTION OF HUMAN RIGHTS**

**22 SEPTEMBER 2025
PUTRAJAYA, MALAYSIA**

Altaf Deviyati Ismail, Secretary, Human Rights Commission of Malaysia (SUHAKAM),

Dr. Sriprapha Petcharamesree, Co-Chair, Working Group for an ASEAN Human Rights Mechanism (WGAHRM),

Georgia Carter, Programme Officer, International Engagement, Australian Human Rights Commission (AHRC),

Kewalin Sa-ngapet, Regional Program Officer, Friedrich Naumann Foundation for Freedom (FNF),

Excellencies, AICHR Representatives,

Distinguished guests, friends, and ladies and gentlemen.

Selamat pagi.

How can we make our ASEAN's human rights mechanisms more effectively protective of the people? This has been a perennial question that has been bugging us. It has been the subject of much debate and many seminars organised by ASEAN bodies, external partners, and civil society organisations.

With the advent of ASEAN 2045: Our Shared Future and the ASEAN Community Vision 2045 "Resilient, Innovative, Dynamic, and People-Centred ASEAN" along with the Strategic Plans, our future ASEAN will be an ASEAN Community that is an inclusive and cohesive Community that respects political, social, religious, cultural, ethnic diversities, upholds the principles of democracy, rule of law and good governance, respects fundamental freedoms, and promotes and protects human rights and social justice. The Community will be anchored in ASEAN Centrality with enhanced institutional capacity and effectiveness, with ASEAN organs, bodies, and mechanisms that are more decisive, responsive, innovative, agile, adaptive, and future-ready to address global and regional challenges, cross-cutting issues, and urgent and specific situations in a timely manner.

Building on past activities related to ASEAN's human rights mechanisms for over 10 years, this consultation convenes key and relevant ASEAN stakeholders to explore pathways towards enhancing the effectiveness of ASEAN's human rights architecture. I am heartened to acknowledge the presence and support of members of the WGAHRM. The WGAHRM has been credited in academic literature as being one of ASEAN's key norm entrepreneurs on human rights, using diplomacy to advocate for the establishment of an ASEAN human rights mechanism. Its work, along with that of other stakeholders, has led to the establishment of AICHR as the human rights body in Article 14 of the ASEAN Charter. WGAHRM continues to strengthen the Commission while aspiring towards an ASEAN Human Rights Court. I recall attending many programmes organised by WGAHRM and learning about the ASEAN processes and challenges through them. I hope that this consultation will continue this tradition for all of us.

As many of you know, pursuant to paragraph 9.6 of the AICHR Terms of Reference (TOR), the TOR are to be reviewed five years after their entry into force. This review and subsequent reviews shall be undertaken by the ASEAN Foreign Ministers Meeting (AMM) with a view to further enhancing the promotion and protection of human rights within ASEAN. AICHR has conducted two self-assessment exercises in 2014 and 2021, with recommendations submitted to the AMM. These assessments reflect AICHR's commitment to continuous improvement consistent with Articles 7 and 8 of the Cha-Am Hua Hin Declaration on the Intergovernmental Commission on Human Rights, adopted in 2009.

In 2019, the AMM tasked the ASEAN Senior Officials Meeting (SOM) to convene a Panel of Experts (POE) to review the TOR. As of June 2025, I understand that five ASEAN Member States have nominated their experts to the POE: Cambodia, Indonesia, Malaysia, the Philippines, and Thailand. There are parts of the TOR that have already been implemented, such as drafting of the ASEAN Human Rights Declaration, while others may need to be updated. A review of the TOR only means that an examination and deliberation of the terms are conducted, and it may not necessarily lead to any change, but rather maintain the status quo.

Nevertheless, despite the non-review of the TOR, leading ASEAN scholars in the region have opined that AICHR has made recent progress in its protection work. Dr. Tan Hsien-Li of Singapore writes about the "adaptive" protection of human rights through the institutionalisation of its scrutiny functions. In the latest book on AICHR this year, Dr. Robin Ramcharan surveys the Commission's work on prevention, mitigation, remedies, and redress, and elaborates on the protection link.

While AICHR is sometimes seen to deliberate on human rights at a high level, AICHR representatives are always aware of and alive to the real-world issues and challenges facing the region. Our concerns are reflected in every meeting where we share and seek information on human rights developments in the region, while considering the communications we have received. When appropriate, we have issued press releases such as on the earthquake that struck Myanmar and Thailand in 2025, and on the Coronavirus Disease 2019 (COVID-19) in 2020. Groups of individual representatives have also expressed their views on the execution of activists in Myanmar (2022), the military coup in Myanmar (2021), World Human Rights Day (2019), transboundary haze pollution (2019), and the Rakhine State situation and resulting refugee outflow (2018).

AICHR's communication mechanism, which has been in place for several years, regularly receives complaints and cases regarding a range of human rights issues. This has allowed us a

window to review, share, and seek information, and to verify and respond. Speaking as the Representative of Malaysia, the recent cases we have received pertain to the right to freedom of assembly and the investigation of Sevan Doraisamy of SUARAM (Suara Rakyat Malaysia), and the Bajau Laut statelessness and their medical conditions. AICHR responded to the first, and the second is being considered along with my colleagues from Indonesia and the Philippines.

The importance of having AICHR cannot be overstated. The issues raised in the media or by civil society, as received by the Commission or as individual representatives, include violations, conflicts, and hostilities in Myanmar, Cambodia-Thailand, Papua, and Indonesia. AICHR can operate to lead the region in meeting human rights challenges, and this consultation will continue to explore good practices for adoption, foster dialogue, and generate recommendations to document possible ways and means to make AICHR more effective in ensuring that its work remains relevant and impactful for the people most in need.

I would like to express my sincere appreciation to the team of Malaysia's AICHR Assistants — Toh Nyon Nyin, Nurul Aliaa Azman, Valen Khor, and Umavathni Vathanaganthan — for organising this programme and their dedication to the cause. I also extend my gratitude to the staff from the Ministry of Foreign Affairs of Malaysia for their invaluable support.

Finally, on behalf of AICHR, I thank our supporting partners, SUHAKAM, WGAHRM, AHRC, and FNF. Together with our ASEAN AICHR Fund, you have made this programme possible.

Thank you.
