

# *No Longer Taboo: Human Rights in ASEAN*

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# Human Rights in ASEAN: an Overview

**1**

**Evolution of ASEAN Perspective on  
Human Rights**

**2**

**Issues in the Existing ASEAN Human  
Rights Mechanism**

**3**

**Alternatives to Improve Existing  
Mechanism**

# Evolution of ASEAN's Perspective on Human Rights

# ASEAN Early Years - Cold War Period (1967 – 1992)

The  
absence of  
human  
rights  
agenda in  
the  
regional  
setting

1

*ASEAN's strict adherence to the principles of  
sovereignty and non-intervention*

2

*ASEAN was not designed as a supranational body*

3

*There was no pressure for ASEAN to adhere to  
international human rights norms and standards*

## Post Cold War (1992 – 1998)

### Push Factors

The growing prominence of human rights in Western agenda:

- External Pressure
- Internal pressure – the role of NGOs and think tanks

HR as an external tool directed against Asia: reserved acceptance of HR in ASEAN – International Human Rights v. Non-interference and HR thematic approach

### Changes

- 1993 Bangkok Declaration
- Commitment to establish ASEAN human rights mechanism
- Commitments to focus on women and children rights

# Toward the ASEAN Charter (1998 – 2006)

Democratisation  
of some ASEAN  
States

Institutionalisation  
of HR in some  
ASEAN States

Strained  
relationship w/ the  
West – Myanmar  
situation

**The absence of ASEAN's reservation toward human rights**

Regional framework  
on women's,  
children's & migrant  
workers' rights

Continued dialogues  
w/ CSOs on the  
establishment of  
ASEAN HR mechanism

Commitment to  
include HR in the  
Charter – EPG  
Report

## After the ASEAN Charter (2007 – Now)

The Grand  
Compromise:  
universal  
human rights  
and the  
principle of  
non-  
intervention

2007 ASEAN Charter: Arts. 2 (a, e, i, and l)

2010 TOR of AICHR: pts. 1(3) and 1(4)

2010 TOR of ACWC: pr. 2(1)

2012 ASEAN Human Rights Declaration: pts. 7-8

# Issues in the Existing ASEAN Human Rights Mechanism



# AHRD: Implementation & Compliance

## Rights under AHRD

- No provisions on implementation
- No provisions on compliance monitoring



## Questions

- Is the AHRD intended to reflect regional human rights values?
- What is the prospect of an ASEAN human rights convention in 2015?

# ASEAN Human Rights Institutions

*1. ASEAN Committee on the Implementation of ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers (2007)*

*2. ASEAN Intergovernmental Commission on Human Rights (2010)*

*3. ASEAN Commission on the Promotion and Protection of Women and Children Rights (2010)*

# Other Human Rights Institutions in Southeast Asia

## National Human Rights Institutions (track 3)

- **Indonesia**
- **Malaysia**
- **Philippines**
- **Myanmar**
- **Thailand**
- **Southeast Asia NHRI Forum**

## Civil Society Organisations

### **Art. 16 ASEAN charter**

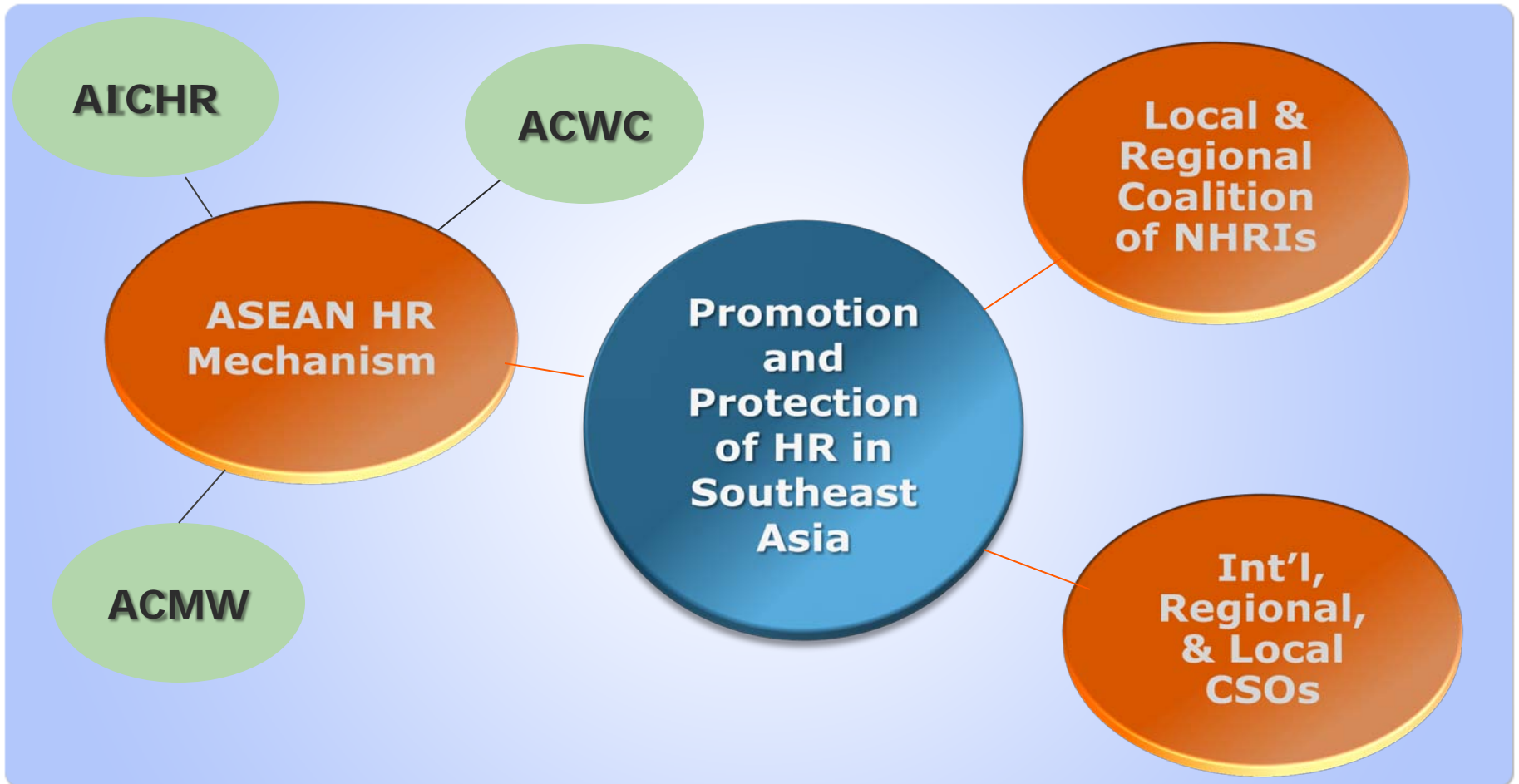
#### **Track 2 CSO:**

- **ASEAN ISIS network**

#### **Track 3 CSOs (e.g.):**

- **Working Group for an ASEAN Human Rights Mechanism**
- **Other local, regional, and int'l CSOs**

## Human Rights Institutions in ASEAN & Southeast Asia: Interaction & Coordination?



# Action – Regional Human Rights Situations

## Women's & Children's Rights

- Violence
- Exploitation
- Trafficking

## Migrant Workers

- Smuggling & TIP
- Violence & exploitation
- undocumented migrants

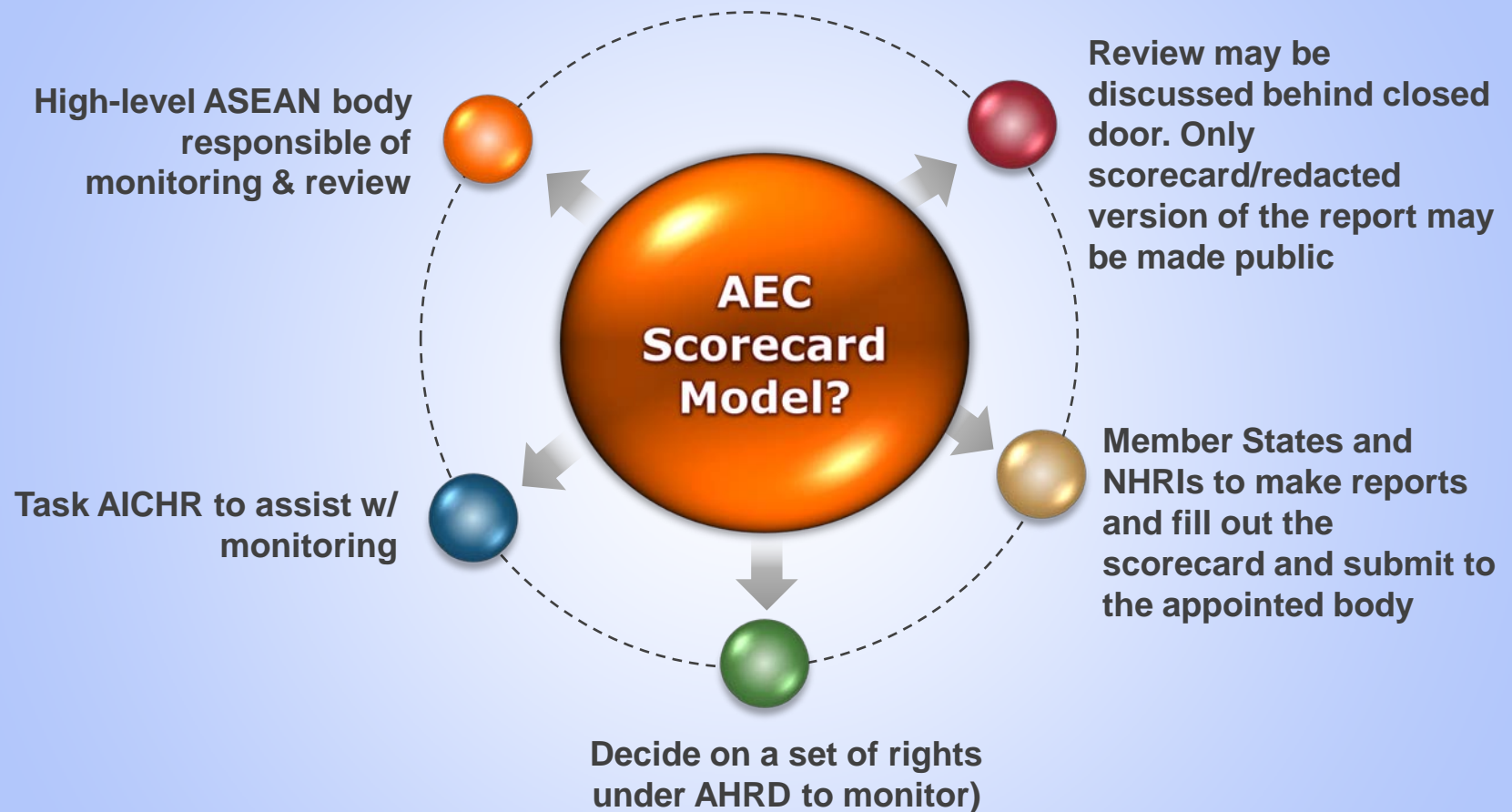


## HR situations allegedly happened in an AMS jurisdiction

- Individual State approach
- No mentioning in any of ASEAN's forums
- AICHR – constructive engagement?

# Alternatives to Improve ASEAN's Existing Human Rights Mechanism

# 1. Compliance Monitoring Mechanism



# Improving Institutional Relationship

## 1 ASEAN Inter-institutions' Relationship

- Subordination instead of coordination

IACHR being the overarching HR institution  
assisted by ACW and ACMW responsible for  
thematic issues

## 2 Relationship w/ other HR institutions in SEA

- AICHR to hold regular dialogues with CSOs and NHRIs
- To include CSOs and NHRIs reports in its annual report



## 3. The Role of Academics and Think-Tanks

### Drafting a Commentary to the AHRD

1

**Collaboration between academics & think-tanks**

2

**Develop a regional sense of ownership for the advancement of ASEAN HR mechanism**

3

**Raise public awareness on regional HR mechanism**

4

**Pave a way for the protection of human rights in the region**

**Thank You**

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