



Revitalization of the ASEAN Inter-Governmental Commission of Human Rights (AICHR): A Pathway to Strengthen Human Rights in ASEAN

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Abstract. Since the establishment of the ASEAN Inter-Governmental Commission of Human Rights (AICHR) in 2009, the handling of cases of human rights violations in ASEAN has yet to progress. Although AICHR, as an intergovernmental institution, expected to be able to strengthen cooperation between ASEAN countries in preventing and handling human rights violations, does not have a significant role, there are still many serious human rights violations occurring in the ASEAN region. This article aims to examine the challenges and the revitalization actions to strengthen AICHR. The toughest human rights challenge in ASEAN lies in the differences in countries' perceptions of human rights which are strengthened by the principle of non-interference in ASEAN. AICHR as an intergovernmental cooperation is not given strong and clear authority in implementing human rights principles in ASEAN. Revitalization efforts that can be made are by strengthening the independence of the AICHR institution, giving it the authority to receive and handle complaints and resolve human rights issues in a binding manner. It is hoped that strengthening the AICHR institution will be a pathway to uphold human rights in ASEAN.

Keywords: ASEAN; AICHR; human rights enforcement.

1 Introduction

The Association of South East Asian Nations (ASEAN) was founded in 1967 amidst the changing regional and international situation [1]. At that time, the Southeast Asian region, which geopolitically and geoeconomically had strategic value, became the target of even the conflicting interests of major countries after World War II. Based on the background of the development of the situation in the region at that time, the countries of Southeast Asia realized the need to form cooperation, build mutual trust, and encourage regional development [1].

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R. Abdul Rahman et al. (eds.), *Proceedings of the 12th UUM International Legal Conference 2023 (UUMILC 2023)*, Atlantis Highlights in Social Sciences, Education and Humanities 15,

https://doi.org/10.2991/978-94-6463-352-8_8

This awareness arises because the state is not a separate or autonomous political entity that is only responsible for itself. Instead, states are related to one another and assert external sovereignty over one another through recognition, diplomacy, and trade practices. In the beginning, ASEAN consisted of only five countries – Indonesia, Malaysia, Thailand (Siam), Singapore, and the Philippines [2]. Although the individual member countries differ in language, culture, religion, geography, ethnicity, and historical experience, relations between members gradually develop a sense of community.

Although ASEAN was initially formed to be a forum for communication and mutual exchange of information between its members, it limited the scope of its activities only to the social, economic, and cultural fields [3]. The existence of ASEAN as a regional organization is increasingly established and considered by the international community. At the age of 40, the 13th ASEAN Summit in Singapore in 2007 was considered a starting point for ASEAN's revival with the signing of the ASEAN Charter, which changed ASEAN from a loose association to a rule-based organization with a legal personality [4]. ASEAN is already a regional international cooperation organization covering a more comprehensive range of fields. ASEAN cooperation is no longer limited to the social, economic, and cultural fields but also covers the political, military, and even within certain limits also covers the fields of defense and security. It can be seen by the ASEAN Political-Security Community (APSC), ASEAN Economic Community (AEC), ASEAN Socio-Cultural Community (ASCC), ASEAN Charter (ASEAN Charter), Treaty on Mutual Legal Assistance in Criminal Matters (MLAT), ASEAN Convention on Counter-Terrorism (ACCT), ASEAN Defense Ministers Meeting (ADMM) which later developed into the ASEAN Law Association (ALA), Declaration on the Conduct of Parties in the South China Sea (DOC). The expansion of ASEAN membership to date consists of ten countries.

ASEAN countries issued a Joint Communiqué in the same year, expressing the same understanding regarding their commitment and compliance in respecting human rights [5]. In accordance with Joint Communiqué, ASEAN countries are consistent in coordinating and consolidating so that they can achieve a common approach to human rights and actively participate in implementing the promotion and protection of human rights. The establishment of a human rights commission at the ASEAN level is an appropriate and better step towards the development of human rights values to be realized in the Southeast Asian region. Then, a human rights commission was also formed to facilitate and improve the implementation and enforcement of human rights in Southeast Asia. Therefore, after nearly two decades of pressure from the West, the establishment of a human rights mechanism at the regional level has finally been realized. Based on Article 14 of the ASEAN Charter, AICHR began to be formed by the heads of Government of ASEAN member countries on October 23, 2009, at the 15th summit in Cha-Am Hua, Thailand, concerning the Term of Reference (ToR). ASEAN member countries established the Declaration of Human Rights on November 18, 2012.

The objectives of the AICHR are stated in Article 1 paragraph (1) of the ToR or working terms of reference. The first is to promote and protect the human rights and fundamental freedoms of the ASEAN people. Article 1, paragraph (3) of the ToR regulates the realization of the goals written in the ASEAN Charter: to increase stability,

harmony, cooperation, and good relations among ASEAN member countries. The ASEAN Human Rights Declaration (ASEAN Human Rights Declaration/AHRD) was created and successfully adopted in 2012. The AHRD marks an important step in establishing a formal human rights system in ASEAN, which may, like other regions such as Africa, America, and Europe, which is expected to be able to help form a solid basis for the development of legal instruments and independent mechanisms that are urgently needed to strengthen the protection of human rights in the region.

However, at the implementation level, after AICHR was established in October 2009, it seems that AICHR has not carried out its protection function as a human rights body at the regional level. The primary indication is that there are still cases of human rights violations in Southeast Asia, but the AICHR seems not to show its existence because it looks passive. AICHR does not have a mechanism to handle cases or to receive complaints of human rights violations from the public. Even until the end of the first AICHR period in 2012, there was no response from AICHR to several reported cases such as, for example, the Myanmar Rakhine refugees, the Maguindanao massacre in the Philippines, the arrest of 1500 people in the BERSIH movement in Malaysia, and the arrest of dozens of activists in Cambodia.

In previous scientific studies, there have been several analyses regarding the inhibiting factors of AICHR in overcoming human rights violations in the ASEAN region, the basis of which is the separate Norms in ASEAN known as the ASEAN Way. The core values of the ASEAN Way are Non-Intervention and consensus decision-making. Principle of non-interference as an instrument of state sovereignty. Thus, ASEAN member countries can resolve conflicts in their countries using their methods. This principle can be seen in the ASEAN Charter. The principle of Non-intervention which has the values of respecting the territorial integrity of each country and its sovereignty, solving any political problems through discussion, and increasing cooperation in aspects of regional defense and security based on one of the goals of establishing ASEAN, namely "to promote peace" in the region. With this principle in place, each ASEAN member country will understand and will not interfere in a country's domestic problems or cases of human rights violations.

For example, cases of Human Rights violations occurred in Myanmar against the Rohingya ethnicity. The case of Rohingya ethnicity is one of the cases that shows a conflict between the dominating group and the minority group. The majority group is represented by the Burmese and the minority Muslim minority group Rohingya who have experienced prolonged conflict. The conflict caused casualties for both groups and resulted in gross human rights violations. Even the Independent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) strongly condemned human rights violations against Rohingya Muslims in Rakhine State, Myanmar. However, AICHR will not be able to do much in alleviating the Rohingya problem. This Commission is expected only to be able to encourage each member country to uphold and protect human rights values due to the principle of non-intervention which has become the basic principle or "golden rule" in ASEAN membership. It causes AICHR to focus more on negotiations than directly solving the problem. Thus, ASEAN member countries must create suitable methods and solutions to be used in the context of creating peace and security in the Southeast Asian region.

The existence of AICHR is a step forward for upholding human rights in ASEAN because considering that human rights issues are a widespread issue among ASEAN countries, the establishment of the institution indicates that there will be a political compromise by the governments of Southeast Asian countries in terms of upholding and promoting human rights in the region. , it is just that the various obstacles faced by AICHR both internally and externally that are bound to ASEAN must find a way out so that AICHR can carry out the mandate of the ASEAN Charter optimally.

2 Discussion

2.1 Regional Human Rights

Human rights Regional Systems are mechanisms for upholding human rights in an area (regional) in an integrated manner that applies to all countries in the region (regional) based on an agreement. There are currently three regional human rights systems: European, Inter-American, and African. The three systems were formed based on regional agreements formed in each of its regional organizations, Europe based on the agreement of the European Council and the Organization of the European Union (Europe Union), Inter-America based on the Organization of American States (OAS) and Africa based on African Union Agreement (African Union).

Inter-American. The competence of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights covers the Western Hemisphere. The Commission can decide cases brought against the 35 member states of the OAS under the American Declaration of Human Rights and Duties of 1948 and against 24 countries that have ratified the American Convention on Human Rights. In addition, courts can only hear cases brought against countries that have ratified the American Convention and recognize the jurisdiction of Inter-American courts.

The human rights instruments that have been adopted in the Americas are:

- 1) American Declaration on Human Rights and Duties of Man (1948);
- 2) Inter-American Commission on Human Rights (1959);
- 3) The American Convention on Human Rights 1969 only came into effect in 1978;
- 4) The Inter-American Court on Human Rights 1979 only came into effect in 1984;
- 5) Additional Protocol on Economic, Social, and Cultural Rights (1988);
- 6) Additional Protocol on the Abolition of the Death Penalty (1990);
- 7) American Convention on the Prevention, Punishment, and Eradication of Violence against Women (1994).

In the Inter-American system, there are two institutions: courts and commissions. The Court has the authority to determine whether a violation has occurred, and the Court also has the authority to order compensation for losses or other reparations.

Meanwhile, the Commission has the authority to issue reports containing findings on whether violations have occurred and make recommendations.

The number of Inter-American judges and human rights commissioners is seven, each elected by the OAS General Assembly. The courts are based in San Jose and Costa Rica. The Commission is based in Washington, DC, but it is possible to meet in other parts of the Americas. Currently, the Court has held 95 general sessions and 46 extraordinary sessions.

Europe. The human rights mechanism was created and administered under the Council of Europe (CoE), established in 1949. The European human rights court has jurisdiction over complaints against the 47 Member States of the Council of Europe, which are significant parties to the Human Rights Convention European man. In addition, the European Committee on Social Rights monitors the compliance of European countries that ratified the European Social Charter (43 countries) and can decide on complaints against states members of the European Social Charter that have opted to accept the committee's collective complaints procedure (15 countries).

As a law enforcement mechanism, the CoE established a permanent human rights court in 1998, taking over the powers of the previous Court and Commission. This permanent Court is based in Strasbourg, France, with several members equal to the number of state parties to the convention, namely 47 members.

Africa. The Commission runs regional human rights legal mechanisms in Africa as a complaint center and the Court as a case decision maker. The African Commission on Human and Peoples Rights has the authority to decide complaints against the 53 Member States of the African Union, all signatories to the African Charter on Human and Peoples' Rights. The African Court on Human and Peoples Rights has jurisdiction to give advisory opinions and to decide cases against countries that have accepted its jurisdiction.

The human rights instruments that have been adopted in the African region are:

- 1) African Charter on Human and Peoples' Rights 1981;
- 2) African Commission on Human and Peoples' Rights 1987;
- 3) Protocol on the Establishment of an African Court on Human and Peoples Rights 1997;
- 4) African Charter on the Rights and Welfare of the Child 1990.

The Court has the authority to determine whether a violation has occurred, and the Court also has the authority to order compensation for losses or other reparations related to the violation. Meanwhile, the Commission has the authority to issue reports containing findings about whether violations have occurred and make recommendations.

The number of African judges and human rights commissioners is 11 each, whom the African Union Assembly of Heads of State and Government elects. The courts are based in Arusha and Tanzania. The Commission is based in Banjul, The Gambia, but it is possible to meet in other parts of Africa. Currently, the Court has held 24 general sessions and two extraordinary sessions.

In addition to these three regional human rights systems, there are two other regional human rights bodies in the Middle East (Arab Human Rights Committee) and Southeast Asia (ASEAN Intergovernmental Commission on Human Rights/AICHR). However, both are not regional human rights bodies as they do not decide on individual complaints and are not considered quasi-judicial bodies.

A vital feature of a regional human rights system is that it has a judicial or quasi-judicial decision-making body, which is responsible for receiving complaints about alleged human rights violations and establishing the international responsibilities of the countries concerned. The existing bodies are the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights; the European Court of Human Rights, European Commission on Human Rights, and European Committee on Social Rights; the African Commission on Human and Peoples' Rights, African Court of Human and Peoples' Rights, and African Court of Justice and Human Rights. The nature and duties of these organs within the regional human rights system and the norms that are interpreted and applied are set out in regional agreements.

2.2 ASEAN's View of Human Rights

No one can deny that human rights issues and the establishment of an ASEAN human rights mechanism are still very challenging matters for ASEAN. Generally speaking, ASEAN has been making slow progress in the field of human rights. The establishment of an ASEAN human rights mechanism was provided for by the Charter, but exactly what kind of human rights body ASEAN would be comfortable with was a crucial question both for ASEAN and its people.

Including human rights clauses in the Charter does not help ASEAN to develop a human rights discourse or to change its perception of human rights. Below are several perceptions of ASEAN governments about human rights in the region [6].

First, ASEAN governments perceive that human rights are not universal. While ASEAN leaders accept the concept of the universality of human rights, they argue that there are differences between international human rights standards and practices in the region. ASEAN emphasizes that human rights are shaped by each country's experiences, especially by religion, tradition, and culture. All these elements form the basis for social values. Basic human rights, while universal in character, are governed by the distinct culture and history of, and socio-economic conditions in each country, and their expression and application in the national context are within the competence and responsibility of each country. There is no such universality and international standard. Each country has its own standard. Many ASEAN states thus subscribe to a cultural relativist view [7].

Second, one category of rights is prioritized over another. Some ASEAN governments are not comfortable with the concept of the indivisibility of human rights. Many prefer advocating for economic, social and cultural rights rather than political and civil rights. ASEAN claims that political rights and civil liberties could be a hindrance to economic development and social or public order. There has always been a trade-off in which economic, social and cultural rights have been given priority over political and civil rights.

Third, in most ASEAN countries there has been more concern with order and discipline, and more concern with duties than with rights. A citizen has responsibilities towards his or her society. Many ASEAN governments believe that individual rights must give way to the demands of national security and economic growth. They believe that duties or responsibilities to the state and to other citizens come before the need to respect individual human rights. Most ASEAN member states argue for the need to find a balance between individual rights and freedoms and the need to secure economic development [7].

Fourth, since its inception, the working principles within ASEAN have been based on non-intervention and freedom from external interference in any form or manifestation in order to preserve their national identities. These principles have been confirmed and reconfirmed throughout the history of ASEAN. Article 2 of the Treaty of Amity and Cooperation in Southeast Asia provides guiding principles for ASEAN members in their relations with one another that they all adhere to (a) mutual respect for the independence, sovereignty, equality, territorial integrity, and national identities of all nations; (b) the right of every state to lead its national existence free from external interference, subversion, and coercion; and (c) non-interference in the internal affairs of one another.

There is a growing awareness of the necessity of cooperation to tackle transboundary issues, but questions of governance and human rights are still largely seen as domestic matters where the neighbours should not interfere.

2.3 AICHR and Its Challenges

Member countries of ASEAN are relatively new countries. As a newly independent country, the top priority is national development and security that supports economic progress, stability, and political structure. However, matters relating to human rights violations did not receive much attention or were neglected. At the same time, there were many cases of human rights violations in the Southeast Asian region [8]. Examples of such human rights violations in Myanmar related to the genocide case against the Rohingya ethnicity during the Pol Pot era and the Cambodia-Thai border conflict over claims to the Preah Vihear temple. Furthermore, in Thailand, the Central Government of Thailand carried out shootings and bombings against Malay Pattani. In Malaysia, there have also been human rights violations in the form of racial discrimination and the enforcement of the Internal Security Act, as well as a democratic crisis in the Philippines, [8] ASEAN continues to build solidarity.

In the ASEAN Charter Chapter I, Article 1 (paragraph 7), which reads "ASEAN Community," is a community aimed at strengthening democracy and protecting human rights. Then, in Article 14, it is also stated that advancing ASEAN identity by raising a higher awareness of the cultural diversity and heritage of the region. To implement this by looking at these various problems, The ASEAN Intergovernmental Commission on Human Rights (AICHR) [9]. AICHR is part of the continued implementation of the ASEAN Charter and was inaugurated on October 23, 2009, during the 16th ASEAN Summit in Hua Hin, Thailand. This body intends to facilitate and reduce the various problems of human rights violations in Southeast Asia. The Human Rights Commission

exists to publicize and protect human rights, and regional cooperation on human rights, in ASEAN member countries. Progress on ASEAN agreements on human rights can also be seen in the ASEAN Human Rights Declaration (AHRD) and roadmap 2009-2015 [10]. AICHR has now been established for almost two decades. It is undeniable that many human rights issues have arisen. Since it was formed in 2009 through the 15th Summit, AICHR has avoided resolving conflicts. Many reports submitted by KontraS (the Commission for missing persons and anti-violence) are often ignored by the Commission. It makes ASEAN considered unable to represent the interests of its member countries.

AICHR is part of ASEAN, has a role as a consulting body, and is "advisory/giving advice." Apart from that, it is also a [general responsibility for the protection and advancement of human rights in ASEAN [11]. Article 1 of the AICHR TOR has the following objectives: Improving and protecting human rights and fundamental freedoms of the people of ASEAN; Upholding the rights of the ASEAN people to live in balance, status, and prosperity; contributing to the achievement of ASEAN goals; Improving human rights in the regional context by taking into account domestic and regional particularities; Enhance regional cooperation to assist domestic and international businesses; Upholding international human rights benchmarks as written in the Universal Declaration of Human Rights, Vienna Declaration and Action activities and international human rights tools where ASEAN member countries are the countries concerned.

In TOR AICHR Article 4, stated 14 mandates and functions of AICHR are written as follows: Developing plans for the development and protection of human rights; Develop an ASEAN human rights statement; Increase public awareness of human rights; Promote increased eligibility to exercise human rights treaty rights; Encouraging ASEAN countries to ratify human rights instruments; Promote the implementation of ASEAN instruments; Providing consulting services and assistance on human rights problems; Conduct discussions and consultations with other ASEAN divisions; Consult, with national and international agencies; Receive information from ASEAN Member countries about the process, method and protection of human rights; Seeking approaches and positions on human rights issues which are in the interests of ASEAN; Prepare a review of thematic human rights issues in ASEAN; Provide annual activity reports, or other reports required at the ASEAN Foreign Ministers (AMM) conference; and Carry out other obligations that may be given by the ASEAN Foreign Ministers' conference [11].

The AICHR comprises delegates from the 10 ASEAN Member States who are obligated to the governments that sent them. Currently, there are ten delegates from AICHR, two people elected from the group of Civil Society Organizations (CSOs) domiciled in Indonesia and Thailand, and the rest are representatives appointed by the Government. Each Deputy serves for one term of 3 years and can be reappointed for one more term. The decision-making process at AICHR is based on conferences and agreements as the principles of AICHR and holds regular conferences two times and reports to the ASEAN Foreign Ministers. A representative for AICHR 2016-201859: Brunei Darussalam, HE Haji Mohammad Rosli bin Haji Ibrahim; Cambodia, HE Mrs. Polyne Hean; Indonesia, Mrs. Dinna Wisnu, Ph.D.; Lao PDR, HE Mr. Phoukhong Sisoulath; Malaysia, HE Mr. Edmund Bon Tai Soon; Myanmar, HE Amb. Hla Myint;

Philippines, HE Mrs. Loretta Ann Pargas-Rosales; Singapore, HE Amb. Barry Desker; Thailand, HE Dr. Seree Nonthasoot; Vietnam, HE Amb. Nguyen Thi Nha [11].

In the reference structure defined by the High-Level Panel on an ASEAN Human Rights Body, there are four elements of promoting and upholding human rights implemented by AICHR, including [12] :

Education, dissemination and promotion of human rights. The role of AICHR in this matter is regulated in Article 4, paragraphs (2), (3), and (9). AICHR has a role in raising awareness according to its function through dissemination, research, education, and the promotion and protection of human rights. AICHR is also in its capacity to implement the responsibilities contained in various international agreements related to human rights so that they can run effectively. These efforts can be through seminars, workshops, and others. AICHR can also carry out consultations both regionally and nationally as well as internationally regarding the protection and promotion of human rights when necessary [12].

Setting international benchmarks for human rights. Following Article 1 paragraph (6), AICHR should uphold international human rights benchmarks as contained in the Universal Declaration on Human Rights, the Vienna Declaration and Program of Action, and other human rights instruments in which countries ASEAN countries are members. AICHR has a delegation to encourage ASEAN countries to ratify international human rights instruments and participate in implementing them. AICHR is also expected to be able to formulate the ASEAN Human Rights Declaration in order to form a framework for cooperation in the field of human rights [12].

Monitoring and Protection of Human Rights. AICHR is instructed to participate in dialogues and consultations with other ASEAN members, as stated in Chapter V of the ASEAN Charter. In addition, the function of protection and supervision can also be carried out with information obtained from ASEAN member countries regarding human rights. AICHR can analyze these issues and provide periodic reports at ASEAN Foreign Ministers' conferences.

Advisory Service and Technical Assistance (ASTA). In this function, AICHR can provide Advisory Service and technical assistance to ASEAN sectoral bodies related to human rights when requested.

In its implementation, AICHR experienced many obstacles, especially in aspects of diverse approaches to human rights and the lack of binding enforcement mechanisms. As described in ASEAN's view of human rights, that ASEAN member states have different cultural, political, and legal contexts, resulting in varying approaches to human rights. Finding common ground and consensus among member states can be challenging. Meanwhile the AICHR's recommendations and decisions are non-binding, limiting its effectiveness in ensuring compliance by member states. The absence of a robust

enforcement mechanism hampers the commission's ability to address human rights violations effectively.

Factors that limit AICHR's Effectiveness:

- 1) **Non-Binding Nature:** The recommendations and decisions made by the AICHR are non-binding, meaning they are not legally enforceable upon member states; The lack of binding power restricts the commission's ability to hold member states accountable for human rights violations or ensure their compliance with human rights standards.
- 2) **Limited Mandate:** The AICHR's mandate is primarily focused on promotion and advocacy rather than enforcement. While it has the authority to develop policies and strategies, conduct dialogues, and provide recommendations, its scope does not include robust mechanisms for investigating and addressing human rights violations.
- 3) **Lack of an Independent Complaints Mechanism:** AICHR does not possess a robust complaints mechanism to receive and address individual or group complaints related to human rights violations; This absence hampers its ability to provide redress and justice to victims of human rights abuses.
- 4) **Varying Standards and Approaches:** ASEAN member states have different political, cultural, and legal contexts, resulting in varying interpretations and priorities regarding human rights. This diversity makes it challenging for the AICHR to develop consensus on human rights issues and limits its authority to enforce universally accepted human rights standards within the region.
- 5) **Limited Engagement with Civil Society:** While AICHR recognizes the importance of engaging with civil society organizations, its engagement has been criticized for being limited; Genuine collaboration with civil society actors can enrich the commission's understanding of human rights issues and strengthen its effectiveness, but more efforts are needed to ensure meaningful participation.
- 6) **Lack of Resources and Capacity:** The AICHR faces resource constraints, including limited funding and staffing, which can impede its ability to carry out its mandate effectively. Insufficient resources and capacity hinder the commission's ability to conduct research, engage in comprehensive monitoring, and respond adequately to human rights concerns.

2.4 Revitalization to Enhance Its Effectiveness and Ensure Meaningful Impact

In spite of the challenges faced by AICHR, this institution must be supported and strengthened to encourage the sustainability of human rights in ASEAN. Steps that can be taken in order to revitalize AICHR are:

Strengthening Independence. To revitalize AICHR, it is crucial to strengthen its independence as a regional human rights institution. Ensuring the commission's autonomy from political influence will enhance its credibility and effectiveness; Member

states should reinforce the commission's independence by granting it greater decision-making powers and shielding it from external pressures

Promoting Transparency and Engagement. Transparency and engagement are vital elements for revitalizing AICHR; The commission should actively engage with civil society organizations, human rights defenders, and other stakeholders to gather diverse perspectives and input on human rights issues. Transparent and inclusive processes for decision-making, policy development, and consultations can enhance the legitimacy and effectiveness of AICHR's work

Enhancing Human Rights Education. AICHR should prioritize human rights education and awareness-raising initiatives across ASEAN; By developing comprehensive human rights education programs, training modules, and awareness campaigns, AICHR can foster a culture of respect for human rights among governments, civil society, and the general public; Promoting human rights education will enhance understanding, tolerance, and respect for diverse human rights principles within ASEAN societies

Strengthening Collaboration with Civil Society Organizations. Revitalizing AICHR requires strengthening collaboration and partnerships with civil society organizations. AICHR should actively engage with and support the work of human rights defenders and civil society actors in the region. By recognizing and valuing the expertise and perspectives of civil society organizations, AICHR can benefit from their valuable insights, advocacy efforts, and monitoring mechanisms.

Developing an Effective Complaints Mechanism. An effective regional complaints mechanism is essential to address human rights violations within ASEAN. AICHR should work towards establishing a robust and accessible mechanism that allows individuals and communities to seek redress for human rights violations. Such a mechanism should have the power to investigate complaints, provide remedies, and hold member states accountable for human rights violations

Strengthening Cooperation with National Human Rights Institutions. AICHR should foster closer cooperation and collaboration with National Human Rights Institutions (NHRIs) in ASEAN member states. NHRIs can play a vital role in promoting and protecting human rights at the national level. By working together, AICHR and NHRIs can share best practices, exchange information, and coordinate efforts to address regional human rights challenges effectively.

3 Conclusion

The toughest human rights challenge in ASEAN lies in the differences in countries' perceptions of human rights which are strengthened by the principle of non-interference in ASEAN. When compared with other regional human rights organizations, AICHR is very open and does not have access to human rights enforcement. AICHR as an intergovernmental cooperation is not given strong and clear authority in implementing human rights principles in ASEAN. Revitalization efforts that can be made are by strengthening the independence of the AICHR institution, giving it the authority to receive and handle complaints and resolve human rights issues in a binding manner. It is hoped that strengthening the AICHR institution will be a pathway to uphold human rights in ASEAN.

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