

The ASEAN Intergovernmental Commission on Human Rights (AICHR) Annual Report 2020

JULY 2019 – JUNE 2020

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1. Executive Summary

This Annual Report covers the period from July 2019 to June 2020.

The period marks the beginning of the second decade of AICHR's operation since establishment. The AICHR has embarked on the final year of implementation of its 5-year Work Plan 2016-2020 while formulating a succeeding Work Plan for the next period 2021-2025. This is the time for the AICHR to look back in order to plan forward its contribution to a people-oriented and people-centered ASEAN.

Over the past twelve months, the AICHR convened four meetings, an annual interface with the ASEAN Foreign Ministers, and four meetings with dialogue partners and relevant stakeholders. A number of activities in line with its Priority Programs 2019/2020 have also been organized over the period under review.

The activities covered a wide range of rights, including responses to emerging challenges posed by digitalization and urbanization. Many among them were follow-up programs that aimed to create enduring impacts and mainstream human rights across the ASEAN Community such as in the areas of right to education, rights of persons with disabilities, environmental impact assessment, rights of the child, freedom of opinion and expression, and youth debate on human rights. In all its activities, the AICHR was committed to engaging with relevant ASEAN Sectoral bodies as well as other human rights stakeholders including civil society organizations (CSOs) and the private sector.

To commemorate the 10th anniversary of its establishment, the AICHR organized the *AICHR Roadshow on ASEAN Human Rights Declaration and the Role of AICHR: 2019 Jakarta-AICHR Human Rights Dialogue*, at the sideline of which the AICHR met with accredited CSOs for their third forum. Another notable achievement is the finalization of the *AICHR Thematic Study on the Right to Education: Promoting of Access to Tertiary Education in ASEAN*.

In preparation for its next Five-year Work Plan 2021-2025, the AICHR held a Strategic Planning Meeting to discuss vision, result areas, and objectives for the coming period. A total of five meetings of the Working Group were also convened to develop the draft AICHR Five-year Work Plan.

On the external front, the AICHR continues to engage in frequent dialogues and consultations with dialogue partners and relevant stakeholders to discuss areas of mutual interest and concern. In November 2019, the AICHR held the second meeting with the United Nations. Later that month, together with other ASEAN Sectoral Bodies related to human rights, the AICHR met with the European Union for the 3rd ASEAN-EU Policy Dialogue on Human Rights as part of a four-day visit to human rights organs and agencies in Europe.

The year 2020 has also been unprecedented in another way. The emergence of Coronavirus Disease 2019 (COVID-19) has brought about one of the biggest crises to humankind in recent history and without an exception affected the health and well-being of hundreds of millions of people in ASEAN. Against this context, the AICHR issued a Press Release on COVID-19 calling for, among others, the integration of

human rights values and the principles of non-discrimination, participation, and inclusion in combatting the pandemic. In response to disruptive impacts of COVID-19, the regular 31st Meeting of the AICHR was held via video-conference, which marked the AICHR's first-ever virtual meeting.

Looking forward, in developing its next Five-year Work Plan, the AICHR will put more emphasis on a programmatic, long-term approach to enhance continuity and enduring impact of its activities while putting in place a monitoring and evaluation framework to ensure effective implementation. Following a whole-of-ASEAN approach, the AICHR will reinforce its cooperation with external partners and regional entities while public outreach will remain a priority in order to engage all members of the society.

2. Work of the AICHR

2.1. AICHR Meetings

The AICHR convened four meetings between July 2019 and June 2020. In these meetings, the AICHR discussed matters pertaining to the development of its Five-Year Work Plan 2021-2025, the implementation of AICHR Priority Programmes/Activities, the cooperation and engagement with stakeholders i.e. relevant ASEAN Sectoral Bodies, entities, external partners and civil society organizations as well as institutional matters relating to the visibility and responsiveness of the AICHR while implementing its mandates and functions.

1. Special Meeting 01/2019 of the AICHR, 29 July – 1 August 2019, Bangkok, Thailand: The Meeting discussed progress of implementation of the Priority Programmes/Activities of the AICHR which covered a wide range of issues, including the right to education, rights of children, the rights of persons with disabilities, environmental impact assessment, human rights and the sustainable development goals, freedom of opinion, expression and information, freedom of religion and belief, right to development, among others. The AICHR also discussed institutional matters in relation to cooperation with ASEAN stakeholders towards mainstreaming human rights in all three pillars of ASEAN, and the strategic planning process for the development of the AICHR's Five-Year Work Plan 2021-2025.
2. Special Meeting 02/2019 of the AICHR, 19-21 November 2019, Bangkok, Thailand: The Meeting was updated on the AICHR's implemented activities in the areas of business and human rights, environmental rights, right to education, human rights and sustainable development, rights of children, women and persons with disabilities, freedom of expression, and freedom of religion and belief. The AICHR also discussed institutional matters to enhance AICHR's visibility and outreach, as well as operational matters to strengthen

AICHR's implementation of its activities. A handover ceremony of the AICHR Chairmanship from AICHR Thailand to AICHR Viet Nam was held.

3. 30th Meeting of the AICHR, 18-21 February 2020, Hanoi, Viet Nam: At this Meeting, the AICHR focused its discussion on the development of the AICHR Five-Year Work Plan (FYWP) 2021-2025 and the AICHR Priority Programmes/Activities 2021 to further implement its mandates on the promotion and protection of human rights in line with its Terms of Reference. The Meeting was updated on progress of implementation of AICHR's activities conducted in 2019 and 2020, which covered thematic issues, such as business and human rights, environmental rights, right to development, right to education, rights of children, women and persons with disabilities, freedom of opinion and expression, freedom of religion and belief, and human rights and Sustainable Development Goals (SDGs). The AICHR also discussed efforts to further strengthen its visibility, responsiveness and cooperation with ASEAN Sectoral Bodies, external partners and other stakeholders, including civil society organizations.
4. 31st Meeting of the AICHR, 09-10 June 2020, video conference: The AICHR finalised the AICHR Five-Year Work Plan for the period of 2021-2025, which will be submitted to the 53rd ASEAN Foreign Ministers' Meeting (AMM) for approval. In preparation for the annual interface with the AMM, the AICHR discussed the Priority Programmes/Activities of AICHR 2021, the Annual Report of AICHR 2020 and the AICHR's Statement to the AMM. The AICHR also discussed measures to mitigate the impact of COVID-19 to the implementation of AICHR's programmes and activities in 2020 on various thematic areas. Following the recommendation from AICHR's activity on Rights-Based Approach to Regional Management Strategy for an Effective Environmental Impact Assessment (EIA), AICHR Representatives exchanged views on the proposal for establishment of a task force to develop a regional framework for an effective EIA in ASEAN Member States.

2.2. AICHR Activities

In the past year, the AICHR conducted eleven activities, in line with its Terms of Reference. These activities contributed to the implementation of a number of ASEAN instruments, for instance, the ASEAN Human Rights Declaration (AHRD), the ASEAN Political-Security Community (APSC) Blueprint 2025, and the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities. Through its activities, the AICHR has also been responsive to addressing global and regional challenges, including, the impact of digital technologies to human rights and urban pollution.

1. AICHR Workshop on the Environment and Human Rights: Urban Pollution, 9 – 10 September 2019, Singapore: The Workshop comprised a session on defining urban pollution and its impact on the right to health and a session on ideas and solutions in dealing with urban pollution. Other sessions focused on the role of the youth in sustainable urban development and ASEAN's approach on the right to a safe, clean, and sustainable environment. Engaging the youth in sustainable urban development was demonstrated and underlined as a strategic approach to address challenges ahead and generate innovative ideas and solutions in dealing with urban pollution. The speakers and participants discussed the various sources of urban pollution and its impact on people's health and the environment, as well as how rapid urbanization and development have affected the environment and the link between human rights and urban pollution.
2. AICHR Youth Debate on Human Rights 2019: Partnership for Sustainability, 18-20 September 2019, Bangkok, Thailand: The Youth Debate aimed to enhance the youth's interest and awareness about the AICHR and human rights as well as to provide a platform for young people in ASEAN to express their views on human rights and interact with experts/academics on human rights issues within ASEAN. Through the debate, students showed their understanding and voiced their aspirations on the various thematic issues on human rights such as the enforceability of carbon tax (environmental rights), juvenile justice (children rights), and government supervision to internet use (freedom of speech).
3. Regional Consultation on Commonalities of Environmental Impact Assessment (EIA) in ASEAN Member States and Advancing a Harmonized and Right-Based Approach, 2-3 October 2019, Yangon, Myanmar: As a follow-up from the previous activities on EIA, the 2019 Regional Consultation aimed to advocate for a harmonized and rights-based framework to EIA in ASEAN. During the two-day consultation, the participants discussed the existing legal framework on the environment and EIA in the ASEAN Member States, identified areas of commonalities, and discussed ways forward for a harmonized and rights-based regional framework, which included identification of the stakeholders, possible content for the regional framework, and timeframe for the implementation, among others.
4. The 2nd AICHR Regional Dialogue on Mainstreaming of the Right to Education in the ASEAN Community, 20-22 October 2019, Phnom Penh, Cambodia: Pursuant to its objectives, the 2nd Regional Dialogue mapped out good practices and challenges pertaining to the promotion of the right to inclusive education for women, children and persons with disabilities; the right to education for development; the right to education for employment; the right to education in digital age; and human rights education in ASEAN. The experts and participants shared good practices and challenges to enhancing the right to quality and inclusive education and discussed possible ways forward for the

AICHR as well as relevant bodies of ASEAN to contribute to the mainstreaming of the right to education in the ASEAN Community.

5. AICHR Workshop on Promoting Gender Equality and Empowerment of Women through ICT towards Achieving UN 2030 Agenda for Sustainable Development, 7-8 November 2019, Ho Chi Minh City, Viet Nam: The Workshop marked the AICHR's initial attempt to tackle the issue of human rights in the face of digitalization and 4th Industrial Revolution, with emphasis on gender equality and empowerment of women. With the participation of various stakeholders in ASEAN, the AICHR aimed to contribute to ASEAN efforts in building a people-centered and people-oriented community as well as in implementing international commitments such as the UN 2030 Sustainable Development Goals, the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child, to which all ASEAN Member States are party to.
6. AICHR Consultation on Realization of the Right to Development to Enhance the ASEAN Community, 11-12 November 2019, ASEAN Secretariat, Jakarta: The Consultation highlighted the nexus between the Right to Development, its relations to human rights-based approach to development and the Sustainable Development Agenda 2030 in the context of ASEAN. The participants discussed the impact of globalization to the right to development in ASEAN and the existing practices in the ASEAN Member States to address the gaps and ensure the grievances and remedies related to the right to development, also emphasized a gender-based perspective. The participants made recommendations toward further implementing the right of development in ASEAN, specifically on the principle framework for the implementation, the framework for cooperation to mainstream the right to development, and the accountability mechanism to monitor the implementation in the ASEAN community.
7. AICHR Roadshow on ASEAN Human Rights Declaration and the Role of AICHR: 2019 Jakarta-AICHR Human Rights Dialogue (JAHRD), 13 November 2019, ASEAN Secretariat, Jakarta: The Dialogue was attended by Representatives of the AICHR, ASEAN Member States, Civil Society Organizations (CSOs), and other stakeholders. The Dialogue focused on exchanging views and opinions on the achievements, challenges and opportunities of the AICHR on the promotion and protection of human rights in ASEAN, and on the evolution of discourses and knowledge on human rights in the past decade and the role of ASEAN scholars in the process. Advocating for the promotion of people's participation, inclusivity and accountability in realising human rights in ASEAN, the participants provided inputs and suggestions on ways to overcome challenges and barriers faced by different stakeholders and actors, and to establish effective cooperation among different actors at the national, regional and international level. Inputs from the Dialogue would also

be useful for the AICHR to elaborate further on the articulation of Article 9 and 39 of the AHRD.

8. AICHR Strategic Planning Meeting: On 14 November 2019, the AICHR conducted the AICHR Strategic Planning Meeting aims to set overall and long-term goals for the work of the AICHR as a preparation to develop the AICHR Five-Year Work Plan 2021-2025. The Meeting provided an opportunity for AICHR to explore the concept of protection for the regional human rights mechanism and perceived that AICHR can take a role as facilitator or enabler to link the national and regional systems through dialogue and engagement, forming the community of practice and helping in creating spaces where conversation can be done. The Meeting noted that strategic planning was a critical process for reflection on the evolution of AICHR in the period of 2009-2019, and for setting the path of AICHR in the years to come.
9. 2019 AICHR Regional Dialogue on Mainstreaming the Rights of Persons with Disabilities (Gender Perspective on Disability Rights), 3-5 December 2019, Bangkok, Thailand: The Dialogue was conducted in conjunction with International Day of Persons with Disabilities, focusing on gender perspective on disability rights from multiple dimensions, i.e.: women with disabilities and policy and political rights, gender perspectives and justice system, disaster preparedness and management for women and girls with disabilities, inclusive education for women and girls with disabilities, and mainstreaming gender and disability rights in business. The participants, mostly members of the disabled persons' organizations (DPOs), discussed three positions papers with recommendations to further mainstream the rights of persons with disabilities in ASEAN in the areas of political participation and access to justice, inclusive education, business, and disaster management.
10. The 2019 AICHR Consultation on Freedom of Opinion and Expression in ASEAN (Article 23 of the ASEAN Human Rights Declaration), 8-10 December 2019, Bali, Indonesia: The Consultation was held with a diverse participation of representatives from the media, national human rights institutions, academic and research institutions, CSOs and private sector, and the relevant ASEAN Sectoral Bodies. The participants discussed a wide range of issues related to the international and regional framework on the promotion and protection of freedom of expression, state of human rights in digital age and its implications, opportunities and challenges, and strategies in addressing the challenges and balancing rights and freedom, in particular on the right to privacy, data protection, censorship and academic freedom in ASEAN. Aiming to solicit inputs for the formulation of recommendations to the AICHR on the articulation of the Article 23 of the AHRD, the participants made suggestions in relation to the elaboration of state obligations, the role of stakeholders and gender perspective in ensuring the freedom of expression and opinion in ASEAN, in terms of access to information, the right to privacy and data protection, internet freedom, media freedom, among others.

11. ASEAN Dialogue on the United Nations Convention on the Rights of the Child (UN CRC) General Comments, 11-12 December 2019, Manila, Philippines: Following the recommendations of the ASEAN Dialogue on the UNCRC and Its Related Instruments held in 2018, this Dialogue shared best practices in addressing challenges by discussing the General Comments (GCs) as authoritative interpretations of the UN CRC articles and as a means to identify regional and international similarities in advancing the rights of the child. With focus on GC 12 on the right of the child to be heard and GC 14 on the right of the child to have his/her best interests taken as a primary consideration, the Dialogue put special attention to children in vulnerable situations such as those who are stateless, children of undocumented migrants, child brides, children of sex workers and those with disabilities. Several recommendations raised include reviewing the reservations made by some ASEAN Member States on the UN CRC articles, strengthening the awareness of decision makers on GCs, institutionalizing the monitoring and evaluation of the implementation of GCs, reinforcing the efforts to educate children about their rights, and streamlining the promotion and protection of the rights of the child in ASEAN, among others.
12. The 2019 AICHR Consultation on the Implementation of Article 22 of the ASEAN Human Rights Declaration on Freedom of Religion and Belief, 11-13 December 2019, Bali, Indonesia: The Consultation provided a platform for ASEAN stakeholders to share practices and experiences on the implementation of freedom of religion and belief in ASEAN. The outcome of the Consultation was to formulate the articulation of Article 22 of the AHRD in advancing freedom of religion and belief in the ASEAN context for submission to the AICHR's consideration. The main aspects and salient points to ensure fulfilment of freedom of religion and belief were deliberated. A detailed formulation of state obligations related to freedom of religion and belief as well as the role of stakeholders with emphasis on gender perspective was recommended by the participants, focusing on the prohibition of all forms of intolerance and discrimination, and the prohibition of all forms of incitement to hatred based on religions and belief.

13. **[To be add as necessary]**

2.3. Engagement with ASEAN Organs, Bodies and Entities

1. ASEAN Foreign Ministers' Meeting: The AICHR held its annual interface with the ASEAN Foreign Ministers Meeting (AMM) during the 52nd AMM on 30 July 2019. It was the first interface between AMM and the AICHR Representatives of 2019-2021. At the interface, the AICHR presented the AICHR Annual Report 2019, which highlighted the achievements of the AICHR in commemoration of ten years of its establishment, most notably the development of the ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the adoption of the AHRD in 2012, and the ASEAN Enabling Masterplan 2025:

Mainstreaming the Rights of Persons with Disabilities adopted in 2018. The AMM reiterated its support for the AICHR to continue discharging its mandates in promotion and protection of human rights contributing to sustainability of people-centered ASEAN Community that ensures no one left behind.

2. Working Group for an ASEAN Human Rights Mechanism (WG-AHRM): On 30 July 2019, the AICHR met with the Working Group for an ASEAN Human Rights Mechanism (WG-AHRM). The Meeting saw candid exchanges between the AICHR and WG-AHRM on how the Working Group could assist the AICHR in discharging its mandate with a view to further enhancing the promotion and protection of human rights in ASEAN.

2.4. AICHR's Consultative Relationship with CSOs

The AICHR has been active in its efforts to further strengthen its engagement with accredited CSOs. In 2019 as part of the AICHR Roadshow on ASEAN Human Rights Declaration and the Role of the AICHR: the Jakarta-AICHR Human Rights Dialogue, the AICHR held the third forum of engagement with the accredited CSOs to enhance the value of the consultative relationship to the ASEAN Community building process.

Moreover, interaction with CSOs has been more frequent and constructive, in accordance with the Guidelines on the AICHR's Relations with CSOs, such by enhancing the involvement of accredited CSOs in the implementation of the AICHR's activities.

2.5. External Relations

1. The 3rd ASEAN-EU Policy Dialogue on Human Rights: The AICHR led the ASEAN delegation attending the 3rd ASEAN-EU Policy Dialogue on Human Rights which was held in November 2019 in Brussels. The 3rd Policy Dialogue was a forum to exchange views and good practices on a wide range of human rights issues, i.e.: combatting hate speech and disinformation while preserving freedom of expression, promoting gender equality, eliminating violence against women and girls, ending child labor and addressing trafficking in persons. The AICHR and EU agreed to further strengthen their cooperation with a particular focus on combatting hate speech and disinformation while preserving freedom of expression, promoting gender equality, eliminating violence against women and girls, ending child labor and addressing trafficking in persons.

The Dialogue was held as part of a comprehensive four-day visit, which included a visit to the EU Fundamental Rights Agency in Vienna. In Belgium, the ASEAN delegation held a joint meeting with the Asia-Oceania Working Party and the Working Party on Human Rights. Visits to a Belgian center for

relief and assistance to victims of human trafficking and meeting with the Belgian Federal Institute for Sustainable Development were also organized. The ASEAN delegation also attended an event to promote gender equality and women's empowerment in sustainable development.

2. Meeting of the AICHR with the United Nations (UN): The 2nd meeting between the AICHR and the United Nations was held in November 2019. The AICHR and the UN deliberated on the past cooperation and discussed areas of common interest for further cooperation, for instance, the 2030 Agenda/Sustainable Development Goals, freedom of expression, freedom of religion and belief, and environment and human rights, among others.

3. Observations and Future Directions

3.1. Forward planning and programmatic approach

Through the implementation of its Work Plans and Priority Programs, the AICHR has consistently made efforts to follow up with the results of its initiatives. Over the years, many activities have been monitored and regularized by the AICHR or in some cases, integrated into regional strategies and work plans of other ASEAN Sectoral Bodies. Such programmatic practices help the AICHR to sustain impacts of its work while enhancing cross-sectoral cooperation and mainstreaming human rights across ASEAN.

Many AICHR's activities, however, are not always closely linked together although covering different angles of the same issues. While the activities allow the AICHR to address emerging issues in ASEAN, there remain synergies among themselves and with those of other ASEAN Sectoral Bodies to be harvested. AICHR is the consultative body for human rights in ASEAN's efforts to address cross-pillar issues. Synergies with relevant sectoral bodies can be achieved through substantive, procedural and administrative alignment with the ASEAN sectoral bodies.

The upcoming Five-year Work Plan 2021-2025 is designed for the AICHR to discuss six focus areas and priorities, i.e. (1) promote the full implementation of ASEAN instruments related to human rights; (2) strategies for cooperation to promote and protect human rights; (3) policy support for ASEAN Member States/ASEAN Sectoral Bodies; (4) engagement with stakeholders and partners; (5) capacity building and public awareness; and (6) other tasks, to tackle in the coming years, taking into consideration regional developments, emerging issues of mutual concern, and relevant ASEAN documents. Such categorization allows the AICHR to consistently navigate and align subsequent proposals of activities with one another and with

relevant initiatives in ASEAN, thus make use of ASEAN's limited resources while creating more synergies for impact.

3.2. Monitoring and evaluating effectiveness and impact

With the growing number and scope of AICHR's initiatives and activities, there is an increasing need for the AICHR to strengthen monitoring implementation of its activities and evaluating their impacts. A new monitoring and evaluation framework will be put in place under the AICHR Five-Year Work Plan 2021-2025, which will be consistent with the monitoring and evaluation mechanism of the APSC Blueprint 2025 but at the same time address the specific nature of the work of the AICHR and of human rights issues. With a tailored mechanism, the AICHR can have better understanding of its own activities and the effectiveness or ineffectiveness thereof. Such understanding will allow the AICHR to build upon both achievements and shortcoming of the past and thus effectively utilize the limited resources of the AICHR. It will also allow the AICHR to design future initiatives and programs to better meet regional demands and make stronger, more sustainable impact.

3.3. Review of the Terms of Reference of the AICHR

The AICHR notes that the 52nd ASEAN Foreign Ministers Meeting has tasked the Senior Officials Meeting (SOM) to establish a Panel of Experts to discuss the suggestion to review the Terms of Reference (TOR) of AICHR.

3.4. Institutional Developments

With regard to institutional matters, the AICHR has made efforts to strengthen its institutional capacity, by agreeing how to handle correspondence whereby all external communications would be acknowledged by the Human Rights Division, ASEAN Secretariat; and external communications regarding certain AMS would be forwarded to the AICHR Representative concerned.

3.5. Reinforcing partnership with external partners and stakeholders

The consistent increase in the number of meetings and invitations that the AICHR receives every year is a testament to the role of the AICHR in promoting human rights cooperation. It also reflects the interest of external partners and regional stakeholders to engage with the AICHR and to support the AHRD and the ASEAN Community. The rosters of partners are diverse, including governments, regional and international organizations, civil society, academia and research institutions, and private sectors. Topics covered also range across the spectrum from traditional to emerging human rights issues.

As a regional mechanism, it is imperative that the AICHR continues efforts to deepen and broaden its partnership with external partners and stakeholders. As ASEAN's overarching body on human rights, the AICHR represents the voice and the view of ASEAN on human rights matters and should ensure that these partnerships will contribute to the common benefits of the people in the region and to ASEAN Community-building. The AICHR should also enhance its representation at international and regional events to foster recognition of ASEAN's efforts to promote and protect human rights. Given the limited resources, the AICHR will strengthen its institutional capacity, including its modal of cooperation, in order to make the best of the diverse partnership that it enjoys.

3.6. Public outreach

The AICHR has maintained its public outreach through the AICHR website, the ASEAN's social media accounts, and other AICHR publications. Last year, the AICHR regional website was redesigned and updated, including disabilities-friendly features, to be inclusive and reach a wider audience. The AICHR recently concluded the translation of "AICHR: What you need to know" into national languages of ASEAN Member States. The translated editions have been shared on AICHR regional and national websites and at the same time are being printed for further distribution.

The AICHR have also initiated various activities to raise public awareness on human rights issues. Among them, some such as the AICHR Youth Debate on Human Rights have become regular platforms for direct engagement and education of human rights issues. The Youth Debate along with other initiatives and programs to reach out to and educate students and people on human rights issues have been enlisted in the work of the AICHR for the next five years under the new Work Plan.

Public outreach has been and will remain a priority in the AICHR, as one of the best ways to promote and protect human rights is to equip people with knowledge of their own rights and respect for others'. In a growing digital world with a myriad of information, the impact of viral content that can reach millions of people within a short period of time cannot be underestimated. To keep up with the region's tech-savvy and young population, the AICHR will continue to explore new platforms, initiatives, and quality content to enhance out-reach to the people of ASEAN./.