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2022 Essay Writing Competition on Critical Human Rights and Peace Issues in ASEAN/Southeast Asia  
THEME: "ASEAN Human Rights Declaration (AHRD): Ten Years On"

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## ASEAN Human Rights Declaration: A Declaration Unknown

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Indonesia is a country with diverse cultures and ideologies. Asia itself has a long historical background and different values compared to Europe and the US. Logically, human rights should be adjusted according to the Universal Declaration of Human Rights, but there were still many cases of human rights violations in South East Asia after the UDHR such as the use of lethal force against minority ethnic communities by the Myanmar military (Amnesty International Report, 2014).

The diversity of ASEAN countries called for a united and adjusted approach to the recognition of human rights, therefore the AHRD was declared. The declaration should have brought positive changes, yet after 10 years of the ASEAN Human Rights Declaration, there are more controversies about it.

During the process, the preparation of the AHRD was not transparent and did not involve the community. This contrasted with ASEAN's goal for advancing to a people-oriented ASEAN (ASEAN, 2008). Even though the purpose of the AHRD was to secure the importance of human rights, some points still honored ASEAN's principle of non-intervention, commonly known as the ASEAN Way (Indrasari, 2016). Due to its protracted genesis, the Declaration defies easy classification and simple explanation. It has a self-limiting article that if read in a certain way strips all other articles of any significance (Davies, 2014). In short, many articles agree that the importance of the ASEAN Human Rights Declaration remains questionable.

An example of the ASEAN Human Rights Declaration's failure is the case of Rohingya refugees in Myanmar. Due to the ASEAN Way, the Ministry of Foreign Affairs of Indonesia declared it to be an internal problem, thus legalizing not taking part in protecting human rights (Itasari, 2020).

Human rights are rights that are for every human, no matter their race, ethnicity, religion, or culture. Therefore the law protecting these rights should not discriminate between



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internal and external issues. Human rights should not be limited to national nor regional borders.

The flaws of the AHRD do not stop at external issues, but include internal also. The AHRD itself includes various points of interest, including paid leave for pregnant mothers before and after giving birth according to the national laws of each country. On the 20<sup>th</sup> of November 2020, The Indonesian government issued a new law, UU Cipta Kerja, and reduced the duration of paid leave for pregnant women to 1.5 months before and after birth. In this case, the violation of human rights is being justified using the AHRD.

However, among the many protests against the law on social media, demonstrations, and articles, the AHRD didn't appear despite its background as a fundamental principle of human rights in South East Asia. This raises suspicion that the general public are not aware of the declaration and what it can do for them, which is to be expected, for the overall drafting process was kept very private and not transparent.

During the author's process of discussing and writing this article, many parties confessed to not having heard of the ASEAN Human Rights Declaration. These parties included various age ranges, from 16 to 55 years old, and various occupations, from students and undergraduates to doctors. This affirms that the ASEAN Human Rights Declaration indeed is still foreign to the public, regardless of age, education, and profession. Thus, was the declaration a declaration after all?

To ensure a South East Asia where human rights are guaranteed, further socialization of the ASEAN Human Rights Declaration to the public is necessary. The ASEAN Way should also be evaluated to ensure protection of minority ethnic groups and the ability of external forces to assist in protecting human rights. Only then will the original purpose of the declaration, a main gate for protection of human rights in South East Asia, be justified.

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