

ASEAN Human Rights Declaration: A Declaration Unknown

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 minor ethnic communities by the Myanmar military (Amnesty International Report, 2014).

The diversity of ASEAN countries called for a united and adjusted approach to 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 AHRD was not transparent and did not involve the community. This contrasted with ASEAN's goal for advancing to people-oriented ASEAN (Article 1.9 of the ASEAN Charter). Even though the purpose of AHRD was to secure the importance of human rights, some points which 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 as an internal problem, thus legalizing not taking part in protecting human rights (Itasari, 2020).

Human rights are rights that are for every human, despite their race, ethnicity, religion, or culture. Therefore the law protecting these rights should not discriminate internal and external issues. Human rights should not be limited to national nor regional borders.

The flaws of AHRD do not stop at external issues, but internal also. AHRD itself includes various points of interest, including paid leave of pregnant mothers before and after giving birth according to the national laws of each country. On the 20th of November 2020, Indonesia 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 by AHRD.

However, among the many protests against the law on social media, demonstrations, and articles, AHRD didn't appear despite it's 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 minor ethnicities 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.

(Total Word Count: 615)

References :

- Narine. 2012. Human Rights Norms and the Evolution of ASEAN: Moving without Moving in a Changing Regional Environment. page 376.
- Azhar, H. 2014. The Human Rights Struggle in Indonesia. Sur International Journal on Human Rights, issue 20. <https://sur.conectas.org/en/the-human-rights-struggle-in-indonesia/>. Last accessed on : 15 September 2022.
- Davies, Mathew (2014), An Agreement to Disagree: The ASEAN Human Rights Declaration and the Absence of Regional Identity in Southeast Asia, in: Journal of Current Southeast Asian Affairs, 33, 3, 107–129.
- Purba, Meilyska. 2020. Implementation of Human Rights Declaration in the Protection of Women and Children's Rights. International Journal on Social Science, Economics and Art, 9 (4) (2020) 173-189