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## **ASEAN Human Rights Declaration (AHRD) and Its Impact on the Human Rights Situation in Southeast Asia**

On the sidelines of the 21st ASEAN Summit in Phnom Penh, Cambodia, the 10-member regional bloc's leaders reaffirmed ASEAN's commitment to the promotion and protection of basic rights and freedoms as well as the goals and principles enshrined in the ASEAN Charter, including democratic principles, rule of law, and good governance. ASEAN member states recognize the importance of the ASEAN Intergovernmental Commission on Human Rights (AICHR) as the primary institution responsible for the promotion and protection of human rights in the Southeast Asian region, which encourages the foundation of a people-oriented ASEAN Community and as a means for social development, progressive justice, fulfillment of human dignity, and the accomplishment of a better quality of life for the people of ASEAN. For this reason, ASEAN member states established the ASEAN Human Rights Declaration (AHRD) on November 18, 2012.

The ten ASEAN member states, namely Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, have different laws, political systems, and human rights conditions. Therefore, the existence of the AHRD is hoped to be able to equalize perceptions and improve the protection of human rights in a region with a population of 600 million. In addition, the declaration is expected to become a human rights standard in ASEAN member countries.

Prior to 2012, the Asia-Pacific region, including Southeast Asia, was the world's only region that did not have a regional human rights instrument. Europe has had the Convention for the Protection of Human Rights and Fundamental Freedoms since 1950. The Americas has had the American Convention on Human Rights since 1969. Africa has had the African Charter on Human and Peoples' Rights since 1979. Therefore, AHRD is a significant milestone for the Asian continent, especially Southeast Asia, considering the views and attitudes of ASEAN member countries regarding human rights are contained in it.

Although ASEAN member states have pledged to respect and protect human rights in accordance with the AHRD, in practice their authorities still commit various violations of human rights with impunity in recent years. In February 1, 2021, a military coup toppled the democratically elected Aung San Suu Kyi in Myanmar. The State Administration Council (SAC), the military junta led by Senior General Min Aung Hlaing carried out a brutal crackdown on pro-democracy protesters and imprisoned Aung San Suu Kyi on politically motivated charges until today. In Malaysia, the government amended the Evidence Act which limit the freedom of expression of newspapers, stations radio, and television stations. In Thailand, the government prohibits citizens from criticizing the royal family by using the lèse-majesté law and the Computer Crimes Act. In Vietnam, the government provides strict criminal

penalties for owners of radio stations, television stations and publishing companies deemed to “spread anti-government information, threaten national security, and leak state secrets or radical ideas”. The policies of the four ASEAN member countries mentioned above clearly violate Article 23 of the AHRD, which stipulates that every individual has the right to free expression, including the freedom to express opinions without interference from certain parties and to seek and receive information, both orally and written, through preferred media.

It is necessary to re-evaluate the AHRD. The degree of legalization of ASEAN's human rights rules needs to be enhanced, especially after the disclosure of various shortcomings in the Declaration. ASEAN human rights rules must be upgraded to more binding ones such as protocols or conventions. International human rights watchdogs like Amnesty International and Human Rights Watch (HRW) should provide constructive guidance to ASEAN so that its member states can be more serious and consistent in upholding human rights. In addition, it is also necessary to reconstruct ideas in the minds of ASEAN leaders. The negative perception of ASEAN member countries towards their respective neighbors must be revised by fostering mutual trust and friendship. Thus, this can convince them to be willing to submit to other institutions and there is a potential that AHRD can be upgraded to become more binding.

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**References:**

- Lembaga Studi & Advokasi Masyarakat (ELSAM). (2014). *Deklarasi Hak Asasi Manusia ASEAN*. <https://referensi.elsam.or.id/2014/09/deklarasi-hak-asasi-manusia-asean/>
- Sianipar, I.M.J. (2014). Legalisasi Deklarasi HAM ASEAN. *Jurnal Hubungan Internasional*, 3(1), 58-67. <https://doi.org/10.18196/hi.2014.0047.58-67>