

Oral Intervention
The Bangkok Regional Consultation on Contribution
to the Review of the AICHR's Term of Reference
Bangkok, 28 June 2014

Delivered by. Atnike Nova Sigiro
On behalf of Asian Forum for Human Rights and Development (FORUM-ASIA)

Session 4. Discussion on Ways and Means to further promote and protect Human Rights in ASEAN

Thank you Excellency Dato Muhammad Shafee Abdullah,

Please allow us to come back to an issue which have been discussed earlier with additional consideration for discussion. The principles of consensus and non-interference are some delicate issues within the work of the AICHR in implementing its mandates and also in addressing human rights situation in the region. This is to add the inherent nature of the body as intergovernmental body. Nevertheless, it is also a natural consequence that a human rights body must be able to address human rights situation, especially in a serious situation like gross human rights violation or crimes against humanity, or in the situation of conflict which needs immediate response to prevent human casualties.

We therefore would recommend that in its assessment towards the review of the AICHR's TOR, the AICHR could discuss the possible measure in which the principle of consensus and non-interference can be addressed prudently for example through a voluntary pledge or commitment by relevant member state(s). 'A precautionary measure' as practice in the Inter American system of human rights maybe one of the possible examples which the AICHR can elaborate further within the context of ASEAN political structure.

Furthermore, I would also highlight again the importance to develop a communication procedure in the AICHR's TOR that allow human rights defenders, victims or affected communities to report or submit the cases for the consideration of AICHR. An acknowledgement of receipt of the submission/ communication ideally should be included in the annual report of the AICHR to the ASEAN Ministerial Meeting (AMM) and therefore ASEAN Member State might consider the weight or outstanding communication that were reported to the AICHR for further strengthening the mandates of the AICHR.

Thank you Excellency.

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