

## GUIDELINES ON THE AICHR'S RELATIONS WITH CIVIL SOCIETY ORGANISATIONS

(on 11 February 2015)

### **I. Introduction**

1. The purposes and objectives of these guidelines are to establish an enabling environment for meaningful and constructive engagement and interaction between AICHR and civil society organisations (CSOs), to further strengthen ASEAN cooperation in the promotion and protection of human rights and fundamental freedoms in accordance with the ASEAN Charter, the ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the Adoption of the AHRD, and international human rights instruments to which ASEAN Member States are parties, and to contribute to the building of a people-oriented, people-centred ASEAN Community.
2. The AICHR recognises that the Guidelines on Accreditation of Civil Society Organisations (CSOs) adopted by the ASEAN Coordinating Council (ACC) provide an overall framework for the engagement between ASEAN and CSOs.
3. The engagement between the AICHR and CSOs shall be conducted in adherence to the principles set out in the ASEAN Charter as well as the TOR of the AICHR.

### **II. Definitions**

The following definitions shall be applicable:

4. **Civil Society Organisations (CSOs)** are defined as the association of persons, natural or juridical, that is non-profit and non-governmental in nature, which are organized voluntarily to promote, strengthen and help realise the aims and objectives of ASEAN activities and cooperation in the promotion and protection of human rights.
5. **Institutions** are defined as academic/policy research institutions or network of such institutions, which can be national, regional or international stature, dedicated to the promotion and protection of human rights.

### **III. Eligibility – The Principles to be applied to receive Consultative Relationship**

6. The AICHR may have consultative relationships with national, regional, sub-regional and international CSOs and institutions, who are actively involved in the advancement, promotion and protection of human rights and fundamental freedoms.
7. The AICHR shall not have consultative relationships with CSOs and institutions that:
  - a. advocate the use of violence to obtain their organizational objectives,
  - b. operate under the clear instruction of a political party or foreign entity attempting to exercise external influence, or
  - c. do not respect the principles and purposes of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms.
8. For the assessment of their eligibility, these CSOs and institutions will need to:
  - a. Abide by and respect the principles and purposes of the ASEAN Charter, ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the Adoption of the AHRD and the Terms of Reference of the AICHR;
  - b. Have specific expertise or proven experience and capacity in the promotion and protection of human rights and fundamental freedoms;

- c. Provide documents supporting or demonstrate that their programme of work is of relevance to the principles and purposes of ASEAN and to the AICHR's mandate, functions and Work Plans;
  - d. Have been in existence for at least two (2) years with a legally established entity in one of the ASEAN Member States, appropriate mechanisms of accountability and democratic and transparent decision-making processes.
  - e. Provide copies of their constitution/charter to the ASEAN Secretariat including a copy of their registration papers/or proof of existence;
  - f. Provide a list of members of the governing bodies and their nationalities;
  - g. Provide a copy of the most recent financial statement and annual report, including a statement whether they receive financial support, direct or indirect from a Government;
  - h. Provide a copy of publications and recent articles or statements;
  - i. Provide a paper identifying the areas in which the organisation proposes to contribute to the AICHR's work in the promotion and protection of human rights in ASEAN.
9. The AICHR will establish a Screening Panel which will assess the eligibility of the CSOs and institutions for consultation as well as consider the suspension or revocation of their consultative relationship. The Screening Panel will be composed of three (3) members. The three (3) members will be appointed from amongst the AICHR representatives and is on voluntary basis and is for one year. The Screening Panel will screen all applications and submit their recommendations to the AICHR for final decision at plenary. The process for endorsement should not exceed 10 weeks following submission by the Screening Panel. Decision making of the Screening Panel is based on consensus.
10. In the screening process, the Screening Panel may consult relevant ASEAN Sectoral Bodies and the Committee of Permanent Representatives to ASEAN (CPR) as and when necessary to ensure transparency and consistency in ASEAN's engagement with CSOs.
11. CSOs and institutions which are approved by the AICHR for consultative relationship will be informed of the decision. CSOs that are not approved will also be informed. Non-approval does not preclude resubmission of new application. The AICHR will provide written explanation for the non-approval and the CSOs can decide whether to resubmit a revised application to the AICHR. The revised application will have to go through the same process of consideration, as outlined in paragraphs 6 and 7, again. Approval by the AICHR will remain valid until revocation.

#### **IV. Obligations Following Approval of Consultative Relationship**

12. CSOs and institutions which are approved to have consultative relationship shall abide by the following obligations:
- a. To commit themselves to respect the principles contained in the ASEAN Human Rights Declaration (AHRD) and the Phnom Penh Statement on the Adoption of the AHRD;
  - b. Refrain from any conduct which will undermine the mandate and functions of the AICHR;
  - c. Undertake to support the work of the AICHR, in accordance with their own purposes and scope of their competence;
  - d. Submit annually a written summary of their activities and a list of funding sources to the AICHR;
  - e. Inform the AICHR of changes in their officials and memberships (if any), as well as changes of address; and
  - f. Respect and comply with the national laws and regulations of the concerned ASEAN Member State where their activities/programmes take place.

## **V. Suspension and Revocation of Consultative Relationship**

13. The consultative relationship may be suspended or revoked by the AICHR on the following grounds:
  - a. The consultative relationship of the CSOs and institutions will be suspended if they fail to submit an annual summary of their activities and a list of funding sources, as required under paragraph 12 (d). If, after the period of six (6) months following notification of suspension, they fail to submit the annual summary of their activities, the AICHR may revoke their status;
  - b. If the CSOs and institutions either directly or through their affiliates or representatives acting on their behalf, abuse their status by engaging in a pattern of acts contrary to the purposes and principles of the ASEAN Charter and or the AICHR's mandate and purposes relevant to the protection and promotion of human rights, including acts which are either manifestly unsubstantiated or clearly motivated by political interests against any ASEAN Member State;
  - c. If there exists substantiated evidence of influence from proceeds resulting from internationally recognised criminal activities such as the illicit drugs trade, money-laundering or illegal arms trade.
14. The suspension or revocation of consultative relationship will be decided by the AICHR following a recommendation from the Screening Panel, based on its own initiative or following a request from any AICHR Representative made to the Panel or at the AICHR Meeting, and will take effect immediately upon notification of suspension or revocation. CSOs or institutions whose consultative relationship has been revoked will not be eligible for re-consideration for three (3) years after notification of revocation.
15. In cases where the AICHR has decided that the consultative relationship of a CSO be suspended or revoked, the CSO concerned shall be given written reasons for that decision and shall have an opportunity to present its response for appropriate consideration by the AICHR as expeditiously as possible.

## **VI. The AICHR Proceedings on Consultation and Types of Consultative Relationship**

16. The AICHR will observe the following proceedings in its engagement with CSOs and institutions that are accorded consultative relationship:
  - a. The agenda prepared by the AICHR for consultations with civil society with consultative relationship will be forwarded to them well in advance to enable the CSOs concerned to be prepared for the Consultation.
  - b. Written statements relevant to the work of the AICHR may be submitted by CSOs and institutions with consultative relationship on subjects in which they have relevant competence. Such statements shall be circulated by the ASEAN Secretariat to the AICHR, except those statements that have become obsolete, for example, those dealing with matters already disposed of and those that had already been circulated in some other forms;
17. The consultations or dialogues between the AICHR and CSOs shall always be substantive and towards a mutually satisfactory result, carried out in an environment of friendliness and respect.
18. In addition to the above proceedings, the AICHR may seek to consult with such CSOs and institutions through the following modalities:
  - a. **Consultation** - meeting to seek views and advice on something that is being decided. The consulted parties should be given adequate information and study the matter to be discussed prior to the meeting. While the response from consulted parties should be noted, it does not necessarily imply any commitment for the consulting parties to do anything about the response;

- b. **Seminar** - meeting to provide information on one of more subject matter, primarily via lecture and discussion;
  - c. **Workshop** - a meeting of a group of people, to engage in intensive discussion and activity focuses especially on methods, techniques and skills in a particular field;
  - d. **Regular reporting/briefing** to the AICHR on its activities, which may include policy recommendations and feedback on various initiatives undertaken at national and regional levels in line with the AICHR's Work Plans;
  - e. **Implementation of specific studies** Upon request of the AICHR, any organization with consultative relationship may carry out specific studies or prepare specific papers, subject to the relevant financial regulations;
  - f. **Project implementer** of the AICHR Work Plans; and
  - g. **Any other format determined by the AICHR**
19. Official transmission of documents from CSOs and institutions shall be submitted to the ASEAN Secretariat who will circulate to the AICHR Representatives.

#### **VII. Registry and Confidentiality**

20. ASEAN Secretariat will maintain the registry of CSOs and institutions with AICHR's consultative relationship. ASEAN Secretariat shall make available the current list of the CSOs and Institutions with their consultative relationship on the AICHR Website.
21. All information submitted to the AICHR and the ASEAN Secretariat will be kept confidential.

#### **VIII. Final Clauses**

21. The consultative relationship accorded to CSOs and institutions is not automatically endorsed under any other ASEAN instrument. These CSOs and institutions are not deemed to be accredited CSOs under Annex 2 of the ASEAN Charter and are not entities associated with ASEAN.
22. These Guidelines are subject to revision and amendment. Any AICHR Representative may propose amendments to the Guidelines which shall be decided by consensus.
23. These Guidelines are subject to review after three (3) years or when the AICHR deems necessary.