

**GUIDELINES ON THE OPERATIONS OF
THE ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS
(AICHR)**

As the overarching institution responsible for the promotion and protection of Human Rights in ASEAN, the ASEAN Intergovernmental Commission on Human Rights (hereinafter shall be referred to as “the AICHR”) will discharge its duties pursuant to Article 14 of the ASEAN Charter and the AICHR’s Terms of Reference (TOR). The operations of the AICHR shall be conducted in accordance to the following Guidelines:

1. FORMAT OF MEETING

- 1.1 The Meeting of the AICHR, convened in accordance with the AICHR’s TOR (Articles 6.2 to 6.5) shall be attended by all Representatives of the AICHR and their assistants.
- 1.2 The Meeting of AICHR shall be conducted in accordance with ASEAN practices, including seating arrangements.
- 1.3 The AICHR shall meet in plenary unless it decides otherwise. The AICHR also may decide to meet in retreat with or without the participation of the ASEAN Secretariat. Where the AICHR decides to meet in retreat without the participation of the ASEAN Secretariat, the Chair shall prepare the summary of discussions and decisions made at the retreat.
- 1.4 AICHR may invite other persons to attend its meetings with the consensus of its Representatives and on a case to case basis.
- 1.5 Decision-making in AICHR shall be based on consultation and consensus in accordance with Article 20 of the ASEAN Charter (Article 6.1 of the AICHR’s TOR).

2. AGENDA

- 2.1 A provisional agenda for each meeting shall be prepared by the Chair, with support from the ASEAN Secretariat. The provisional agenda shall be circulated to all the Member States for their comments and suggestions at least fifteen working days prior to the meeting.
- 2.2 Each Representative is requested to provide inputs, where possible, to the chair and ASEAN Secretariat 3 – 5 days after receiving the provisional agenda.

- 2.3 The Chair shall, through consultations with all the ASEAN Member States, consolidate the proposed amendments in a revised provisional agenda. The Chair shall circulate the revised provisional agenda to all the Member States and the ASEAN Secretariat ten working days prior to the meeting.
- 2.4 The agenda shall be adopted by the AICHR at the beginning of each meeting.

3. NOTIFICATION OF REPRESENTATION

- 3.1 Each ASEAN Member State shall, through its relevant government body, formally inform the Chair of the AICHR and the Secretary-General of ASEAN of the appointment of its Representative at least fifteen working days prior to the commencement of the Representative's term.
- 3.2 Representatives shall have the obligation to attend AICHR meetings. If a Representative is unable to attend a meeting due to exceptional circumstances, the Government concerned shall formally notify the Chair of the AICHR of the appointment of a temporary representative with a full mandate to represent the Member State concerned, pursuant to Article 5.8 of the AICHR's TOR.
- 3.3 The Representatives shall notify the Chair or the Member State hosting the meeting as the case may be, of their respective lists of delegates who will attend the meeting at least seven working days prior to the meeting.

4. CHAIRMANSHIP

The Chair shall exercise his or her role in accordance with the AICHR's Terms of Reference and these Guidelines, which shall include:

- i) preparing the provisional agenda for each AICHR Meeting with the support of the ASEAN Secretariat;
- ii) leading in the preparation of reports of the AICHR and presenting such reports to the ASEAN Foreign Ministers Meeting;
- iii) coordinating with the Representatives in between AICHR meetings and with the relevant ASEAN bodies;
- iv) representing the AICHR at regional and international events as entrusted by the AICHR;
- v) undertaking other specific functions entrusted by the AICHR in accordance with the AICHR's Terms of Reference.

5. DOCUMENTATION

- 5.1 The documentation and their distribution shall be done by the Chair with the assistance of the ASEAN Secretariat if the meeting is held in the Member State holding the Chairmanship of ASEAN; by the ASEAN Secretariat if the meeting is held at the ASEAN Secretariat; or by the Member State hosting the meeting with the assistance of the ASEAN Secretariat.
- 5.2 Delegations wishing to circulate documents for the meeting shall inform and transmit the documents to the Chair, the ASEAN Secretariat and the Member State hosting the meeting, as the case may be, at least five working days prior to the meeting.

6. SUMMARY RECORD

- 6.1 The ASEAN Secretariat shall prepare a draft Summary Record of discussion after every meeting of the AICHR. The draft Summary Record shall be conveyed to the Chair for his/her consideration before being circulated by the Chair to all Representatives for comments.
- 6.2 The Summary Record of previous meeting shall be finalised and adopted at the start of each subsequent meeting.
- 6.3 The ASEAN Secretariat shall be the depositary of all adopted Summary Records. It shall provide copies of the Summary Records to the AICHR Representatives. On request, the ASEAN Secretariat shall furnish the Member States' Permanent Missions to ASEAN and ASEAN National Secretariats.

7. PUBLIC COMMUNICATION

- 7.1 The AICHR may agree to keep the public informed about the outcome of its meeting by way of a press release by the Chair as agreed by AICHR. Should it be necessary, the Chair may hold a press conference as agreed by AICHR.
- 7.2 The contents of the press releases/press conferences/publications shall be determined by the AICHR.
- 7.3 Activities of the AICHR that it deems appropriate shall be regularly published and disseminated through the AICHR website and other media platforms.
- 7.4 The issue of any public statement or communication, written or oral, by the Chair or AICHR as an institution must have the approval of all Representatives.

8. ESTABLISHMENT OF WORKING GROUP OR TASK FORCE

- 8.1 If deemed necessary, the AICHR may establish working groups or task forces on an ad-hoc basis to facilitate the AICHR's work in respect to any specific issues or matters that will be determined by the AICHR.
- 8.2 The Terms of Reference for such working groups or task forces shall be determined by the AICHR. If necessary, the working group or task force may, with the approval of AICHR, consult appropriate persons with relevant expertise on an *ad-hoc* basis.

9. REPORTING PROCEDURE

- 9.1 The AICHR shall submit an annual report on its activities, or other reports to the ASEAN Foreign Ministers Meeting, pursuant to Article 6.6. of the AICHR's TOR.
- 9.2 For the preparation and adoption of the other reports, the AICHR shall gather relevant information deemed appropriate by the AICHR.
- 9.3 The release of the reports submitted by AICHR shall be decided by the ASEAN Foreign Ministers Meeting.

10. RELATIONSHIP WITH OTHER ASEAN BODIES

10.1 As the overarching institution responsible for the promotion and protection of human rights in ASEAN, the AICHR shall:

- i) recommend that all ASEAN sectoral bodies dealing with human rights, adhere to the international human rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and international human rights instruments to which ASEAN Member States are parties, as well as to ASEAN instruments relating to human rights, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities;
- ii) work with all ASEAN sectoral bodies dealing with human rights to be in alignment and consistent with the AICHR;
- iii) work with all ASEAN sectoral bodies dealing with human rights through appropriate channels to determine the modalities for their ultimate alignment with the AICHR, pursuant to Article 6.8 of the AICHR's TOR. For this purpose, the modalities may include, among others, the following:
 - a. convening joint consultations with such sectoral bodies in their process of drafting terms of reference so that they will be

- consistent with the AICHR as the overarching human rights institution in ASEAN;
 - b. working jointly with such sectoral bodies to ensure a review of their terms of reference if they are inconsistent with, or contrary to the role of AICHR as the sole overarching human rights institution, as provided for in the AICHR Terms of Reference and in paragraph 8 of the Cha-am Hua Hin Declaration of the ASEAN Heads of State, issued on 23 October 2009;
 - c. attending, upon invitation, meetings of other relevant ASEAN sectoral bodies, or convening joint meetings, where necessary and appropriate, on the promotion and protection of human rights;
 - d. furnishing each other's reports and publications;
 - e. conducting joint activities where possible;
 - f. convening special meetings, if deemed necessary, to discuss specific issues regarding the promotion and protection of human rights;
 - g. determining the sphere of activities in the event of duplication or inconsistency of activities by any subsidiary bodies;
 - h. considering to incorporate inputs from ASEAN sectoral bodies on the draft ASEAN Declaration on Human Rights.
- iv.) Provide advisory services and technical assistance on human rights matters to ASEAN sectoral bodies upon request, pursuant to Article 4.7 of the AICHR's TOR.

10.2 AICHR may, when required, request advisory services and technical assistance on human rights matters from relevant ASEAN sectoral bodies, pursuant to Article 4.7 of the AICHR's TOR.¹

10.3 Engagement with ASEAN Sectoral Bodies, will be initiated by the Chair of AICHR, with the Chair of the relevant Sectoral Bodies. The format and level of participation of such engagement will be determined through consultations by AICHR and relevant sectoral bodies.

11. INTERACTION WITH ENTITIES ASSOCIATED WITH ASEAN AND OTHER STAKEHOLDERS

11.1 The AICHR may engage in dialogue and consultation with entities associated with ASEAN, including accredited Civil Society Organisations and other stakeholders, as provided for in Chapter V of the ASEAN Charter, pursuant to Article 4.8 of the AICHR's TOR.

11.2 The AICHR may consult, as may be appropriate, with other national, regional and international institutions and entities concerned with the promotion and protection of human rights, pursuant to Article 4.9 of the AICHR's TOR. Such consultations shall be conducted in a manner as

¹ From the TOR of AICHR, Article 4.7

mutually agreed upon by both the AICHR and the national institutions/entities concerned.

12. REPRESENTATION AT REGIONAL AND INTERNATIONAL EVENTS

12.1 Upon the receipt of the invitation to represent the AICHR at regional and international events pertaining to the promotion and protection of human rights, the Chair shall convey the invitation to all Representatives in a speedy manner for their comments and suggestions. The Representatives' considerations shall include but is not limited to the following:

- i) The events must be substantive and beneficial to the AICHR;
- ii) The inviting and requesting organisations must be in good standing and their work must be relevant to the work of AICHR;
- iii) The invitations should be addressed to either the AICHR as a whole or to the Chair.

12.2 Where the Chair is not able to represent the AICHR at regional and international events pertaining to the promotion and protection of human rights as entrusted by the AICHR, the Chair, with the consensus of AICHR, may request one of the Representatives to represent the AICHR instead. In that event, the same notification procedure as specified in paragraph 12.1 above is applicable.

12.3 The Chair or any Representative of the AICHR may attend, on the basis of invitation and in his or her personal capacity, any events pertaining to the promotion and protection of human rights and such personal capacity must therefore be specified. As the Chair or the Representative does not represent the AICHR in this case, the AICHR shall not be committed to support or endorse any deeds or statements made by the Chair or the Representative at such events.

13. RESOURCE MOBILISATION AND UTILISATION

13.1 Resource Mobilisation

13.1.1 The AICHR shall mobilise resources for the implementation of its Work Plan from ASEAN Member States as well as from various sources including the Endowment Fund, Dialogue Partners, donor countries, international agencies, the private sector, and non-governmental organisations, in accordance with Articles 8.4 and 8.5 of the AICHR's TOR.

13.1.2 Funding and other resources from non-ASEAN Member States shall be solely for human rights promotion, capacity building and education, pursuant to Article 8.6 of the AICHR's TOR.

13.2 Project Appraisal and Approval

13.2.1 Project proposals to implement the Work Plan shall be developed by the AICHR, ASEAN Member States, other ASEAN sectoral bodies or the ASEAN Secretariat, and shall be subject to the Rules of Procedure of the AICHR Fund, which will be included as an annex to the Guidelines. In the event that there is a situation which is not covered by the Rules of Procedure of the AICHR Fund, the ASEAN Secretariat's Document on Project Appraisal and Approval Process will be referred to.

13.3 Management of Fund

13.3.1 All funds under the purview of the AICHR shall be managed and disbursed in conformity with Article 8 of the AICHR's TOR, the respective guidelines of such funds and the ASEAN Secretariat Financial Rules and Procedures and the Rules of Procedure of the AICHR Fund.

13.4 Audit

13.4.1 The accounts of the funds under the purview of the AICHR which are entrusted to the ASEAN Secretariat shall be audited in conformity with Article 8 of the AICHR's TOR, the ASEAN Secretariat Financial Rules and Procedures and the Rules of Procedure of the AICHR Fund.

14 SUPPORT FROM THE ASEAN SECRETARIAT

14.1 In line with Article 7.2 of the TOR of AICHR, ASEAN Secretariat shall provide the necessary secretarial support to the AICHR to ensure its effective performance. Accordingly, ASEAN Secretariat will assign professional and sufficient human resources to carry out its duties and when possible provide support in the analysis of substantive subjects.

15. GENERAL AND FINAL PROVISIONS

15.1 Amendments to the Guidelines may be proposed by any Representative of AICHR. Decisions on the amendments shall be taken through consultation and consensus by AICHR.

- 15.2 Any difference arising from the interpretation of the Guidelines shall be settled by consultation and consensus, and on the basis of the AICHR's TOR.
- 15.3 In case of inconsistency between these Guidelines and the AICHR's Terms of Reference, the latter shall prevail.
- 15.4 These Guidelines shall be reviewed subsequent to any revision of AICHR's TOR as stipulated in Article 9.6 of AICHR's Terms of Reference.
- 15.5 These Guidelines shall come into force immediately after adoption by AICHR.

ADOPTED this day 12 March 2012
