



ASEAN INTERGOVERNMENTAL
COMMISSION ON HUMAN RIGHTS

AICHR

**Hwa Chong Model
ASEAN Summit 2024**



TABLE OF CONTENTS

Welcome Letter	3
Dais Introduction	4
Community Introduction	6
Topic 1: Question of Combatting Human Trafficking	7
Topic Introduction	7
Key Terms and Definitions	10
Key Issues	11
Scope of Debate	16
Key Stakeholders	22
Guiding Questions	25
Questions A Declaration Must Answer (QADMA)	25
Bibliography	26
Topic 2: Question of Protecng the Political Rights of Citizens	32
Topic Introduction	32
Key Terms and Definitions	35
Key Issues	36
Scope of Debate	41
Key Stakeholders	48
Guiding Questions	51
Questions A Declaration Must Answer (QADMA)	51
Bibliography	52

Welcome Letter

Dear Delegates,

Welcome to the Hwa Chong Model ASEAN Summit (HCMAS) 2024! We are your Dais of the ASEAN Intergovernmental Commission on Human Rights (AICHR), a community where you can discuss thematic human rights issues that beset the region.

In the spirit of unparalleled intellectual curiosity, we have tailored two topics of utmost importance to our region for debate. The first topic is combatting human trafficking. Human trafficking is the most lucrative transboundary crime in Southeast Asia. Recently, there has been a spate of new developments in the cybercrime industry, further complicating trafficking operations that have in turn fuelled media attention on civil safety concerns. So severe are such threats that pressure has even been put on INTERPOL to tackle this problem. The second topic is protecting the political rights of citizens. Many Southeast Asian nations have long preached a different understanding as compared to the rest of the world of what constitutes political rights and how they should be discussed. Concerningly, some have also bestowed different basic rights on different groups of people. This may improve or worsen ASEAN's political landscape – regardless, there is a significant impact. Delegates, you now stand at the crossroads. The fate of ASEAN rests firmly in your hands, what will you do?

Over these five days, let us look forward to experiencing vigorous debate, in-depth research, and most importantly, opportunities to learn and collaborate with fellow delegates from around the region. Despite coming from different backgrounds, the Dais are confident delegates can stand united by the common vision to protect our dignity – our human rights.

Feel free to contact us at aichr.hcmas2024@gmail.com. Are you ready to make new friends and engage in exciting debates? All the best, and we look forward to seeing you at HCMAS!

Warmest regards,

XiaoYu, Qian Yi, Aden, and Xiyuan

Your Human Rights Dais

Dais Introduction

Zhang XiaoYu (Director)

XiaoYu is a Year 4 Humanities-Bicultural Studies Dual Track Programme student from Hwa Chong Institution. The implication of this could not be clearer. He absolutely crumbles in the face of Chemistry and Physics. Luckily, he has his class to turn to for reassurance as everyone else is likely in this same state. As a competitive debater (read: professional yapper), he loves yapping (and you can probably guess how he views MUNs). He hopes delegates will enjoy themselves at this conference!

Ng Qian Yi (Assistant Director)

Qian Yi is a Year 3 student from Hwa Chong Institution, who has invested his last bit of sanity and time in the Science and Math Talent Programme. A Chinese Orchestra player, he hopes his 120% melodious writing in the Infosheet will mesmerise and serenade delegates. An avid MUN adventurer, he claims to not have much flair apart from his VCs (Valuable Companions) and his all-time favourite phrase 'pulchritudinous parliamentarians'. A first-time chair, Qian Yi wishes all delegates the best of luck and have 13782% fun (smashed random numbers on the keyboard) at HCMAS!

Yip Yu Yang, Aden (Assistant Director)

Aden is a Year 3 Humanities Programme student from Hwa Chong Institution. Unlike the typical Hwa Chong stereotype, he is no mere 'mugger' – he balances his academic pursuits with a shared passion for Fortnite and Valorant, elevating his interests beyond the conventional. Acknowledging Kanye West as the greatest artist ever, Aden brings a cultural flair to his diverse persona. Eager to collaborate with curious delegates, he looks forward to exploring the complexities of human rights issues while aiming for excellence and camaraderie at HCMAS. See you there!

Li Xiyuan (Assistant Director)

Xiyuan is a Year 3 Bicultural Studies Programme student from Hwa Chong Institution. Despite already having too many commitments, Xiyuan's passion for MUN has driven him to run as far a MUNrathon as possible. As he likes to say (totally not because he is salty), MUNs are more than just awards. Instead, they are invaluable experiences where delegates can learn more about the political climate of the world they live in and forge bonds with like-minded

individuals. With this being his first chairing experience, Xiyuan sincerely hopes that all delegates will enjoy their time in HCMAS and fall in love with MUNs, the same way he did.

Community Introduction

The ASEAN Intergovernmental Commission of Human Rights was established on 23 October 2009 to tackle ASEAN issues of protecting and promoting human rights. Likened to the United Nations Human Rights Council, the AICHR aims to promote human rights through education, research, and dissemination of information, as well as to establish a framework for forward-looking human rights cooperation between ASEAN member states.¹

Since the inauguration of ASEAN in 1967, human rights have always been a key tenet within the ASEAN Charter. Article 1 Clause 7 of the Charter states that ASEAN must expressly “promote and protect human rights and fundamental freedoms”.² In the ASEAN Human Rights Declaration (AHRD) Article 7 states that the realisation of human rights must be considered in the regional and national context, bearing in mind differences in political, economic, legal, social, cultural, historical and religious backgrounds.³

As a consensus-based commission, the AICHR requires declarations to be agreed upon by all representatives of member states to be passed. Adopted declarations include the Guidelines on the Operations of AICHR and the Guidelines on the AICHR’s Relations with Civil Society Organisations. The Five-Year Work Plans also delineate the priorities of the AICHR, with the first work plan completed in 2015, and the current ongoing work plan taking from 2021 to 2025.

At its core, this is a community guided by a diverse range of perspectives on protecting the fundamental rights of people from all walks of life. Every person’s situation is different, yet they must be protected unequivocally. Your experience consulting in AICHR will be nothing short of an intellectually stimulating experience guided by logic and empathy.

¹ “About AICHR,” AICHR, August 12, 2020, <https://aichr.org/about-aichr-2>.

² “THE ASEAN CHARTER,” ASEAN, January 2008, <https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>.

³ “ASEAN Human Rights Declaration,” ASEAN, November 19, 2012, <https://asean.org/asean-human-rights-declaration/>.

Topic 1: Question of Combatting Human Trafficking

Topic Introduction

The ASEAN region, despite its rapid economic advancements, remains at a complex crossroads for its unprecedented levels of human trafficking (or trafficking-in-persons, TIP). ASEAN has been a globally lucrative site of this transboundary crime, with a remarkable figure of two-thirds of global victims, or 25 million people, entrapped in this multi-billion-dollar industry.⁴

As the world becomes more interconnected and technology develops, national borders have facilitated the greater mobility of people and organised crime. A complex web of syndicates that facilitate underground activities continues to frustrate organisations, imbuing citizens with a constant sense of vulnerability.⁵

The United Nations Office on Drugs and Crime (UNODC) highlights three core elements of human trafficking – first, the physical act of recruitment, transportation and transference of victims. Second, the means of coercion or fraudulence to engage victims in forced labour. Third, the traffickers aim to exploit victims for commercial or sexual gains.⁶ Whether or not the crime at hand is people smuggling, forced labour or sexual exploitation, the AICHR does not establish specific frameworks for each crime. Instead, its primary focus is on collectively tackling human trafficking in all its facets.

⁴ Mely Caballero-Anthony, “Human Trafficking in Southeast Asia – IMF Finance & Development Magazine | September 2018,” IMF, September 1, 2018, <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>.

⁵ “Irregular Movement of People, People Smuggling, and Trafficking in Persons,” ASEAN, n.d., <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/irregular-movement-of-people-people-smuggling-and-trafficking-in-persons/>.

⁶ “The Crime: Defining Human Trafficking,” UNODC, n.d., <https://www.unodc.org/unodc/en/human-trafficking/crime.html>.

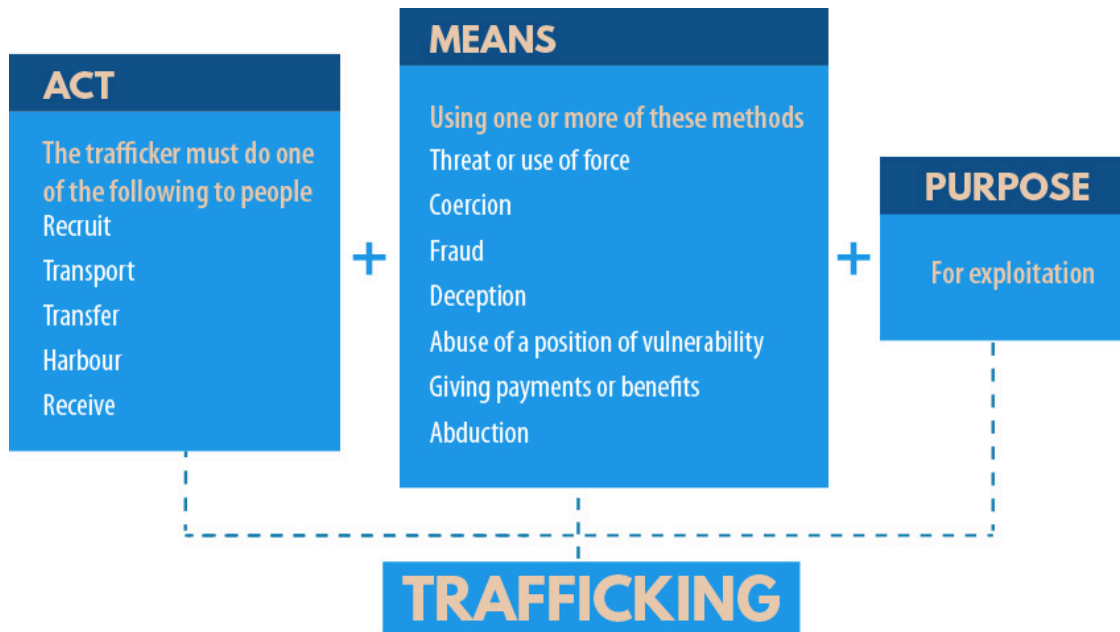


Figure 1: UNODC diagram of the three core elements of human trafficking⁷

In light of the UNODC’s working definition, AICHR has engineered its counter-trafficking efforts according to international standards. Adopted in 2015, the ASEAN Convention Against Trafficking in Persons Especially Women and Children (ACTIP) stands as a *legally binding* testament to ASEAN’s collective commitment to addressing human trafficking. It rests on four prongs:

1. Zero-tolerance criminalisation of human trafficking;
2. Providing comprehensive legal and psycho-social recovery services for victims;
3. Reforming the systemic grassroots of trafficking;
4. Promoting regional transparency, accountability and cooperation.⁸

All ASEAN member states have ratified the ACTIP, solidifying ASEAN’s commitment to stand against trafficking.^{9 10}

⁷ Ibid.

⁸ “ASEAN Convention Against Trafficking in Persons, Especially Women and Children,” UNODC Sharing Electronic Resources and Laws on Crime, n.d., https://sherloc.unodc.org/cld/en/treaties/status/association_of_southeast_asian_nations/asean_convention_against_tip_especially_women_and_children.html.

⁹ “Document Detail,” ASEAN Legal Instruments, n.d., <https://agreement.asean.org/agreement/detail/330.html>.

¹⁰ “Cambodia, Singapore Deposit Instrument of Ratification of the ASEAN Convention Against Trafficking in Persons - ASEAN | ONE VISION ONE IDENTITY ONE COMMUNITY — AP Migration,” Asia Pacific Migration Network, January 28, 2016, <https://apmigration.ilo.org/news/cambodia-singapore-deposit-instrument-of-ratification-of-the-asean-convention-against-trafficking-in-persons-asean-one-vision-one-identity-one-community>.

Contrastingly, not much action has been taken to keep up with ACTIP. Inconsistent implementation of regional and international laws has been a thorn in AICHR's side.¹¹ Yet, it does not do justice to rest the failed implementation of ACTIP solely on the national government's reluctance. The position of any stakeholders trying to uphold the ACTIP is undermined by insufficient funding, impunity of syndicates, and an upward trend for trafficking demand. On this issue, AICHR is guided by Target 8.7 of the UN Sustainable Development Goals, which reads, "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking..." It is with this goal in mind that the AICHR must continue its fight against trafficking.¹²

¹¹ Belardo Prasetya Mega Jaya et al., "Criticising the Implementation of the ACTIP in Southeast Asia," *Sriwijaya Law Review* 7, no. 2 (n.d.): 350, <https://doi.org/10.28946/slrev.vol7.iss2.2542.pp350-367>.

¹² "Goal 8 | Department of Economic and Social Affairs," UN Department of Economic and Social Affairs, n.d., https://sdgs.un.org/goals/goal8#targets_and_indicators.

Key Terms and Definitions

Term	Definition
Human trafficking	The recruitment, transportation, transfer, harbouring and receipt of people through force, fraud or deception, intending to exploit them for profit. Traffickers often use violence, abduction or fraudulence to coerce and exert control over their victims. ^{13 14}
Forced labour	Any non-voluntary work or service exacted by a person under the threat of a penalty. ¹⁵
Migrant smuggling	Facilitation of irregular emigration to a different country, for financial or other material gain. ¹⁶
Sexual exploitation	Abuse of someone’s position of vulnerability (e.g. basic needs, food rations, or other services), for sexual purposes or in a sexual nature. ¹⁷
Organised criminal groups	A structured group of three or more people existing and acting in concert to commit any punishable crime, to obtain financial or other material gains. ¹⁸

¹³ “Human Trafficking,” UNODC, n.d.,

<https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>.

¹⁴ “ASEAN Convention Against Trafficking in Persons, Especially Women and Children,” ASEAN, November 2015, <https://asean.org/asean2020/wp-content/uploads/2021/01/ACTIP.pdf>.

¹⁵ “What Are Forced Labour, Modern Slavery and Human Trafficking? (Forced Labour, Modern Slavery and Human Trafficking),” International Labour Organization, n.d.,

<https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>.

¹⁶ “Migrant Smuggling,” UNODC, n.d.,

<https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/migrant-smuggling.html>.

¹⁷ “What Is Sexual Exploitation, Abuse and Harassment?,” UNHCR, n.d.,

<https://www.unhcr.org/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation>.

¹⁸ Ibid.

Key Issues

Demand for Human Trafficking

‘Demand’ is an overarching term that cannot be agreed upon in the context of human trafficking. Fundamentally, it translates to a given consumer’s preferences for trafficking commodities. Alongside client demand, the social ecology enables and influences demand through socioeconomic and cultural factors. These include religion, gender, and caste, on individual and societal levels. Research has explored how the intersectionality of these cultural factors increases the vulnerability of victims and stimulates further demand.¹⁹

Across the board, consumer demand has increased. In terms of the number of officially documented trafficked victims, it has increased significantly between 2008 and 2019, quadrupling from 30,000 to 120,000 – and these figures only reflect a portion of how the trafficking industry behaves, considering that trafficking occurs underground.²⁰ Even though these trends are worldwide in general, they empirically translate to what has happened in ASEAN, since the factors affecting trafficking demand are very similar on both global and regional levels.

Two important stakeholders in driving up trafficking demand include individuals and criminal-based clients. 150,000 victims are annually brought into the trafficking industry in Southeast Asia, according to UNODC figures, of whom women and girls make up 44% and 21% of the victims respectively.²¹ Rising consumer demand in the ASEAN sex industry stimulates the prevalence of sexual exploitation and forced labour. The majority come from male clients who purchase more sexual services from sexual workers, fuelling the sex industry. This suggests a large number of clients in the Indo-Pacific region seek out options that are neither legally nor socially acceptable, and form the bulk of demand for younger sex workers.

Demand and supply factors are two deeply intertwined factors that shape the nature of human trafficking. In the context of trafficking, the higher the demand, the more

¹⁹ Susan M. Schwartz, “A Cauldron of Tears: Cultural Factors and Vulnerability in Human Trafficking,” in Springer eBooks, 2023, 17–31, https://doi.org/10.1007/978-3-031-33875-5_2.

²⁰ “Topic: Human Trafficking,” Statista, January 10, 2024, <https://www.statista.com/topics/4238/human-trafficking/#topicOverview>.

²¹ “Towards Safer Migration: Countering Human Trafficking in an Integrated South Asia,” World Bank, November 30, 2022, <https://www.worldbank.org/en/events/2022/11/30/16DaysofActivismSouthAsia>.

sophisticated organised crime groups become in identifying and harbouring potential victims. Nevertheless, the stigmatised sectors of trafficking lack curbs to the general growing demand for a criminalised industry.²² Coming into the pandemic time, an unsettling new form of crime emerged, which only fuelled the demand for trafficking further.

Online Scam Industries

In recent years, ASEAN-based syndicates have heightened their crime methods, by harbouring victims through online scam industries. Trafficking victims are now engaged in a new crime, or the industries of online scams. To comprehend how they have emerged, following the pandemic disruption and decline of supply chains, syndicates find it more difficult and unprofitable to engage in crime by physical means. Instead, new forms of exploitative practices have emerged, where crime has moved onto digital spaces. Digital spaces significantly increase the scalability of the crime since syndicates can reach more potential victims. In addition, the pandemic has increased the supply of trafficking victims, as people of lower-income groups need to seek better-paying jobs amidst the shrinkage of regional economies.

Syndicates first traffic their victims by luring them through fraudulent and lucrative job ads and referrals. A vast majority of these victims are highly vulnerable due to their economic standing, in which they would be willing to trade off their security for any income to get by. Then syndicates facilitate the illegitimate transfer and harbour victims into online scam compounds, wherein they commit mass-scale cyber-enabled crimes.²³

Concerningly, scam industries have their fair share of victims within and outside the ASEAN region. Inside these former casino complexes or heavily guarded corporate buildings, victims have meagre pay and they have specified daily targets for the number of people to scam. If they do not reach the quota, they are punished, with some reports even referring to the use

²² “Demand Side of Human Trafficking in Asia: Empirical Findings,” International Labour Organization, 2006, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_73_en.pdf.

²³ Enno Hinz, “Southeast Asia: How to Combat a Human Trafficking Crisis,” DW News, May 5, 2023, <https://www.dw.com/en/southeast-asia-how-to-combat-a-human-trafficking-crisis/a-65431531>.

of electrocution to torture victims.²⁴ These trafficked victims are forced to defraud scam targets, sometimes even luring them into working in these scam compounds. Eventually, this double-edged crime threat (see Figure 2) extracts hefty sums of money from scam targets. Sometimes, the scammers (i.e. victims of trafficking) would be forced to ‘befriend’ scam targets and bring them into the scam industries under the guise of decent work promises. Ultimately, not only do syndicates generate profits through fraudulent means, but they also bring more victims into this illicit industry. The utterly horrifying accounts of trafficking victims being psychophysically tortured into modern slavery, or scam industries, are why regional stakeholders have committed to countering trafficking.



Figure 2: INTERPOL diagram of the threat posed by Southeast Asian online scam industries, where two groups of victims exist²⁵

However, when authorities take action, these criminal groups are always on the move. As a major destination country, many Cambodians have discovered online scams as a lucrative

²⁴ Sasha Jespersen et al., “Trafficking for Forced Criminality: The Rise of Exploitation in Scam Centres in Southeast Asia,” ODI, December 2023, https://odi.cdn.ngo/media/documents/The_rise_of_exploitation_in_scam_centres_in_southeast_asia.pdf.

²⁵INTERPOL, “INTERPOL on X: The Online Scam Centres Represent a Double-edged Crime Threat, Exploiting Two Sets of Victims,” X, June 7, 2023, https://twitter.com/INTERPOL_HQ/status/1666372787911688193.

business model. But under international pressure, Cambodian authorities have been more proactive in clamping down on syndicates, occasionally raiding scam compounds and illegal casinos. The problem, though, is that the criminals have always been one step ahead of the authorities. Syndicates either move internally to a less policed region or relocate to countries with minimal law enforcement such as Myanmar and Laos. Therefore, law enforcement on a regional level must be upheld stringently so that these traffickers can be detained and held accountable.

Discrepancies in Political Will

For trafficking to be mitigated, the relevant authorities must uphold and enforce the law, by detaining organised crime groups and stopping their business. Yet, ASEAN member states encounter setbacks in their legal responses due to legal code inconsistencies and enforcement issues. More specifically, they suffer from the lack of consistent national legislation, bureaucratic corruption, and a porous border.

Vietnam's broad anti-trafficking law in 2011 reportedly has provisions that conflict with definitions outlined in the penal code. Definitions for 'victims' and 'human trafficking' outlined by the law concerningly differ from international instruments, emblematic of the comparatively more dated legal systems in this comparatively less developed region. Furthermore, Vietnam stringently requires that only with a concrete demonstration of aggression can an act of trafficking be criminalised. This can be challenging for cases of physiological torture but not involving direct aggression. More notably, sexually exploited children at very young ages can have lower awareness, unable to corroborate the trafficking crime they suffered – which leaves certain trafficking cases hanging without closure. In addition, authorities do not provide their deployed peacekeepers with any training on countering trafficking.^{26 27} This is why in Vietnam, law enforcement and the judiciary cannot undertake standardised legal action against trafficking – this problem is replicated in many other ASEAN countries with an inconsistent legal code.

²⁶ “Some Recommendations on Revising Legal Provisions on Human Trafficking Victims,” Vietnam Law & Legal Forum, March 11, 2023, <https://vietnamlawmagazine.vn/some-recommendations-on-revising-legal-provisions-on-human-trafficking-victims-70806.html>.

²⁷ “2023 Trafficking in Persons Report: Vietnam,” U.S. Department of State, December 7, 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>.

More alarmingly, law enforcement themselves indulge in collusion. In 2017, more than 60 Thai nationals, including lieutenant-general Manas Kongpan, were tried and jailed for assisting in criminal networks across the Thai-Malaysian border. Upon discovery of mass graves of human trafficking victims in a remote jungle camp by the Thai-Malaysian border, police investigations documented over 150 suspects, including Thai policemen and officials. According to survivors, criminal networks who smuggled migrants into the country detained and tortured them in camps like that to extract ransom from their relatives. However, the cross-border officials remained negligent, as court evidence revealed that millions of baht were transferred into the lieutenant general's bank account.²⁸ As clearly illustrated, the AICHR's goodwill and ASEAN's work over the years can easily be undermined.

²⁸ "Malaysia to Charge Thai Nationals Over Mass Graves, Trafficking Camps Found in 2015," The Straits Times, June 22, 2023, <https://www.straitstimes.com/asia/se-asia/malaysia-to-charge-thai-nationals-over-mass-graves-trafficking-camps-found-in-2015>.

Scope of Debate

Ensuring Sustainable Funding

The AICHR's counter-trafficking efforts currently involve many initiatives, supported by frameworks such as ACTIP, which include capacity-building workshops and public awareness campaigns. However, substantial and sustainable funding that is absent in the status quo is required for the AICHR to maintain these initiatives. Therefore, resolving this issue is the prerequisite for engineering more anti-trafficking initiatives and catering to more stakeholders.

Currently, funding largely comes from contributions made by member states, all of which are voluntary. Based on Article 8 of the Terms of Reference of the Trust Fund used to support anti-trafficking efforts, this budget is provided equally by member states.²⁹ There are two problems with this system. First, ASEAN nations have varying degrees of economic development. On one hand, the more economically developed states (MEDCs) can afford to set aside funds for the AICHR, while the less economically developed states (LEDCs) have to suffer the undue burden of funding. Besides that, the second problem is that states that are less affected by human trafficking are likely to resist contributing heavily to the fund in favour of other areas of budgeting. This means meaningful contributions are not made to help states that are the most vulnerable. Therefore, three possible changes to the present system may be considered.

The first is that MEDCs should contribute more. Proponents of this believe that with their greater financial resources, they have a moral obligation to contribute more. By proportionately contributing, MEDCs can significantly increase the efficiency of the AICHR and the size of its fund. The second possibility is to compel LEDCs experiencing substantial trafficking to contribute more. The argument is that given the most severe trafficking happens there and the most vulnerable reside there, they are obligated to be more accountable and resolve trafficking within their borders. However, the disadvantage of enforcing a moral obligation on LEDCs like Cambodia (with high trafficking rates) is that they have limited economic capacity, hindering them from contributing equally.

²⁹ "ASEAN Intergovernmental Commission on Human Rights (Terms of Reference)," AICHR, 2009, <https://aichr.org/wp-content/uploads/2020/02/TOR-of-AICHR.pdf>.

The third option is for ASEAN states to source more resources from external partners. These include international agencies and certain countries such as Australia, that contribute to specific AICHR projects, in particular with human trafficking. For instance, as part of the strategic ASEAN-EU partnership, the EU has funded a project (Engaging with Inter-Governmental Mechanisms on the Right to a Healthy Environment and Climate Change) – that strengthens ties with the AICHR in areas of human rights and transboundary crime.³⁰ The problem is that most of these contributions take the form of project-based funding. This type of funding focuses on particular areas of anti-trafficking rather than a holistic, long-term approach, thereby hindering efficient resource allocation and the AICHR from making a sustained impact. Therefore, delegates have to consider reviewing funding frameworks to optimise fund contributions from member states and ensure development partners' funds are sustainable.

Overcoming Legal Shortcomings

The ACTIP is based on the internationally recognised 3P paradigm – Prosecution, Protection, and Prevention. It by and large remains a solid legal instrument albeit with some minor flaws. It is a multifaceted approach to counter trafficking, entailing the proactive and effective criminalisation of trafficking syndicates, provision of formal assistance and rehabilitation to former trafficking victims, as well as spearheading legal deterrence to syndicates.³¹ It is the complementary nature of the 3Ps (and by extension the ACTIP) that effectively prevents and minimises trafficking collectively. It remains within the AICHR's interest to encourage states to streamline national legislation and follow regional standards.

Delegates are welcome to consider any gaps in ACTIP's practice and call for necessary rectification. One such aspect to consider is digital security. In shifting the recruitment and harbouring of migrants to online platforms and tools, traffickers have reduced the likelihood of being detected and ensured greater profitability. Owing to the significantly increased use of technology in everyday life due to COVID-19, many ASEAN nationals are left in a more

³⁰ "AICHR Regional Consultation: Business and Human Rights, Environment and Climate Change in ASEAN," AICHR, May 29, 2023, <https://aichr.org/news/aichr-regional-consultation-business-and-human-rights-environment-and-climate-change-in-asean/>.

³¹ "3Ps: Prosecution, Protection, and Prevention," United States Department of State, January 9, 2021, <https://www.state.gov/3ps-prosecution-protection-and-prevention/>.

vulnerable position.³² Therefore, interventions and key actions promoting online safety are critical to mitigate potential victims falling prey to rising scam industries. Therefore, delegates can consider channelling resources and developmental efforts along with seeking collaboration to strengthen ASEAN's overall digital security.

Curbing Bureaucratic Corruption

One of the key legal shortcomings aforementioned is bureaucratic corruption. This occurs at a large scale and severely undermines any counter-trafficking efforts.

UNODC remarks that bureaucratic corruption is a core driver of human trafficking since the crime could not have manifested on a large scale without corrupt officials abusing their position of authority and accepting bribes.³³ Corruption generally refers to the use of public office or the abuse of entrusted power for private gain. This is alarming because we generally accept that police institutions and legal authorities have a moral obligation to comply with public service ethics and practice accountability when defending human rights.³⁴

Organised crime groups have to maintain the profitability of their criminal business model while surviving in the long term undercover from law enforcement. Therefore, syndicates engage in complex forms of corruption. They secure border crossings and routes, conceal the locations of illicit activities, disengage and turn the policemen around, ward off interfering politicians, fabricate documents, and obstruct the course of the judiciary.³⁵ Small-scale corruption does exist, but it is bureaucratic corruption of this sophistication that is the most damaging.

The key factor that enables bureaucratic corruption is economic vulnerability. The inadequate pay in LEDCs creates fertile ground for public officials to accept bribes, especially

³² "Reclaiming Digital Spaces to Counter Human Trafficking and Protect Its Victims," United Nations Network on Migration, n.d., <https://migrationnetwork.un.org/statements/reclaiming-digital-spaces-counter-human-trafficking-and-protect-its-victims>.

³³ "How Corruption Facilitates, Fuels and Fosters Human Trafficking," UNODC, September 29, 2023, <https://www.unodc.org/unodc/en/human-trafficking/Webstories2023/how-corruption-facilitates--fuels-and-fosters-human-trafficking.html>.

³⁴ "AICHR Holds Workshop on Trafficking in Persons Prevention," ASEAN, August 27, 2021, <https://asean.org/aicHR-holds-workshop-on-trafficking-in-persons-prevention/>.

³⁵ "Organized Crime Module 4 Key Issues: Links Between Organized Crime and Corruption," UNODC, April 2018, <https://www.unodc.org/e4j/en/organized-crime/module-4/key-issues/links-to-corruption.html>.

when weighed against the risks of exposure or prosecution, which are often weak.³⁶ Additionally, without comprehensive ethical training or understanding, inexperienced officials may not be able to resist temptations or grasp the gravity of their actions. Weak institutions may not deem ethical conduct as relevant in the profession, creating a vacuum where personal gain takes precedence. Moreover, low accountability and ineffective oversight mechanisms propagate collusion. In the absence of robust mechanisms, public officials can more easily conceal illicit gains and operate with impunity. Delegates can take into account these key issues and innovate effective mechanisms to tackle bureaucratic corruption.

Within AICHR, a critical analysis of current frameworks and mechanisms to combat corruption and collusion is imperative. Delegates should address the diverse challenges faced by each ASEAN member state. The adaptability of each mechanism should be scrutinised, extending this examination at both national and regional levels. The challenge is that documentation on corruption cases is sparse, and corruption requires an in-depth understanding before it can be addressed. Hence, AICHR ought to implement preventive measures against future corruption and collusion cases. Delegates should establish innovative regional mechanisms that foster shared responsibility and accountability to tackle human trafficking hand-in-hand - not only to respond to corruption practices where they crop up but also proactively work towards their prevention.

Strengthening Border Control and Collaboration

Border dynamics hugely influence transnational relations and trade, which is why most ASEAN countries share common yet porous borders. Rapid economic development is linked to free-trade agreements (FTA) and the expansion of cross-border infrastructure, deepening economic integration between ASEAN states in the past two decades. However, this has invariably exposed border weaknesses for trafficking syndicates to exploit while smuggling their victims abroad. These weaknesses can be attributed to poor resource training and surveillance. For example, within the Greater Mekong Sub-Region, six countries share approximately 12,000 km of land borders which are highly porous and insufficiently patrolled. Border control officers are often ill-equipped to identify and interdict human traffickers comprehensively even at international checkpoints, since most border agencies

³⁶ Brook Horowitz, "How Asean Countries Can Turn the Tide on Corruption," Financial Times, April 24, 2020, <https://www.ft.com/content/ef7426be-7500-11ea-90ce-5fb6c07a27f2>.

still lack the necessary skill sets and resources to operate effectively.³⁷ Thus, delegates may strategise innovative mechanisms of border control to effectively deter traffickers at vulnerable border zones.

In addition, delegates must be aware of upholding territorial integrity. Territorial integrity is recognised as the principle that protects the territory and orders of sovereignty whereas sovereignty is the authority of a country to govern itself. The Treaty of Amity and Cooperation in Southeast Asia highlights the commitment of all member-states to upholding “mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations”.³⁸ Due to ASEAN’s non-interference policy and dedication to respecting sovereignty, this affects any key actions about border control and border capacity the AICHR takes. This does not have to be a problematic issue though, if ASEAN states could streamline legislation and border control based on ASEAN standards. Therefore, delegates should devise innovative solutions that balance regional cooperation and a state’s sovereignty. Incentives can also be created for different states to streamline their border control mechanisms.

Transboundary collaboration and critical information infrastructure (CII) are also worth considering. A transparent collaborative intelligence gathering holds the key to dismantling trafficking networks and safeguarding vulnerable populations between neighbouring nations. Any data gleaned from collaborative databases and collaborative advisory services informs evidence-based policymaking, bolstering anti-trafficking efforts. This amplifies both national and regional security against trafficking.

Nevertheless, transparency has its share of concerns. The ASEAN-Australia Counter Trafficking (ASEAN-ACT) Report in 2020 found that information-sharing and cross-boundary transparency was highly limited. Only 2 of 10 member-states published

³⁷ “Regional Programme for Southeast Asia 2014 - 2017: Promoting the Rule of Law and Health to Address Drugs and Crime in Southeast Asia,” UNODC, November 6, 2013, https://www.unodc.org/roseap/uploads/archive/documents/Publications/2013/SEA_RP_masterversion_6_11_13.pdf.

³⁸ “The Treaty of Amity and Cooperation in Southeast Asia (TAC),” ASEAN, n.d., <https://asean.org/wp-content/uploads/2021/01/20131230235433.pdf>.

critical data trends on trafficking progress.³⁹ Data privacy is a prime reason why some ASEAN member-states are hesitant to relinquish control over sensitive data. They fear the breaching of national security and potential misuse of information. This lack of trust and open communication in itself further complicates distrust between member-states, which in turn hinders collaboration in AICHR.

Hence, delegates should consider effective mechanisms for building trust and consensus, be it bilateral or multilateral, which will set the foundation for more effective reporting. Secondly, delegates should also strengthen capacity-building resources and establish information-sharing mechanisms. Indeed, a more systematic collection and analysis of regional human trafficking data in ASEAN can strengthen policy-making.

³⁹ “ASEAN Convention Against Trafficking in Persons, Especially Women and Children: Baseline Report 2020 Summary,” ASEAN-Australia Counter Trafficking, 2020, <https://www.aseanact.org/wp-content/uploads/2022/03/Summary-product-Baseline-Report-ASEAN-TIP-Data.pdf>.

Key Stakeholders

Regardless of whether states are titled ‘origin’, ‘transit’ or ‘destination’ states, all of them, in recollection of the ACTIP, have committed to eradicating human trafficking. Each state has made significant progress in tightening its prosecution of trafficking and providing capacity building for officials.

States with Substantial Trafficking

These states tend to be less economically developed with a heavy reliance on the informal economy. They are characterised by rampant poverty, porous borders, limited law enforcement capacity, and weak governments, creating the perfect environment for trafficking syndicates to conduct profit-driven human rights abuses against their victims. Despite this, these states have recognised the negative effects of trafficking on human rights, and hence have progressively taken more action (i.e. increasing prosecution and victim protection) against it.⁴⁰

In 2022, Cambodia fulfilled its ACTIP obligations and enhanced its national capacity. It organised 18 capacity development events and proficiently trained some 594 people to bolster its trafficking prevention and victim protection efforts.⁴¹ This positive trend should be applauded, but it cannot be the end. These achievements are merely stepping stones in the right direction for progress.

States with Relatively Low Trafficking

On the other end of the spectrum, there are states with relatively low trafficking. These countries are predominantly strong economies with robust law enforcement and effective border controls. While they enjoy low rates of trafficking, they do have some vulnerabilities – for instance, trafficking still occurs in some sectors. Thus, these countries have to remain relevant and adapt to future circumstances to mitigate new forms of trafficking. Singapore

⁴⁰ “2020 Trafficking in Persons Report 20th Edition,” U.S. Department of State, 2020, <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

⁴¹ “ASEAN-ACT ANNUAL PROGRESS REPORT 2022,” ASEAN-Australia Counter Trafficking, April 2023, <https://www.aseanact.org/wp-content/uploads/2023/07/AAC-Annual-Progress-Report-2022-12Jul.pdf>.

has long recognised the importance of sustainable partnerships with other stakeholders in countering trafficking. This is why its National Approach against TIP extends beyond the fundamental 3Ps, with an additional focus on partnership as a fourth pillar that stimulates engagement with internal and international stakeholders to create a strong anti-trafficking ecosystem.⁴² In sum, these states remain highly committed to combatting trafficking and will play pivotal roles in ASEAN's collective anti-trafficking response.

China

Even though China is not formally a part of ASEAN, it maintains a strong presence in the Southeast Asia region. An important case study is its signature Belt and Road Initiative (BRI). The BRI helped to increase its international economic development through land and maritime economic corridors, special economic zones and industrial development projects. However, because the BRI is so lucrative in this region, many China-based organised crime groups have migrated south to Myanmar, Laos and Cambodia, countries where a growing number of scam centres near economic corridors are being operated.⁴³

As the BRI includes ASEAN states as key partners, China places its strategic interests on the economic development and regional stability of ASEAN. Hence, China has expressed its anti-trafficking stance in the ASEAN region and has rendered help to ASEAN. In 2019, China and ASEAN both agreed to maintain bilateral counter-trafficking responses through Memorandums of Understanding (MoUs), information-sharing mechanisms and personnel training.⁴⁴ Moreover, China has joined forces with regional states to launch joint police crackdowns on syndicates and cyber scams. China's Ministry of Public Security had officially announced it repatriated 2317 'scam suspects' from Myanmar through its operation. However, critics point out they were not 'scam suspects' per se, but trafficking 'victims' who were forced to engage in crime.⁴⁵

⁴² "Singapore Inter-Agency Taskforce on Trafficking in Persons," Ministry of Manpower Singapore, n.d., <https://www.mom.gov.sg/trafficking-in-persons>.

⁴³ Virginia Comolli, "China's New Silk Road: Navigating the Organized Crime Risk," Global Initiative Against Transnational Organized Crime, May 5, 2021, <https://globalinitiative.net/analysis/bri-crime/>.

⁴⁴ "Joint Statement | the Seventh ASEAN Plus China Ministerial Meeting on Transnational Crime (7th AMMTC + China) Consultation.," ASEAN, November 28, 2019, <https://asean.org/wp-content/uploads/2022/02/Adopted-Joint-Statement-of-the-7th-AMMTC-China-Consultation-Bangkok-Thailand-28-November-2019.pdf>.

⁴⁵ Huizhong Wu, "China Crackdown on Cyber Scams in Southeast Asia Nets Thousands but Leaves Networks Intact," AP News, October 24, 2023,

China's partnership holds immense potential for AICHR's counter-trafficking efforts. This is because China can primarily contribute resources to vulnerable states, considering that China possesses a strong pool of resources, technology and expertise. Nevertheless, there are challenges to its external partnership with ASEAN. Drawing from the example illustrated above, Chinese police intervention has helped to some extent, but it is still woefully insufficient in taking down trafficking networks entirely. China must review its regional course of action moving forward, in order to alleviate trafficking along the BRI zones in ASEAN.

<https://apnews.com/article/china-southeast-asia-cyberscam-criminal-myanmar-4d749243cd4c95d697060d8cef59cabb>.

Guiding Questions

1. How should guidelines for contributing funds be crafted such that they are concrete?
2. To what extent has your country enforced effective legislation that counters trafficking from all facets?
3. How can member-states encourage or incentivise one another to embark on AICHR initiatives focused on regional collaboration and transparency?
4. How can different groups (e.g. NGOs, social organisations, bureaucrats etc.) in nations contribute to mitigating human trafficking?

Questions A Declaration Must Answer (QADMA)

1. What measures can all ASEAN member-states adopt to mitigate human trafficking?
2. How can the AICHR guarantee sustainable funding for long-term anti-trafficking efforts?
3. How can states rectify their legal shortcomings in addressing human trafficking?
4. How can states strengthen their border control and foster multilateral cooperation?

Bibliography

AICHR. "AICHR Regional Consultation: Business and Human Rights, Environment and Climate Change in ASEAN," May 29, 2023. <https://aichr.org/news/aichr-regional-consultation-business-and-human-rights-environment-and-climate-change-in-asean/>.

AICHR. "ASEAN Intergovernmental Commission on Human Rights (Terms of Reference)," 2009. <https://aichr.org/wp-content/uploads/2020/02/TOR-of-AICHR.pdf>.

ASEAN Legal Instruments. "Document Detail," n.d. <https://agreement.asean.org/agreement/detail/330.html>.

ASEAN-Australia Counter Trafficking. "ASEAN Convention Against Trafficking in Persons, Especially Women and Children: Baseline Report 2020 Summary," 2020. <https://www.aseanact.org/wp-content/uploads/2022/03/Summary-product-Baseline-Report-ASEAN-TIP-Data.pdf>.

ASEAN-Australia Counter Trafficking. "ASEAN-ACT ANNUAL PROGRESS REPORT 2022," April 2023. <https://www.aseanact.org/wp-content/uploads/2023/07/AACT-Annual-Progress-Report-2022-12Jul.pdf>.

ASEAN. "AICHR Holds Workshop on Trafficking in Persons Prevention," August 27, 2021. <https://asean.org/aichr-holds-workshop-on-trafficking-in-persons-prevention/>.

ASEAN. "ASEAN Convention Against Trafficking in Persons, Especially Women and Children," November 2015. <https://asean.org/asean2020/wp-content/uploads/2021/01/ACTIP.pdf>.

ASEAN. "Irregular Movement of People, People Smuggling, and Trafficking in Persons," n.d. <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/irregular-movement-of-people-people-smuggling-and-trafficking-in-persons/>.

ASEAN. “Joint Statement | the Seventh ASEAN Plus China Ministerial Meeting on Transnational Crime (7th AMMTC + China) Consultation.” November 28, 2019. <https://asean.org/wp-content/uploads/2022/02/Adopted-Joint-Statement-of-the-7th-AMTC-China-Consultation-Bangkok-Thailand-28-November-2019.pdf>.

ASEAN. “The Treaty of Amity and Cooperation in Southeast Asia (TAC),” n.d. <https://asean.org/wp-content/uploads/2021/01/20131230235433.pdf>.

Asia Pacific Migration Network. “Cambodia, Singapore Deposit Instrument of Ratification of the ASEAN Convention Against Trafficking in Persons,” January 28, 2016. <https://apmigration.ilo.org/news/cambodia-singapore-deposit-instrument-of-ratification-of-the-asean-convention-against-trafficking-in-persons-asean-one-vision-on-e-identity-one-community>.

Caballero-Anthony, Mely. “Human Trafficking in Southeast Asia – IMF Finance & Development Magazine | September 2018.” IMF, September 1, 2018. <https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>.

Comolli, Virginia. “China’s New Silk Road: Navigating the Organized Crime Risk.” Global Initiative Against Transnational Organized Crime, May 5, 2021. <https://globalinitiative.net/analysis/bri-crime/>.

Hinz, Enno. “Southeast Asia: How to Combat a Human Trafficking Crisis.” DW News, May 5, 2023. <https://www.dw.com/en/southeast-asia-how-to-combat-a-human-trafficking-crisis/a-65431531>.

Horowitz, Brook. “How Asean Countries Can Turn the Tide on Corruption.” Financial Times, April 24, 2020. <https://www.ft.com/content/ef7426be-7500-11ea-90ce-5fb6c07a27f2>.

International Labour Organization. “Demand Side of Human Trafficking in Asia: Empirical Findings,” 2006.

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_73_en.pdf.

International Labour Organization. “What Are Forced Labour, Modern Slavery and Human Trafficking? (Forced Labour, Modern Slavery and Human Trafficking),” n.d.

<https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>.

INTERPOL. “INTERPOL on X: The Online Scam Centres Represent a Double-edged Crime Threat, Exploiting Two Sets of Victims.” X, June 7, 2023.

https://twitter.com/INTERPOL_HQ/status/1666372787911688193.

Jaya, Belardo Prasetya Mega, Ridwan Ridwan, Rully Syahrul Mucharom, Dwi Edi Wibowo, Siti Nur Aisah, Sulastri Sulastri, and Novia Bella Alifvia. “Criticising the Implementation of the ACTIP in Southeast Asia.” *Sriwijaya Law Review* 7, no. 2 (n.d.): 350.

<https://doi.org/10.28946/slrev.vol7.iss2.2542.pp350-367>.

Jesperperson, Sasha, Henrik Alffram, Lisa Denney, and Pilar Domingo. “Trafficking for Forced Criminality: The Rise of Exploitation in Scam Centres in Southeast Asia.” ODI, December 2023.

https://odi.cdn.ngo/media/documents/The_rise_of_exploitation_in_scam_centres_in_southeast_asia.pdf.

Ministry of Manpower Singapore. “Singapore Inter-Agency Taskforce on Trafficking in Persons,” n.d. <https://www.mom.gov.sg/trafficking-in-persons>.

Schwartz, Susan M. “A Cauldron of Tears: Cultural Factors and Vulnerability in Human Trafficking.” In Springer eBooks, 17–31, 2023.

https://doi.org/10.1007/978-3-031-33875-5_2.

Statista. “Topic: Human Trafficking,” January 10, 2024.

<https://www.statista.com/topics/4238/human-trafficking/#topicOverview>.

The Straits Times. “Malaysia to Charge Thai Nationals Over Mass Graves, Trafficking Camps Found in 2015,” June 22, 2023. <https://www.straitstimes.com/asia/se-asia/malaysia-to-charge-thai-nationals-over-mass-graves-trafficking-camps-found-in-2015>.

U.S. Department of State. “2020 Trafficking in Persons Report 20th Edition,” 2020. <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

U.S. Department of State. “2023 Trafficking in Persons Report: Vietnam,” December 7, 2023. <https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>.

UN Department of Economic and Social Affairs. “Goal 8 | Department of Economic and Social Affairs,” n.d. https://sdgs.un.org/goals/goal8#targets_and_indicators.

UNHCR. “What Is Sexual Exploitation, Abuse and Harassment?,” n.d. <https://www.unhcr.org/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation>.

United Nations Network on Migration. “Reclaiming Digital Spaces to Counter Human Trafficking and Protect Its Victims,” n.d. <https://migrationnetwork.un.org/statements/reclaiming-digital-spaces-counter-human-trafficking-and-protect-its-victims>.

United States Department of State. “3Ps: Prosecution, Protection, and Prevention,” January 9, 2021. <https://www.state.gov/3ps-prosecution-protection-and-prevention/>.

UNODC Sharing Electronic Resources and Laws on Crime. “ASEAN Convention Against Trafficking in Persons, Especially Women and Children,” n.d. https://sherloc.unodc.org/cld/en/treaties/status/association_of_southeast_asian_nations/asean_convention_against_tip_especially_women_and_children.html.

UNODC. “How Corruption Facilitates, Fuels and Fosters Human Trafficking,” September 29, 2023.

<https://www.unodc.org/unodc/en/human-trafficking/Webstories2023/how-corruption-facilitates--fuels-and-fosters-human-trafficking.html>.

UNODC. “Human Trafficking,” n.d.

<https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>.

UNODC. “Migrant Smuggling,” n.d.

<https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/migrant-smuggling.html>.

UNODC. “Organized Crime Module 4 Key Issues: Links Between Organized Crime and Corruption,” April 2018.

<https://www.unodc.org/e4j/en/organized-crime/module-4/key-issues/links-to-corruption.html>.

UNODC. “Regional Programme for Southeast Asia 2014 - 2017: Promoting the Rule of Law and Health to Address Drugs and Crime in Southeast Asia,” November 6, 2013.

https://www.unodc.org/roseap/uploads/archive/documents/Publications/2013/SEA_RP_masterversion_6_11_13.pdf.

UNODC. “The Crime: Defining Human Trafficking,” n.d.

<https://www.unodc.org/unodc/en/human-trafficking/crime.html>.

Vietnam Law & Legal Forum. “Some Recommendations on Revising Legal Provisions on Human Trafficking Victims,” March 11, 2023.

<https://vietnamlawmagazine.vn/some-recommendations-on-revising-legal-provisions-on-human-trafficking-victims-70806.html>.

World Bank. “Towards Safer Migration: Countering Human Trafficking in an Integrated South Asia,” November 30, 2022.

<https://www.worldbank.org/en/events/2022/11/30/16DaysofActivismSouthAsia>.

Wu, Huizhong. "China Crackdown on Cyber Scams in Southeast Asia Nets Thousands but Leaves Networks Intact." AP News, October 24, 2023. <https://apnews.com/article/china-southeast-asia-cyberscam-criminal-myanmar-4d749243cd4c95d697060d8cef59cabb>.

Topic 2: Question of Protecting the Political Rights of Citizens

Topic Introduction

There has been a broad trend of democratisation in the past few years if not decades. In fact, 2024 may historically be the year with the largest number of voters turning up for elections, many of which are high-stakes elections in both developed and developing countries.⁴⁶ This entails the historical value of democracies across the globe.

Just last year, Indonesia, the outgoing chair of ASEAN and a prominent player in the region, openly declared their push for a world order shaped around democratisation.⁴⁷ Given Indonesia's regional heft, this stance does have effects on the AICHR's outlook and is why some principles of democracy are present in this institution. This is not to say that the path to democratisation is straightforward. It is worth noting that these democratic principles are sparse and certainly not on par with the standards set in Western liberal democracies. But there are micro trends that suggest the erosion of democracy in favour of populism, even if the world is still on average more democratic than before.

As Indonesia has pushed for, ASEAN has laid the groundwork for human rights through the ASEAN Human Rights Declaration (AHRD). In Articles 18 to 25, every citizen has the right to nationality, a fair trial, personal privacy, freedom of thought and expression, freedom of assembly, and freedom to vote for elections.⁴⁸ Nonetheless, the declaration allows much room for interpretation, entitling member-states to ample space to manoeuvre and implement their national policies that barely meet the standards. This hinders the intended promotion of universal human rights standards.

⁴⁶ Koh Ewe, "The Ultimate Election Year: All the Elections Around the World in 2024," TIME, December 28, 2023, <https://time.com/6550920/world-elections-2024/>.

⁴⁷ Ahmad Rizky Mardhatillah Umar, "What Is Indonesia's Vision for the International Order?," Chatham House – International Affairs Think Tank, July 24, 2023, <https://www.chathamhouse.org/2023/07/what-indonesias-vision-international-order>.

⁴⁸ "ASEAN Human Rights Declaration," ASEAN, November 19, 2012, <https://asean.org/asean-human-rights-declaration/>.

In particular, ASEAN is engineered as a unique regional body. It revolves around economic, and sociocultural development as well as the maintenance of peace and security, but not politics. Besides, it preaches non-interference and requires a consensus vote to adopt any declaration. Moreover, the issue of political rights is particularly touchy given that Southeast Asia consists of several countries with an authoritarian bent, or different versions of democracies. Across Western media lies a widespread sentiment which shares that of the Economist: “Southeast Asia has long showcased authoritarianism’s full range of options, from communist dictatorship (Vietnam, Laos), capitalist dictatorship (Cambodia) and military dictatorship (Myanmar) to absolute monarchy (Brunei), one-party rule (Singapore) and patronage-based democracy (Malaysia, Indonesia and the Philippines)”.⁴⁹



Figure 3: A Political Cartoon from the Philippine Star. As un-democratic authoritarian regimes increase in influence, AHRD and ASEAN democratisation are both jeopardised.⁵⁰

⁴⁹ Charlie McCann, “Authoritarians Are Making a Comeback Across South-East Asia,” The Economist, November 18, 2022, <https://www.economist.com/the-world-ahead/2022/11/18/authoritarians-are-making-a-comeback-a-cross-south-east-asia>.

⁵⁰ “EDITORIAL - Rights in Asean,” PhilStar Global, April 13, 2021, <https://www.philstar.com/opinion/2021/04/14/2090965/editorial-rights-asean>.

Democracies and the political rights of citizens are at high stakes on the regional stage - they must be enshrined. Therefore, AICHR will have to embark on a historically new role of convening and resolving this pertinent issue for the first time.

Key Terms and Definitions

Term	Definition
Political rights	Generally refer to rights regarding free-willed participation or representation in the government. Political rights enable franchise, the holding of public office, and engagement in any political activities. ^{51 52}
Democracy	A political environment which respects human rights and fundamental freedoms, in which the freely expressed will and power of people are exercised. People have a say in decisions and hold decision-makers to account. ^{53 54}
Civic space	A set of legal, political, institutional and practical conditions for non-governmental actors to access information, share their interests and participate in social life. ⁵⁵
Lèse-majesté	A crime which violates the dignity of the sovereign or ruler, in the form of defamation or threats, et cetera. ⁵⁶
Universalisability	Refers to when something (in this case, political rights) can equally be applied to every relevant situation, anywhere and anytime. ⁵⁷

⁵¹ “Political Rights,” in Merriam-Webster Dictionary, n.d.,

<https://www.merriam-webster.com/dictionary/political%20rights>.

⁵² “Citizenship and Political Rights,” Commission on Security and Cooperation in Europe, n.d.,

<https://www.csce.gov/issue/citizenship-and-political-rights/>.

⁵³ “Democracy,” United Nations, n.d., <https://www.un.org/en/global-issues/democracy>.

⁵⁴ “Democracy,” in Merriam-Webster Dictionary, n.d.,

<https://www.merriam-webster.com/dictionary/democracy>.

⁵⁵ “Civic Space,” OECD, n.d., <https://www.oecd.org/gov/open-government/civic-space.htm>.

⁵⁶ “Lèse-majesté,” in Merriam-Webster Dictionary, n.d.,

<https://www.merriam-webster.com/dictionary/l%C3%A8se-majest%C3%A9>.

⁵⁷ “APA Dictionary of Psychology: Categorical Imperative,” in American Psychological Association, n.d.,

<https://dictionary.apa.org/categorical-imperative>.

Key Issues

Criticism of the AHRD

The ASEAN Human Rights Declaration (AHRD) is a regionally adopted framework on how member-states should approach human rights. Yet, external actors such as the US remain dubious and even critical of its legitimacy, especially in the sensitive domain of political rights.

First, there is the criticism that the AHRD engages in vaguery. Certain provisions employ broad terms like “appropriate measures” and “in accordance with their respective laws”, which lack clear definitions and leave too much room for sovereign interpretation. Member-states can implement national policies that severely demarcate the parameters of political rights, yet meet the bare minimum of these weak regional standards. In addition, the declaration does not have disincentives against states for violating human rights due to ASEAN’s non-interference policy. Some states exploit this gap in the AHRD to criminalise citizens who simply express different political views.⁵⁸ Moreover, while respecting cultural diversity is crucial, it can be misused to justify limitations on certain rights. The AHRD’s vague language can enable such justifications, potentially undermining its intended effect of promoting universal human rights standards.

Second, the US explicitly criticises the AHRD as employing “cultural relativism” to exclude certain rights and permit collapsing rights in some situations. Cultural relativism is the position that ethical value depends on the specific sociocultural context from which they are derived, implying that there are no universal human rights applicable across all cultures.⁵⁹ Prominent leaders in the 1990s like former Malaysian PM Mahathir and former Singaporean PM Lee Kuan Yew preached ‘Asian values’ of collectivism for instance to justify the region’s unique set of political policies as opposed to the Western norms of universal rights for instance.⁶⁰ This perspective acknowledges cultural diversity but can be problematic if used to justify practices that violate fundamental human rights that are universally recognised. However, its invocation of “national particularities” and “appropriate measures” has sparked

⁵⁸ Verena Harpe and Esther Felden, “ASEAN Rights Declaration,” DW News, November 22, 2012, <https://www.dw.com/en/a-rights-declaration-that-does-not-deserve-the-name/a-16398383>.

⁵⁹ “Cultural Relativism,” Carnegie Council for Ethics in International Affairs, n.d., <https://www.carnegiecouncil.org/explore-engage/key-terms/cultural-relativism>.

⁶⁰ Yau Hoon Chang, “Revisiting the Asian Values Argument Used by Asian Political Leaders and Its Validity,” Singapore Management University, January 2004, https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=1832&context=soss_research.

concerns about selective interpretation and cultural justifications for restricting certain rights. For example, critics argue that the AHRD's reference to "cultural and religious values" might be used to justify limitations on freedom of expression or LGBTQ+ rights.

States legitimately have the right to demarcate political rights for their citizens. Cultural relativism is just as legitimate a position. However, the baseline is that the AHRD has been skirted in implementation and the ratification of the AHRD is likened to performative gestures. If the AHRD and the behaviour of member-states vis-à-vis it remains as it is, it would serve no worse as a facade for governments with pernicious incentives.

ASEAN's Outlook on Political Rights

The European Union (EU) is a regional bloc at the forefront of democratic growth, which fundamentally operates on different principles than ASEAN. ASEAN is an intergovernmental organisation while the EU is supranational. In other words, member-states of the EU relinquish their sovereignty over certain areas such as trade and the environment.⁶¹ Thus looking at the EU, the stark variations in political rights across member-states in ASEAN raise questions about ASEAN's development as a cohesive regional body.

Though ASEAN's inauguration was somewhat political, in the sense that the founding members sought to put up a regional front against the spread of communism, ASEAN's most notable practical impacts remain economic. For much of its early history, Southeast Asian nations were economically devastated by the lasting effects of conflict or colonisation. ASEAN prioritised on working towards economic prosperity to sustain its people's livelihoods, before any further political considerations. Furthermore, economic integration leads to trust and confidence between states, which opens up discussion for other regional agendas. This longstanding function of ASEAN may set aside political rights from its priorities. But as ASEAN develops into a more cohesive regional bloc and stands on the international stage, would ASEAN perhaps stand for a better outlook on its inconsistent political rights? As part of the ASEAN Political-Security Community (of which pillar AICHR operates) Blueprint, ASEAN

⁶¹ Tommy Koh and Lay Hwee Yeo, "ASEAN and EU the Untold Story," Ministry of Foreign Affairs Singapore, October 16, 2020, <https://www.mfa.gov.sg/Overseas-Mission/Ministry-of-Foreign-Affairs---Permanent-Mission-of-the-Republic-of-Singapore/Recent-Highlights/2020/10/ASEAN-and-EU-The-untold-story>.

strives for a collectively “just, *democratic* and *harmonious* environment” for its member-states.⁶² As clearly outlined, enabling democracies in ASEAN is pivotal to sowing the seeds of cohesiveness. Indeed, upholding democratic ideals facilitates trust between member-states, which remains strategic for collaboration between member-states.

ASEAN does not have to be a supranational body, nor does it have to be an explicit political bloc to have a baseline political view. Throughout history, it is evident that it is capable of this. When ASEAN was first established, ASEAN brought Indonesia into the fold post-Konfrontasi to ensure regional stability. Moreover, ASEAN currently engages both China and the US through the ASEAN Regional Forum (ARF) to ensure both superpowers’ competition in the region does not spill over into a violent battle of spheres of influence but rather leads to bipartisan collaboration over controversial topics.⁶³

What does a strong vision for ASEAN as a more holistic, effective regional organisation look like? It may be the case that states should set out concrete goals for AICHR collectively. Only then can AICHR develop consistent sets of political rights as regional standards.

The Conservative Stance

All the ASEAN member-states proudly endorse democracies and political rights on the international stage. All member-states have ratified the prominent Universal Declaration of Human Rights (UDHR), and some member-states have even approved of the International Covenant of Civic and Political Rights (CCPR).⁶⁴ Despite these impressive feats, freedoms of expression and assembly face limitations, dissent is suppressed through various tactics and political participation is restricted in varying degrees across ASEAN. This disparity raises doubt that these pronouncements of democratic ideals prevail to be ingenuine. Following the aforementioned argument, one may posit that member-states should be obligated to undertake necessary reforms to follow *dicta prius* from international human rights accords.

⁶² “ASEAN Political Security Community,” ASEAN, n.d.,

<https://asean.org/our-communities/asean-political-security-community/>.

⁶³ Prashanth Parameswaran and Ernest Z. Bower, “Clinton, the ARF, and the U.S. ‘Rebalance’ to Asia,” Center for Strategic & International Studies, September 9, 2020,

<https://www.csis.org/analysis/clinton-arf-and-us-rebalance-asia>.

⁶⁴ “Ratification Status for CCPR - International Covenant on Civil and Political Rights,” UN Treaty Body Database, n.d.,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en.

At the heart of this issue lies the tension between conservative and progressive approaches to political rights within ASEAN. Progressive voices naturally advocate for upholding universal human rights standards and promoting democratic reforms. They argue that inconsistent political rights hinder ASEAN's regional integration and long-term stability. The conservative view, on the other hand, seeks to prioritise national sovereignty and stability over regional partnership. They argue in favour of cultural relativism, to determine the sociocultural sensitivities over individual rights.

More worryingly, the term “democracy” is becoming a contested space for conservative regimes. Conservative regimes, cognisant of its growing association with legitimacy and economic prosperity, readily deploy it that is meant to support democratic ideals.⁶⁵ For instance, North Korea is officially titled the *Democratic* People's Republic of Korea, despite ranking as the third least democratic country in the world.⁶⁶ To give a regional example, Laos, a socialist one-party state is officially the Lao People's *Democratic* Republic. This “democratic washing” raises concerns about the strategic appropriation of the term for ulterior motives, thus complicating genuine discourse.

There are key challenges that disengage conservative states from following said international accords. From a realist perspective, nations stress the primacy of national interests and argue that interference in domestic affairs, even through accords, undermines sovereignty and stability. They contend that cultural and historical contexts necessitate different approaches to democracy. Secondly, balancing rapid economic growth with democratic reforms can be difficult. Given that many of the ASEAN member-states are still undergoing economic development, there is not enough stability and resources available to aptly address political liberalisation just yet. Finally, conservative regimes might view the actualisation of human rights conventions as a threat to their power base. It is within the self-preservation instincts of leaders and the potential for resistance to any change perceived that fosters sovereign resistance to heed international agreements.

⁶⁵ “The Global Expansion of Authoritarian Rule,” Freedom House, n.d., <https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>.

⁶⁶ “Democracy Index 2021: The China Challenge,” Economist Intelligence Unit, September 28, 2023, <https://www.eiu.com/n/campaigns/democracy-index-2021/>.

Discrepancies within the Treatment of Citizens

Following the colonial era, many states still grapple with historically conflicting racial and ethnic groups. The question of achieving true social cohesion and equal representation comes with its challenges. The ill-treatment of certain groups is a challenge intricately woven with historical injustices, competition for resources, and persistent identity politics, which presents a formidable challenge to achieving social cohesion and true equality.

An individual's liberty on the political stage is a *universal* human right, and yet there are exceptions to this case. This concerns certain groups of citizens, which may include ethnic minorities and women. A case study is the Patani-Muslim ethnic minorities entrapped in the Thai borders, in light of the Thai Elections 2023. Historically, the Patani-Muslims have been struggling to defend their Malay identity, culture and political rights, who have been colonised more than a century ago. The Thai law and security mechanisms, in contravention of international law, enable arbitrary detentions, especially of Muslim youth, security harassment and a culture of impunity for these minorities. Now, the Patani Muslims are voicing out their intrinsic need for suffrage and representation in the Bangkok regime, utilising the political stage to challenge conventional ideas.⁶⁷ Paying the AHRD heed, ASEAN states have all committed to guaranteeing equitable human rights for *all classes* of civilians. At the same time, the case of ethnic minorities having their political rights revoked made progress seem like a lost cause.

⁶⁷ Vjitra Duangdee, "Thai Election Sees New Voices Emerging in Conflict Zone," Voice of America, May 13, 2023, <https://www.voanews.com/a/thai-election-sees-new-voices-emerging-in-conflict-zone-/7092088.html>.

Scope of Debate

Scope of Political Rights

There is no clear parameter of what political rights entail. According to the EU, rights are far more indistinguishable from each other than their labels suggest. Human rights labels such as “civic liberties” and “political rights” that are utilised in covenants can help give the broader picture but can also be very misleading.⁶⁸ It is with the understanding that political rights have no clear parameters, that AICHR must decide on whether there is a fundamental set of political rights - that all states should adhere to. On one hand, some terms are better left with more clarity. So, revision offers a chance to strengthen the AHRD's teeth, improve regional collaboration, clarify ambiguous terms, and leeway for future discussion. On the other hand, cultural relativism remains just as important as a sovereign position, given that ASEAN's diverse cultural and political landscape necessitates a more flexible approach.

The AHRD is the singular document, with heavy public attention and enshrined in the ASEAN charter, laying out the concrete foundations of all the human rights the member-states should protect. Delegates need to consider if the AHRD itself requires an article-by-article review and even undergo revisions, to ensure the documented “political rights” are relevant in today’s world. Do note, that delegates may reasonably propound that the AHRD in itself can remain intact, but further understanding should be forged between delegates through the community declaration. In either case, the question to ask is whether a fundamental set of political rights is deemed necessary.

Understanding the spectrum of restrictions on political rights in ASEAN moves beyond simplistic narratives. Recognising the diverse motivations and contexts shaping individual state approaches is crucial. Hence, delegates are expected to take their pragmatic sovereign concerns into account and engage in comprehensive debate over the set of political rights they would, or should, adhere to.

Regardless, some political rights must be substantially addressed by AICHR. The following three sub-areas of debate will highlight the key rights aforementioned. Atop of that, should

⁶⁸ “The Evolution of Human Rights – Manual for Human Rights Education With Young People - [www.coe.int](https://www.coe.int/en/web/compass/the-evolution-of-human-rights),” Manual for Human Rights Education With Young People, n.d., <https://www.coe.int/en/web/compass/the-evolution-of-human-rights>.

delegates wish to debate upon additional political rights they deem appropriate in the house, it would be highly welcomed.

Freedom of Expression and the Civic Space

The freedom of speech and expression enables citizens a platform to voice their opinions, which is innately the right and responsibility of a democratic country. Citizens deserve an open opportunity and are entitled to the civic space to peacefully express their ideas, ultimately fostering a participatory democracy in the nation.⁶⁹ This is connected to the freedom of the press and journalism, who, by virtue, operate independently and may offer their own bias.

As of now, in many states, freedom of expression is unfortunately lacking. Several ASEAN states often view open expression as a threat to their sovereign power base, leading to restrictions on media and criticism. This is increasingly the case with social media and the Internet as a medium for convenient communication. Given its nature of reaching out to broad audiences seamlessly, governments may express concern that misinformation and media contravene state interests. This in return prompts them to ramp up surveillance and filtering in the digital space, which imperatively threatens the freedom of expression. In addition, governments often cite national security concerns for curtailing expression, which can be done through anti-terrorism laws.

In Myanmar, owing to the military junta's violent succession to power, the state of journalism and expression has plunged. Aside from having one of the poorest records for jailing independent journalists worldwide, in Myanmar, more than 130 journalists have been arrested, dozens detained, 10 outlets forced to shutter, 4 killed, and 2 in custody. Journalists in Myanmar must physically risk severe punitive action while taking daily to keep covering events in the nation. On top of that, the military subverts its counter-terrorism law to conduct heavy censorship of any disseminated media. They also label any anti-junta journalism as "terrorists", who are left to be dealt with accordingly.⁷⁰ As seen, the Myanmar junta

⁶⁹ Zico Junius Fernando et al., "The Freedom of Expression in Indonesia," *Cogent Social Sciences* 8, no. 1 (July 21, 2022), <https://doi.org/10.1080/23311886.2022.2103944>.

⁷⁰ May Kha, "In Myanmar 'We Have Lost Our Freedom of Expression,'" *Voice of America*, January 31, 2023, <https://www.voanews.com/a/in-myanmar-we-have-lost-our-freedom-of-expression-/6942112.html>.

maintained its base of power, at the heavy expense of its citizens' freedom of expression and the press.

Democratic Representation in Governments

The right to participate in political life is pivotal in empowering all individuals and groups and is essential to eliminate marginalisation and discrimination.⁷¹ This naturally means democracies unequivocally grant all forms of citizens the equal opportunity to a political voice, regardless of age, race, ethnicity, gender, religion and sexual orientation (with appropriate exceptions, such as citizens below a certain age threshold).

However, in Southeast Asia lies an entrenched elite, which is a term coined referring to powerful groups who hold a significant stake in the political system, which can resemble an up-and-running political dynasty. The implications of an entrenched elite embedded in governmental institutions are the refusal to recognise any emerging segments of society and reflect their interests in national policies.⁷² This runs contravening the basis of equality on all intersectioning sociocultural factors.

To exemplify this entrenched elite ideal, in Indonesia, outgoing Indonesian President Jokowi's youngest son, Kaesang Pangarep, was appointed chairman of the Indonesian Solidarity Party (PSI) just three days after joining the party in September 2023. Additionally, the Constitutional Court voted in favour of Jokowi's eldest son, Gibran Rakabuming Raka, to run as the presidential running-mate of Mr Prabowo Subianto.^{73 74} Critics raised concerns over Mr Jokowi's controversial moves of nepotism, which raise suspicions of a "Jokowi political dynasty" in Indonesia.

⁷¹ "OHCHR and Equal Participation in Political and Public Affairs," UN Human Rights Office of the High Commissioner, n.d., <https://www.ohchr.org/en/equal-participation>.

⁷² Yuriko Koike, "ASEAN's Destructive Elites," *The Strategist*, March 29, 2016, <https://www.aspistrategist.org.au/aseans-destructive-elites/>.

⁷³ Yoes Kenawas, "Jokowi's Dynasty-building Risks Tensions With His PDI-P Party Base," *East Asia Forum* (blog), October 22, 2023, <https://eastasiaforum.org/2023/10/22/jokowis-dynasty-building-risks-tensions-with-his-pdi-p-party-base/>.

⁷⁴ "What Jokowi's Inglorious Exit Means for Indonesia," *The Economist*, February 8, 2024, <https://www.economist.com/leaders/2024/02/08/what-jokowis-inglorious-exit-means-for-indonesia>

Democratic representation embodies a profound responsibility towards inclusivity, justice, and effective governance. Firstly, although governments are elected through the majority, they are obligated to equitably take care of the well-being of all citizens, irrespective of their ethnicity, religion, or political viewpoints. This necessitates safeguarding minority rights, ensuring their voices are heard, and actively addressing their concerns. Aside from equitable duty of care, the different perspectives are incorporated into decision-making and the concerns of marginalised groups would adequately be addressed. Thus practically, the resultant national policies would hold greater legitimacy and fairness. This strengthens the social fabric, fosters a sense of ownership within the citizenry, and contributes to long-term sociopolitical stability.

Addressing equitable democratic representation requires legal reforms and the respective state governments' expressed commitment to inclusivity, respect for diversity, and creating a political environment where every citizen feels empowered to politically engage in a democratic future.

Accountability in Governments

Governments possess the capacity to seriously infringe on the rights of citizens and damage their interests, through means like taxation, the power to arrest, the power to confiscate property, et cetera. When leaders remain unchecked, violations of human rights like arbitrary detention or suppression of dissent can go unaddressed. In return, governments are justified to be held by stringent guarantees of public accountability from the citizens, to prevent abuse of their position. Therefore in a liberal society, this empowers citizens to know they (and their rights, for that matter) are appropriately protected by, and from, the government.⁷⁵

In addition, accountability respects the exercise of political rights like freedom of expression and assembly. Without accountability, they hold no meaning, since elections can become rigged or voices can be censored easily. Citizens must be able to freely question and disapprove of the government's decisions and hold their leaders responsible for upholding their rights. Indeed, this is reflected in the definition of political rights.

⁷⁵ Richard Mulgan, "Government Accountability: Political Mechanisms," in Palgrave Macmillan UK eBooks, 2003, 36–74, https://doi.org/10.1057/9781403943835_2.

Case in point, not all ASEAN member-states have sufficiently implemented transparent freedom-of-information (FOI) processes - thus far Indonesia, Thailand and Vietnam. Yet, even the current FOI systems are cumbersome and deficient. In Thailand, inside its Official Information Commission, a supervisory and advisory body implementing its Official Information Act, the director and all members of the director's staff report directly to the Prime Minister's Office.⁷⁶ Critics remain doubtful of Thailand's FOI functional independence from, as aforementioned, bureaucratic censorship and suppression of expression. Additionally, FOI processes may require consumers to pay exorbitant fees and wait very long for processing. This discourages citizens from seeking information and creates a politically covert environment where transparency and accountability seem like a privilege, not a right.

Apart from bureaucratic information access, judicial independence is another aspect that delegates may look at - albeit as an additional sub-area of the debate altogether. Acknowledging accountability's vital role in upholding political rights, promoting inclusivity, and protecting citizen rights provides a powerful impetus for ongoing efforts to strengthen democratic institutions, empower citizens, and build a region where power is exercised responsibly with full accountability.

Collapsibility of Political Rights in Unique Circumstances

As it turns out, from a realist viewpoint, political rights are not universalisable. That is to say, some rights may be characterised as derogable or non-derogable, where derogability refers to whether the right may be infringed in certain circumstances.⁷⁷ Some may argue *certain* individual liberties may be sacrificed for the betterment of society - this argument holds exclusively in unique circumstances.

Now what constitutes a "unique circumstance" that warrants governments' infringement on derogable rights? One example is pandemics or health crises that lead to temporary restrictions on movement, restricted FOI (access to information) and any other rights that

⁷⁶ "Freedom of Information and Southeast Asia - Status Quo and Deficiencies," Friedrich Naumann Foundation, May 23, 2017, <https://www.freiheit.org/sudost-und-ostasien/freedom-information-and-southeast-asia-status-quo-and-deficiencies>.

⁷⁷ "Absolute Rights," Australian Government Attorney-General's Department, n.d., <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/absolute-rights>.

would strike a balance with public health needs. Another more common example would be national security threats and “state of emergencies”. Certain political rights can be curtailed under external threats, insurgencies or terrorism. However, the critical question is the scale of this perceived “threat” and whether it is justified to collapse certain political rights. In any case, AICHR should demarcate these unique circumstances on a regional basis. Delegates must take note that defining “unique circumstances” relies on the subjective sovereign circumstances of different member-states. What one government deems necessary to address a national security threat might be viewed as an oppressive overreach by another - likely a highly liberal one.

In states with weaker democratic institutions, there is philosophical debate over the granting of leeway to weak democracies to collapse political rights in unexpected circumstances. Proponents believe that weaker democracies may often face heightened vulnerabilities, like internal conflicts or external threats, which justify temporary limitations on certain rights to safeguard national security or stability. That may just be a necessary evil which eventually paves the way for a more stable and long-term freer future. Nevertheless, granting ASEAN democracies too much room allows for potential abuse. Their fragile institutions and weaker checks and balances may make them susceptible to manipulating derogations for personal gain or cracking down on opposition under the guise of “national security.” This “plausible deniability” can shield repressive actions undertaken by authoritarian governments.

For example, in the Philippines, the Rappler is an independent news organisation well-known for criticising the Duterte administration. In retaliation, the Philippine Securities and Exchange Commission (SEC) subverted its antitrust law and accused Rappler of violating constitutional restrictions on foreign ownership in mass media. The SEC was determined to silence the Rappler and gave orders to revoke their registration.⁷⁸ International actors criticised the Philippine government as attempting to derogate freedom of expression for isolated cases of dissent.

⁷⁸ Mulesa Lumina, “Philippines: SEC Order to Shut Down Rappler Violates Freedom of Expression,” International Commission of Jurists, July 8, 2022, <https://www.icj.org/philippines-sec-order-to-shut-down-rappler-violates-freedom-of-expression/>.

Looking outwards, the EU has listed a stringent protocol of inalienable human rights, which remain absolute in the state regardless of circumstances. Article 15(2) of the European Convention on Human Rights outlines the following non-derogable rights:

- (a) Article 2 - The right to life (except legal deaths in war);
- (b) Article 3 - Prohibition of torture, inhumane treatment, or punishment;
- (c) Article 4 - Prohibition of slavery, forced labour; and
- (d) Article 7 - Protection from extrajudicial punishment (all punishment must be exacted by law).⁷⁹

While some ASEAN member-states may perceive the EU's approach as justification for labelling political rights as derogable, it is of paramount importance to note that political rights are just as important and not entirely disregarded. As far as possible, AICHR strives for the universalisability of these political rights, since strong political rights are perceivably correlated with greater stability. Restricting these rights, even temporarily, may have unintended implications, undermining long-term progress.

In sum, any derogation should principally be demonstrably necessary, proportionate to the perceived "threat", and applied in a non-discriminatory manner. That all said, national governments should refrain from subverting their position for personal political gains. Hence, to engage regional accountability and solidarity of ASEAN, delegates should strive to seek mutual understanding on how universalisable political rights are (and in what sense), and the nature in which political rights can be collapsed.

⁷⁹ "2. Is the Act a Violation of a Non-derogable Human Right or a Sufficiently Severe Violation of Another Basic Human Right?," European Union Agency for Asylum, n.d., <https://euaa.europa.eu/easo-practical-guide-qualification-international-protection/2-act-violation-non-derogable-human-right-or-sufficiently-severe-violation-another-basic-human-right>.

Key Stakeholders

Conservative States

These states may tend to have more of an authoritarian bent. Their governments are more incentivised to restrict democratic expression and curtail political rights to ensure they remain in power.

Exhibit A, in April 2019, Brunei, a monarchical state, enforced the Syariah Criminal Code (2013). The new legislation discriminates against the state's most vulnerable groups, including women and religious minorities. It enforces a version of Islam on Bruneians against their individuality and freedom of religion, which in itself jeopardises Bruneian rights.⁸⁰ In addition, Brunei as a Sultan-controlled state practises self-censorship which remains integral to state interests. Its only television channel is state-controlled and freedom of the press and expression is significantly lacking.⁸¹ All of this combined ensures the Sultan and his ruling family remain politically indomitable, at the sheer expense of Bruneian citizens' political liberties.

Furthermore, Southeast Asian nations have (a) more traditional institutions that privilege societal development over an individual's rights or holistic development; and (b) less robust democratic institutions simply because it was exposed to democracy at a later stage. This means these governments can also impose these restrictions, often under a veneer of legitimacy - i.e. national laws.

Exhibit B, in Singapore, the Protection from Online Falsehoods and Manipulation Act (POFMA) enacted in 2019 has enabled the government to review news on a case-by-case basis. While POFMA helps citizens discern factual news and mitigate the spread of misinformation, press freedom in Singapore has essentially been transferred under governmental control. POFMA enables the ruling PAP to deploy its regulatory arsenal and

⁸⁰ Greenwalt Patrick, "Brunei's Syariah Penal Code Order 2013," United States Commission on International Religion Freedom, December 2020, <https://www.uscirf.gov/sites/default/files/2020%20Factsheet%20-%20Brunei.pdf>.

⁸¹ "Fundamental Freedoms Still Severely Restricted in Brunei," Civicus Monitor, October 19, 2021, <https://monitor.civicus.org/explore/fundamental-freedoms-still-severely-restricted-brunei/>.

directly appoint members of the boards and the editors of the leading media outlets.⁸² As of now, Singapore Press Holdings Limited only has a single shareholder – the government. This implies substantial self-censorship on the PAP side, which principally suppresses the freedom of the independent press.

In sum, these states have a more conservative approach towards political rights. They would be more likely to fall back on their national sovereignty to determine their efforts in dictating the question of political rights.

Progressive States

Even though these states are not full democracies and hence possess a range of structural flaws in their institutions, they have at least (a) expressed a willingness to democratise, (b) principally support the position that baseline political rights exist, and (c) opted to curtail political rights truly in extenuating circumstances and not for potential political gains.

Indonesia has come a long way since its authoritarian Suharto administration, providing its citizens with an expanded civic space and more political rights. In 2019, Indonesia held the world's largest-ever single-day direct election, with over 80% of Indonesian eligible voters turning out to vote in more than 800,000 polling stations across the archipelago. The outgoing President Joko Widodo "Jokowi" was ahead of his rival Prabowo Subianto by just 10 percentage points.⁸³ This shows there is a clear diversity of political parties that are fiercely popular and competitive in Indonesia, suggesting that the democratic space in Indonesia is thriving.

Nevertheless, issues persist. According to Reports without Borders (RSF), there are restrictions on freedom of expression and the press. The military violently suppresses separatist factions in the provinces of Papua and they censor all press information on their

⁸² "Protection From Online Falsehoods and Manipulation Act 2019 - Singapore Statutes Online," December 31, 2021,

<https://sso.agc.gov.sg/Act/POFMA2019?TransactionDate=20191001235959#pr6->.

⁸³ Amy Searight, "What Do the Recent Elections in Indonesia and Thailand Mean for Democracy in Southeast Asia?," Center for Strategic & International Studies, April 26, 2019,

<https://www.csis.org/analysis/what-do-recent-elections-indonesia-and-thailand-mean-democracy-southeast-asia>.

human rights atrocities. Additionally, Indonesia has overhauled its criminal code, wherein the act of dishonouring the president, the parliament or the court is punishable.⁸⁴ Critics draw the nexus between this and international lese-majeste laws because, in a full democracy, people should be able to hold the supreme decision-makers to account.⁸⁵ Hence, these counter-democratic practices reveal that Indonesia still has a long way to go before accomplishing full democratisation.

Patently, the political trajectory of a state is not set in stone. Delegates must tread through the hidden nuances of democracies and political rights embedded in these progressive states.

⁸⁴ “Indonesia,” Reporters Without Borders, n.d., <https://rsf.org/en/country/indonesia>.

⁸⁵ Julie McCarthy, “Indonesia Has Updated Its Criminal Code With a Raft of Free Speech Restrictions,” NPR, December 19, 2022, <https://www.npr.org/2022/12/19/1144064811/indonesia-has-updated-its-criminal-code-with-a-raft-of-free-speech-restrictions>.

Guiding Questions

1. Can ASEAN find a common position on political rights?
2. Should everyone in society have the same political rights? If not, how should the AICHR account for these differences?
3. Does your country provide citizens with political rights pursuant to international law?
4. In the context of ASEAN, how should states strike a balance between their sovereign right to demarcate the political rights of citizens and a regional baseline?

Questions A Declaration Must Answer (QADMA)

1. Should ASEAN recognise a set of fundamental political rights that member-states should adhere to? If so, what is it?
2. Should ASEAN states have the sovereign power to collapse them under certain circumstances?
3. To what extent should a civic space be created for citizens to express their political opinions?
4. How can ASEAN ensure citizens from all groups are properly represented in governments?
5. What mechanisms, that ASEAN states are amenable to, can the AICHR promote to ensure government accountability?
6. How else can AICHR advocate for the political rights of citizens, with potential support from external drivers?

Bibliography

All the Elections Around the World in 2024.” TIME, December 28, 2023.
<https://time.com/6550920/world-elections-2024/>.

“APA Dictionary of Psychology: Categorical Imperative.” In American Psychological Association, n.d. <https://dictionary.apa.org/categorical-imperative>.

ASEAN. “ASEAN Human Rights Declaration,” November 19, 2012.
<https://asean.org/asean-human-rights-declaration/>.

ASEAN. “ASEAN Political Security Community,” n.d.
<https://asean.org/our-communities/asean-political-security-community/>.

Australian Government Attorney-General’s Department. “Absolute Rights,” n.d.
<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/absolute-rights>.

BBC News. “Lese-majeste Explained: How Thailand Forbids Insult of Its Royalty.” BBC News, October 6, 2017. <https://www.bbc.com/news/world-asia-29628191>.

Carnegie Council for Ethics in International Affairs. “Cultural Relativism,” n.d.
<https://www.carnegiecouncil.org/explore-engage/key-terms/cultural-relativism>.

Chang, Yau Hoon. “Revisiting the Asian Values Argument Used by Asian Political Leaders and Its Validity.” Singapore Management University, January 2004.
https://ink.library.smu.edu.sg/cqi/viewcontent.cgi?article=1832&context=soss_research
[ch](https://ink.library.smu.edu.sg/cqi/viewcontent.cgi?article=1832&context=soss_research).

Civics Monitor. “Fundamental Freedoms Still Severely Restricted in Brunei,” October 19, 2021.
<https://monitor.civics.org/explore/fundamental-freedoms-still-severely-restricted-brunei/>.

Commission on Security and Cooperation in Europe. "Citizenship and Political Rights," n.d.
<https://www.csce.gov/issue/citizenship-and-political-rights/>.

"Democracy." In Merriam-Webster Dictionary, n.d.
<https://www.merriam-webster.com/dictionary/democracy>.

Duangdee, Vijitra. "Thai Election Sees New Voices Emerging in Conflict Zone." Voice of America, May 13, 2023.
<https://www.voanews.com/a/thai-election-sees-new-voices-emerging-in-conflict-zone-/7092088.html>.

Economist Intelligence Unit. "Democracy Index 2021: The China Challenge," September 28, 2023. <https://www.eiu.com/n/campaigns/democracy-index-2021/>.

European Union Agency for Asylum. "2. Is the Act a Violation of a Non-derogable Human Right or a Sufficiently Severe Violation of Another Basic Human Right?," n.d.
<https://euaa.europa.eu/easo-practical-guide-qualification-international-protection/2-act-violation-non-derogable-human-right-or-sufficiently-severe-violation-another-basic-human-right>.

Ewe, Koh. "The Ultimate Election Year:

Fernando, Zico Junius, Pujiyono Pujiyono, Umi Rozah, and Nur Rochaeti. "The Freedom of Expression in Indonesia." Cogent Social Sciences 8, no. 1 (July 21, 2022).
<https://doi.org/10.1080/23311886.2022.2103944>.

Friedrich Naumann Foundation. "Freedom of Information and Southeast Asia – Status Quo and Deficiencies," May 23, 2017.
<https://www.freiheit.org/sudost-und-ostasien/freedom-information-and-southeast-asia-status-quo-and-deficiencies>.

Harpe, Verena, and Esther Felden. "ASEAN Rights Declaration." DW News, November 22, 2012.

<https://www.dw.com/en/a-rights-declaration-that-does-not-deserve-the-name/a-16398383>.

Kenawas, Yoes. “Jokowi’s Dynasty-building Risks Tensions With His PDI-P Party Base.” East Asia Forum (blog), October 22, 2023. <https://eastasiaforum.org/2023/10/22/jokowis-dynasty-building-risks-tensions-with-his-pdi-p-party-base/>.

Kha, May. “In Myanmar ‘We Have Lost Our Freedom of Expression.’” Voice of America, January 31, 2023. <https://www.voanews.com/a/in-myanmar-we-have-lost-our-freedom-of-expression-/6942112.html>.

Koh, Tommy, and Lay Hwee Yeo. “ASEAN and EU the Untold Story.” Ministry of Foreign Affairs Singapore, October 16, 2020. <https://www.mfa.gov.sg/Overseas-Mission/Ministry-of-Foreign-Affairs---Permanent-Mission-of-the-Republic-of-Singapore/Recent-Highlights/2020/10/ASEAN-and-EU-The-untold-story>.

Koike, Yuriko. “ASEAN’s Destructive Elites.” The Strategist, March 29, 2016. <https://www.aspistrategist.org.au/aseans-destructive-elites/>.

“Lèse-majesté.” In Merriam-Webster Dictionary, n.d. <https://www.merriam-webster.com/dictionary/l%C3%A8se-majest%C3%A9>.

Lumina, Mulesa. “Philippines: SEC Order to Shut Down Rappler Violates Freedom of Expression.” International Commission of Jurists, July 8, 2022. <https://www.icj.org/philippines-sec-order-to-shut-down-rappler-violates-freedom-of-expression/>.

Manual for Human Rights Education With Young People. “The Evolution of Human Rights - Manual for Human Rights Education With Young People - www.coe.int,” n.d. <https://www.coe.int/en/web/compass/the-evolution-of-human-rights>.

McCann, Charlie. "Authoritarians Are Making a Comeback Across South-East Asia." *The Economist*, November 18, 2022. <https://www.economist.com/the-world-ahead/2022/11/18/authoritarians-are-making-a-comeback-across-south-east-asia>.

McCarthy, Julie. "Indonesia Has Updated Its Criminal Code With a Raft of Free Speech Restrictions." *NPR*, December 19, 2022. <https://www.npr.org/2022/12/19/1144064811/indonesia-has-updated-its-criminal-code-with-a-raft-of-free-speech-restrictions>.

Mulgan, Richard. "Government Accountability: Political Mechanisms." In *Palgrave Macmillan UK eBooks*, 36–74, 2003. https://doi.org/10.1057/9781403943835_2.

OECD. "Civic Space," n.d. <https://www.oecd.org/gov/open-government/civic-space.htm>.

Parameswaran, Prashanth, and Ernest Z. Bower. "Clinton, the ARF, and the U.S. 'Rebalance' to Asia." *Center for Strategic & International Studies*, September 9, 2020. <https://www.csis.org/analysis/clinton-arf-and-us-rebalance-asia>.

Patrick, Greenwalt. "Brunei's Syariah Penal Code Order 2013." *United States Commission on International Religion Freedom*, December 2020. <https://www.uscirf.gov/sites/default/files/2020%20Factsheet%20-%20Brunei.pdf>.

"Political Rights." In *Merriam-Webster Dictionary*, n.d. <https://www.merriam-webster.com/dictionary/political%20rights>.

PhilStar Global. "EDITORIAL - Rights in Asean," April 13, 2021. <https://www.philstar.com/opinion/2021/04/14/2090965/editorial-rights-asean>.

"Protection From Online Falsehoods and Manipulation Act 2019 - Singapore Statutes Online," December 31, 2021. <https://sso.agc.gov.sg/Act/POFMA2019?TransactionDate=20191001235959#pr6->

Reporters Without Borders. “Indonesia,” n.d. <https://rsf.org/en/country/indonesia>.

Searight, Amy. “What Do the Recent Elections in Indonesia and Thailand Mean for Democracy in Southeast Asia?” Center for Strategic & International Studies, April 26, 2019.

<https://www.csis.org/analysis/what-do-recent-elections-indonesia-and-thailand-mean-democracy-southeast-asia>.

The Economist. “What Jokowi’s Inglorious Exit Means for Indonesia,” February 8, 2024.

<https://www.economist.com/leaders/2024/02/08/what-jokowis-inglorious-exit-means-for-indonesia>.

“The Global Expansion of Authoritarian Rule.” Freedom House, n.d.

<https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>.

Umar, Ahmad Rizky Mardhatillah. “What Is Indonesia’s Vision for the International Order?” Chatham House – International Affairs Think Tank, July 24, 2023.

<https://www.chathamhouse.org/2023/07/what-indonesias-vision-international-order>.

UN Human Rights Office of the High Commissioner. “OHCHR and Equal Participation in Political and Public Affairs,” n.d. <https://www.ohchr.org/en/equal-participation>.

UN Treaty Body Database. “Ratification Status for CCPR – International Covenant on Civil and Political Rights,” n.d.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en.

United Nations. “Democracy,” n.d. <https://www.un.org/en/global-issues/democracy>.