

B. Human rights and the ASEAN

1. All the states of Southeast Asia except Timor Leste are ASEAN member states. Almost all have ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the two Optional Protocols to the latter. Many have ratified the Convention against Torture (CAT), the Optional Protocol to the CEDAW, and the Convention on the Rights of Persons with Disabilities. Several have ratified the Optional Protocol to the CAT and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
2. Despite this formal commitment to human rights treaties, serious human rights violations have been documented in the countries of Southeast Asia, including the highest prevalence of some forms of violence against women globally,¹¹ discrimination against women within marriage and the family, lack of access to basic health and other social services, denial of women's economic rights, and widespread poverty. The violations of women's human rights occur in political, economic and socio-cultural systems where majority of the population is poor. This poverty constitutes, shapes, and conjoins with the various structural causes and forms of oppression and injustice that women experience. It is foundational to women's lack of access to justice for the violations of their human rights. The power imbalances that are reflected or institutionalized in the justice systems – between the rich and the poor, between men and women, between rich men and poor women, between groups of different ethnicity and religion, among other polarities – are the foundations upon which women are denied access to justice.
3. ASEAN states generally view the implementation and enforcement of human rights as strictly a matter of domestic governance where the principles of sovereignty and non-interference rule supreme. ASEAN states practice non-intervention by refraining from making any comment on another state's action involving matters considered within its domestic jurisdiction, which include human rights issues.
4. The adoption of the ASEAN Charter¹² and the planned integration of the ASEAN countries into an ASEAN Community by 2015 present opportunities, challenges, and threats to human rights in general and to women's human rights in particular. As a positive development, the discourse within the ASEAN has moved away from the "Asian values" discourse of the 1990s when several ASEAN states insisted on taking a cultural and contextual perspective to human rights. Now, the ASEAN, as expressed in its Charter, aims "to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of the ASEAN." Pursuant to its Charter, the ASEAN created in 2009 the ASEAN Intergovernmental Commission on Human Rights (AICHR), an inter-governmental consultative body of government representatives whose

11. WHO, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine & South African Medical Research Council (2013).

12. The ASEAN Charter took effect on December 15, 2008.