

The Evolving Role of AICHR

Amidst Complex Labour Migration Regime and Growing Business & Human Rights agenda in ASEAN



Andika Ab. Wahab
Senior Fellow and Deputy Director
Institute of Malaysian & International Studies
(IKMAS), Universiti Kebangsaan Malaysia (UKM)

The Origin, Functions and Mandates of AICHR

The Origin (AICHR)

1 Foundation: ASEAN Charter (2007), Art. 14 states that ASEAN shall establish an ASEAN human rights body



2 July 2008, High Level Panel on ASEAN Human Rights Body established. It developed ToR of AICHR



3 Oct 2009, AICHR was established as an overarching human rights body and intergovernmental commission



4 Nov 2012, AHRD and PP Statement adopted as the framework for regional cooperation, and promotion and protection of human rights



5 Representation: AICHR is represented by 11 Representatives, nominated by each AMS



6 Composition: Current Representatives consist of Current and Former Diplomats, Diplomats and Government Senior Academia, Legal Practitioners and Civil Society Leaders



Functions and Mandate (AIHR)

1 Develop human rights strategies



2 Develop ASEAN Human Rights Declaration



3 Enhance public awareness



4 Promote capacity building



5 Encourage accession and ratification of international HR treaties



6 Promote full implementation of human rights



7 Provide advisory services & tech assistance

8 Engage in dialogue & consultation with ASEAN bodies / entities



9 Consult other national, regional & international institutions



10 Obtain information from AMS



11 Develop common approaches & position



12 Prepare thematic studies on HR



13 Submit annual report to AFMs



14 Perform any other tasks



What Literature Says about the AIHR?

- ❑ AIHR functions in a culturally and politically plural and state-centric region
- ❑ AIHR as an intergovernmental, semi-quasi body (hybrid nature and representation but limited powers)
- ❑ Promotion vs protection: AIHR as as “educator”, “enabler”, “standard setter”, “mobilizer”, “generator”, and a “convener of regional engagement” - not protecting
- ❑ AIHR’s strength lies on a strong and good will of individual representatives who (can) push boundaries - e.g., norms setting, ideating, persuading, innovating, contesting, and using varying creative diplomacy practices (interest-accommodating engagement)
- ❑ AIHR Plus X - it relies heavily on others
 - (a). Design, Implementation and Sustainability rely heavily on ASB, AMS, ADP, UN agencies
 - (b). Information exchange, advocacy proxy, and legitimacy

Labour Migration in ASEAN

Political Economy of Labour Migration

ASEAN development model

- ❑ State intervention and elite-business alliances as pragmatic tools for rapid development in post-colonial, multi-ethnic societies

Resource wealth and the engine of growth

- ❑ Natural resources as national assets for state-led development

Labour market

- ❑ FDI-led development and imbalance labour market among AMS
- ❑ Low and unskilled, manual labour, lack of automation
- ❑ Suppressed labour rights and weak unionization attractive to foreign capitals

Ageing

- ❑ Rapidly ageing population

Average Age of Population in Southeast Asia, 2023

Average age of the population in Southeast Asia, according to Seasia Stats research

		Years
1	 Timor-Leste	20.9
2	 Laos	24.4
3	 Philippines	25.5
4	 Cambodia	27.1
5	 Indonesia	29.4
6	 Myanmar	29.6
7	 Malaysia	30.8
8	 Vietnam	32.8
9	 Brunei	33.2
10	 Thailand	40.2
11	 Singapore	48.2

Source: Seasia Stats gathers data from reliable an



Labour Migration Landscape in ASEAN



Nearly
10,000,000
International migrant stocks
(within and beyond) in
ASEAN

Ratification of ILO Core Conventions

	Brunei	Cambodia	Indonesia	Laos	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
C029	No	24 Feb 1969	12 Jun 1950	23 Jan 1964	11 Nov 1957	04 Mar 1955	15 Jul 2005	25 Oct 1965	26 Feb 1969	05 Mar 2007
C087	No	23 Aug 1999	09 Jun 1998	No	No	04 Mar 1955	29 Dec 1953	No	No	No
C098	No	23 Aug 1999	15 Jul 1957	No	05 Jun 1961	No	29 Dec 1953	25 Oct 1965	No	05 Jul 2019
C100	No	23 Aug 1999	11 Aug 1958	13 Jun 2008	09 Sep 1997	No	29 Dec 1953	30 May 2002	08 Feb 1999	07 Oct 1997
C105	No	23 Aug 1999	07 Jun 1999	No	13 Oct 1958 but de-nounced on 10 Jan 1990	No	17 Nov 1960	25 Oct 1965 but de-nounced on 19 Apr 1979	02 Dec 1969	14 Jul 2020
C111	No	23 Aug 1999	07 Jun 1999	13 Jun 2008	No	No	17 Nov 1960	No	13 Jun 2017	07 Oct 1997
C138	17 Jun 2011	23 Aug 1999	07 Jun 1999	13 Jun 2005	09 Sep 1997	08 Jun 2020	04 Jun 1998	07 Nov 2005	11 May 2004	24 Jun 2003
C182	09 Jun 2008	14 Mar 2006	28 Mar 2000	13 Jun 2005	10 Nov 2000	18 Dec 2013	28 Nov 2000	14 Jun 2001	16 Feb 2001	19 Dec 2000
Total Ratified	2	8	8	5	6	4	8	6	6	7

1. C029 - Forced Labour Convention, 1930
2. C087 - Freedom of Association and Protection of the Right to Organize Convention, 1948
3. C098 - Right to Organize and Collective Bargaining Convention, 1949
4. C100 - Equal Remuneration Convention, 1951
5. C105 - Abolition of Forced Labour Convention, 1957
6. C111 - Discrimination (Employment and Occupation) Convention, 1958
7. C138 - Minimum Age Convention, 1973- Minimum age specified: 15 years
8. C182 - Worst Forms of Child Labour Convention, 1999

Timor Leste ratified (as of 2025) 6 of 8 ILO Core Conventions

- ☐ C029
- ☐ C182
- ☐ C87
- ☐ C98
- ☐ C100
- ☐ C111

Placement of Labour Attache

Country	No. of labour attaches	Countries/territories of assignment
Cambodia	4	Japan, Republic of Korea, Malaysia, and Thailand
Indonesia	11	Brunei Darussalam, Hong Kong (China), Jordan, the Republic of Korea, Kuwait, Malaysia, Qatar, Saudi Arabia (2), Singapore, the Syrian Arab Republic, and the United Arab Emirates
Laos	1	Thailand
Malaysia	4	India, Indonesia, Singapore, and Switzerland
Myanmar	5	The Republic of Korea, Malaysia (2), and Thailand (5)
Philippines	39	Australia, Bahrain, Brunei Darussalam, Cyprus, Greece, Hong Kong (China), Israel, Italy, Jordan, the Republic of Korea, Kuwait, Lebanon, Libya, Macau (China), Malaysia, Oman, Qatar, Saudi Arabia (3), Spain, Switzerland, Taiwan (China), the United Arab Emirates (2), and the United Kingdom.
Thailand	13	Brunei Darussalam, Germany, Hong Kong (China), Israel, Japan, Malaysia, the Philippines, Saudi Arabia (2), Singapore, Switzerland, Taiwan (China) (2), and the United Arab Emirates
Vietnam	9	Czech Republic, Japan, Libya, Qatar, the Republic of Korea, Malaysia, Taiwan (China), Saudi Arabia, and the United Arab Emirates.



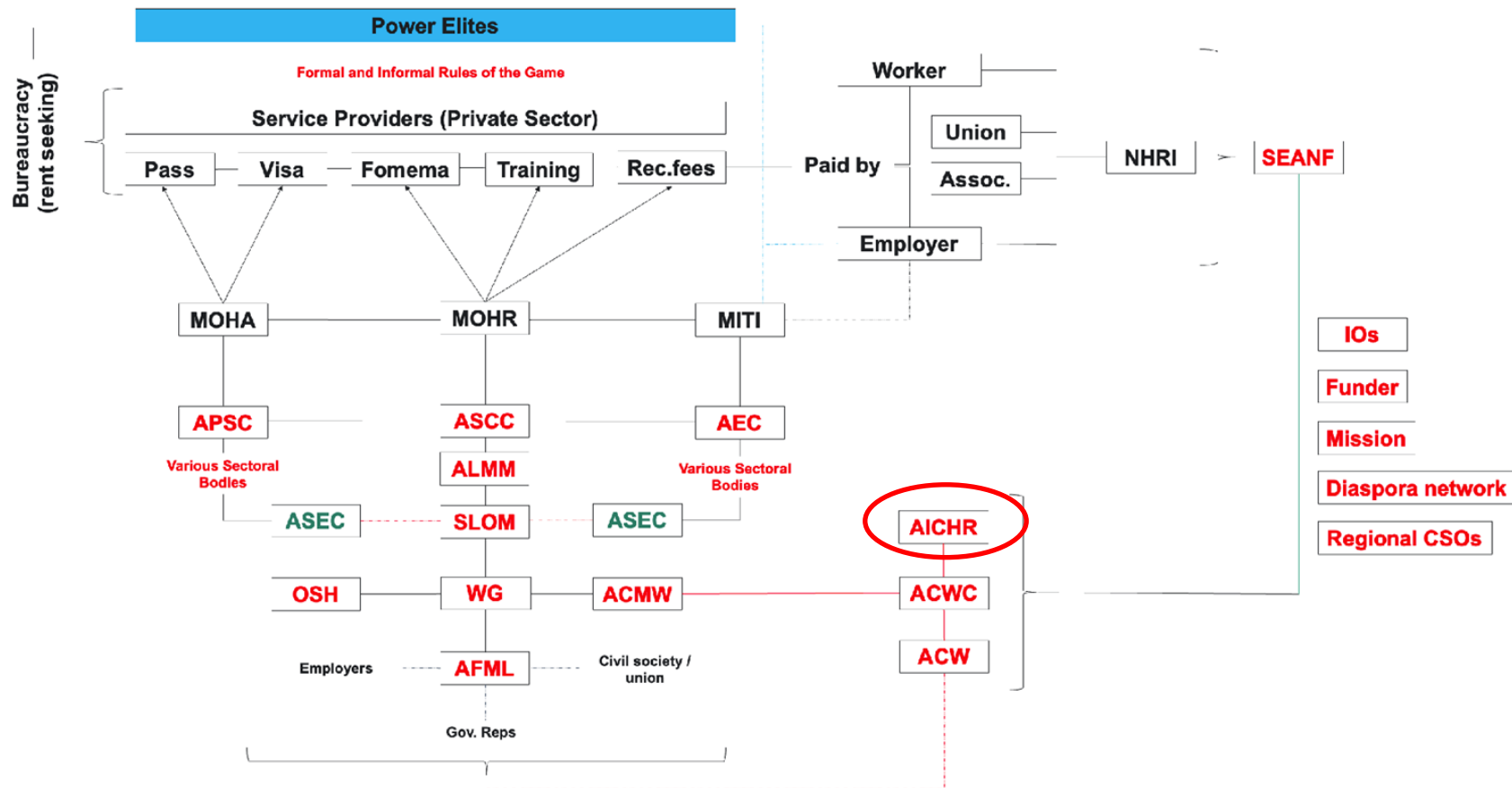
Timor Leste – placement of labour attaches

Bilateral Agreements Signed by AMS

ASEAN Country signed MOU	With ASEAN Country	With Non-ASEAN Country
Brunei		The Republic of Korea
Malaysia	Thailand, Viet Nam and Indonesia	Bangladesh, China, Sri Lanka, Pakistan, India, Nepal
Thailand	Lao PDR, Cambodia, Myanmar, and Vietnam	The Republic of Korea
Cambodia	Thailand (2003); Vietnam (on trafficking (2005))	The Republic of Korea
Indonesia	Malaysia (domestic workers (2006))	Jordan (2001; 2009); Republic of Korea (2010); United Arab Emirates (2007; 2010); Qatar (2008); Taiwan (2004, 2008); Saudi Arabia (on domestic workers (2014))
Lao PDR	Thailand (2002); Vietnam (on trafficking (2010))	
Myanmar	Thailand (2003, 2009 (on trafficking))	The Republic of Korea
Philippines	Indonesia	Bahrain (on health workers (2007)); Jordan (1981, 1988, 2010); Japan (2003); Lao PDR (2005); Lebanon (2012); Libya (2006); Rep. of Korea (2004, 2005, 2006, 2009; 2011); Kuwait (1997); Qatar (1997, 2008); Taiwan (2003); UAE (2007); Saudi Arabia (on domestic workers (2013))
Vietnam	Thailand (2015)	The Republic of Korea, UAE
Timor-Leste		The Republic of Korea, UAE



Labour Recruitment Regime in ASEAN



Common Pattern of Labour Migration

- ❑ **Unskilled and semi-skilled labour migration** – from poor to developing and high-income economies
- ❑ **Gendered labour migration** – women concentrated in domestic and care economies, services and manufacturing (e.g., semi-con)
- ❑ **Mixed migration** – shared smuggling networks, intermediaries, routes, transport with asylum seekers.
- ❑ **Irregular labour migration** – e.g., use of social pass and “passing workers”, and due to rising cost of migration
- ❑ **Regularization and rehiring** – *a double-edged sword*
- ❑ **Digital vulnerability**: fake news, false promise, coercion heightened.

Vulnerability and Human Rights Impacts

- ❑ **Sector specific vulnerability** (e.g., fishery, palm oil) - due to remoteness, isolation, limited freedom of movement, irregularity
- ❑ **Migrant specific vulnerability** – e.g., female migrants in domestic service, child labour in agri-business, irregular migrants in informal economies
- ❑ **Origin country vulnerability** – excessive costs of recruitment, unethical recruitment, debt bondage
- ❑ **Destination country vulnerability** – forced labour, living standards, discrimination, excessive work hours
- ❑ **Legal precarity** – i.e., workers at risk of becoming irregulars
- ❑ **Access to justice** – weak OGM and poor access to formal justice system
- ❑ **Prevailing attitudes towards labour migrants** – e.g., less deserving of rights, disposable workers, and commoditized

What Does It Mean to Japanese Companies Operating in ASEAN?

- ❑ **Visibility** - Companies know lesser than what they expect. Outreach and engagement is necessary
- ❑ **Standards mismatch** – Local supply chain prioritizes compliance with national legislations than international standards
- ❑ **Impossibility of long term employment** - driven by heavy reliance on migrant workforce underpinned by “*temporariness*”
- ❑ **Risk of public exposure** – growing migrants-led movement and CSOs, and the emerging role of social and traditional media increase risk of exposure
- ❑ **Risk of import bans** – growing import ban architecture expose Japanese companies and their local supply chain actors at risk of trade sanctions and reputational damage.
- ❑ **Risk of business disruption** - Triggered by many factors due to non-compliance, including workers’ protest, abscondment, court cases, workers’ quota fiasco.

Migration, Business and Human Rights in ASEAN

ASEAN Frameworks and Initiatives

2007

**ASEAN
Declaration on
the Protection
and Promotion
of the Rights of
Migrant
Workers (Cebu
Declaration)**

2017

**ASEAN
Consensus on
the Protection
and Promotion
of the Rights of
Migrant
Workers**

2021

**ASEAN
Guidelines for
the Protection
of the Rights of
Migrant
Workers in
Crisis
Situations**

2024

**Vientiane
Declaration on
Skills Mobility,
Recognition
and
Development
for Migrant
Workers**

AICHR Initiatives on MBHR

2014



Migration Management for the Most Vulnerable Groups Within ASEAN

A Study of the ASEAN Intergovernmental Commission
on Human Rights (AICHR)

Report Prepared by Thomas Thomas (Leader) and Alexander Chandra
(Member) of the Study Team on Business & Human Rights of the ASEAN
Intergovernmental Commission on Human Rights (AICHR)

AICHR Note on Responsible Business and Migration in ASEAN

The ASEAN Intergovernmental Commission on Human Rights (AICHR), in line with its mandate under its Terms of Reference, issues the following statement for the consideration of ASEAN Member States, ASEAN Sectoral Bodies and Entities, and relevant stakeholders.

Recalling the ASEAN Charter, the ASEAN Human Rights Declaration and the Phnom Penh Statement on the Adoption of ASEAN Human Rights Declaration (2012);

Reaffirming the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017), as well as other relevant ASEAN instruments on labour mobility, social protection, and sustainable development;

Guided by the ASEAN Community Vision 2045 and the 2030 Agenda for Sustainable Development;

Acknowledging AICHR's past initiatives on business and human rights, ongoing collaboration with the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW);

Recognising the deliberations and recommendations emerging from the Regional Dialogue on Responsible Business and Migration, held on 21–22 July 2025 in Bangkok, Thailand;

Notes that migrant workers play an essential role in ASEAN's development and continue to face challenges, including risks of exploitation, unsafe working conditions, and barriers to accessing justice and remedies;

Further notes that businesses, including small and medium enterprises (SMEs), are vital contributors to ASEAN's economies, and supporting responsible business practices can strengthen competitiveness, resilience, and inclusive growth;

Stresses the importance of meaningful multi-stakeholder engagement, ensuring that the perspectives of migrant workers, civil society organisations, and the private sector are included in ASEAN's approaches.

This note is non-binding and offered for consideration of ASEAN Member States, relevant ASEAN Sectoral Bodies and Entities, and businesses in ASEAN:

1. **Consider** strengthening national policies and legal frameworks, building on regional studies, sharing experiences, and identifying good practices, and encourage coherence between national frameworks and ASEAN commitments;

Other AIHR Initiatives on MBHR

2017: ASEAN Training on the linkages between business activities and human rights

2018: AIHR Interregional Dialogue: Sharing Good Practices on Business and Human Rights

2020: AIHR Training - The Essentials of Human Rights Due Diligence in Business: A Training for ASEAN Institutions

2022: AIHR Regional Dialogue: Sharing Good Practices on Business and Human Rights and Recovery from COVID-19 in ASEAN

2023: AIHR Regional Dialogue: Sharing Good Practices on the Business and Human Rights in ASEAN

2024: AIHR, SEANF co-host regional workshop on sharing good practices, effective remedy for migrant workers

2025: ASEAN-EU Public Dialogue on Human Rights focusing on BHR and Labour

2025: AIHR Regional Workshop on Gender Lens Perspective of BHR

An Analysis of AIHR-Led MBHR Initiative

Strength

- ❑ Consistency demonstrates awareness and commitment to advance MBHR agenda
- ❑ Broadened outreach and engagement with various ASBs, DPs, regional and UN bodies.
- ❑ Cross-pillar (APSC, ASCC & AEC)
- ❑ Cross-sectional: gender, environment, children, indigenous, and CSOs

Challenges

- ❑ Heavily focusing on promotion, capacity building – no concrete transition to protection element
- ❑ Lack of common position (e.g., HRDD)
- ❑ Inadequate participation from private sector, especially SME representatives
- ❑ Inadequate participation from migrants, migrant-led organizations, and survivors
- ❑ Most initiatives are one-off due to fund modality
- ❑ Weak linkages and incentives in business sector – e.g., ESG, green & ESG financing, sustainability reporting, FTAs

Opportunity to Improve under AICHR FYWP (2026-2030)

- ❑ Institutional: move to multi-year, long-term funding modality
- ❑ Institutional: strengthening impacts measurement, ensuring sustained and impactful MBHR initiatives beyond capacity building
- ❑ Deepening of specific MBHR issues – e.g., ethical recruitment due diligence, ESG and human rights reporting
- ❑ Connecting MBHR with emerging themes (e.g., AI, ESG, Just Transition, FTAs)
- ❑ Transitioning from soft law to legally binding commitment (e.g., developing binding HRDD)
- ❑ Establishing effective complaint mechanisms (e.g., structured complaint, protection to grievance raisers) addressing MBHR issues

List of AIHR FYWP (2026-2030) Initiatives on MBHR

- ☐ ASEAN forum on human rights at sea: ensuring decent work for migrant fishers (2028)
- ☐ AIHR consultation on the rights to an effective remedy in ASEAN (2026, 2028, 2030)
- ☐ Regional consultations on human rights impacts in the context of migration (2026-2030)
- ☐ Regional initiatives to strengthen engagement with private sector actors in addressing corporate-related human rights violations (2026-2030)
- ☐ Regional dialogues on responsible business and human rights (2026-2030)
- ☐ Regional initiatives to develop human rights due diligence in addressing forced labour, modern slavery and similar forms of transnational organised crimes in ASEAN (2026-2030)
- ☐ AIHR consultations on migration and human rights in ASEAN (2026-2027)

Terima Kasih / *Arigatou gozaimasu*

Should you have further questions and/or inputs, please submit to
Andika Wahab at andikawahab@ukm.edu.my or contact through mobile
at +60163723699

