



Report of the 1st Technical Working Group Meeting of the South East Asia National Human Rights Institutions Forum (SEANF)

**20 – 22 April 2021
9.45am – 1.00pm (Kuala Lumpur/Manila Time)
Zoom Online Platform**

Day 1

Opening Remarks by SEANF Chair 2021, SUHAKAM Commissioner Mr. Jerald Joseph

Mr. Jerald welcomed all SEANF Members to the 1st Technical Working Group Meeting for the year and thanked Members for their continued support and commitment in upholding human rights and the SEANF spirit.

2021 has remained challenging as we are all struggling to respond to the COVID-19 pandemic. It is a difficult situation for NHRIs to carry out its statutory functions and mandate but because of the pandemic, our work has become more pertinent than before.

Along the common business matters such as the exchange of updates on the major developments and challenges, establishment of the permanent secretariat, there is an array of thematic issues such as the rights of older persons, climate change, torture prevention and improvement of the engagement of NHRIs with the intergovernmental human rights mechanisms.

It is our collective aspiration that the meeting would provide a platform for an inclusive dialogue and exchange of knowledge and best practices among SEANF Members.

Adoption of Agenda

The agenda of the SEANF TWG Meeting 1/2021 was adopted with updates provided by SUHAKAM and an amendment to include the request by the Asian NGO Network on NHRIs (ANNI) to have a dialogue between ANNI and SEANF Members under the agenda item on Other Matters.

Sharing of Major Developments and Challenges in the Region since the 17th Annual Conference 2020

All SEANF Members presented their activities, major developments and challenges faced since the 17th Annual Conference.

Updates on SEANF's Website and SEANF Logo by Komnas HAM

Komnas HAM provided an update on the SEANF's Website, namely the progress on the web content and inclusion of materials from web archives. Access to the website has been granted to SUHAKAM. Komnas HAM mentioned that they could only host the website for the 2020 and 2021.

Komnas HAM presented the explanation of the meanings of the symbols and images in the proposed logo of SEANF. Due to the affiliation of the red-hand with a political group, the colour will be changed once SEANF Members agree on the logo.

Members provided their further comments and suggestions to the SEANF Website and Logo. CHRP suggested to come up with a brand book, PDHJ suggested to incorporate SUHAKAM's comments to have 11 persons instead of 6 persons in the logo and inquired on the meaning of the palm leaf and NHRCT commented that the wing of the bird to be smaller to cover the whole body. CHRP, PDHJ and NHRCT expressed their preference for the blue logo. The word 'Southeast' to be separated and 'Institutions' to be amended.

Decision: SUHAKAM to convene a meeting of the SEANF Communications Working Group within a month to get an agreement on the SEANF Logo and to discuss the future operations and management of the SEANF Website. The SEANF logo shall be finalised and tabled at the SEANF Annual Conference 2021 for adoption.

Presentation on the 11th Session of the UN Open-Ended Working Group on Ageing (OEWGA 11) and NHRI Advocacy for an International Treaty on the Rights of Older Persons by CHRP Commissioner Karen Gomez-Dumpit

Comm. Karen presented CHRP's participation in and the outcomes of the OEWGA 11 including the strong support for the work of the OEWGA and among Member States, support for the drafting of a Convention as a way forward, utilizing existing international mechanisms for the rights of older persons and advocacy for a treaty by CSOs and NHRIs.

CHRP recommended several ways forward for SEANF namely, to update the SEANF Baseline Paper on the Rights of Older Persons in South East Asia to move forward toward advocating for a binding instrument, SEANF Members can sign up to the new call to endorse the NHRI and CSO statements for a binding treaty, take part in the intersessional / international conferences in between the sessions of OEWGA and participate in the next session of OEWGA and disseminate and implement the 10 proposed recommendations for NHRIs in protecting and promoting the human rights of older persons amid the COVID-19 pandemic and beyond.

In terms of the standing of Members in support of the Convention on the Rights of Older Persons, the governments of the Philippines, Indonesia and Malaysia are in support. CHRP encouraged PDHJ, MNHRC and NHRCT to work with their respective governments to encourage support for this binding instrument.

Report and Recommendations from Working Group to Discuss the NHRCT's New Proposal Relating to Torture Prevention (WGTP)

Following the decision made at the 17th SEANF Annual Conference, the WGTP convened three meetings between 1st March to 12th April 2021. The objectives of the WGTP are to study and consider the need to adopt NHRCT's newly proposed document, namely the 'Principles and Guiding Framework for SEANF Cooperation on the Prevention of Torture and Other Forms of Ill-Treatment' and to make recommendations regarding the Framework to the SEANF TWG Meeting 1/2021.

On behalf of the WGTP, SUHAKAM presented the report and recommendations for Members' consideration. The recommendations are as follows:

To support NHRCT's proactive initiative in the spirit of regional cooperation, subject to the following conditions:

NHRCT would consider incorporating comments/inputs from SEANF members where applicable; and

NHRCT to update and re-submit the document to the WGTP before the SEANF TWG Meeting 2/2021 for further discussion.

To include the proposed activities of the Principles and Guiding Framework for SEANF Cooperation on the Prevention of Torture and Other Forms of Ill-Treatment as part of the SEANF's 2022-2026 Strategic Plan.

CHRP suggested to subject the recommendations to a vote and that although CHRP had suggested the second recommendation, they are also amenable to the first recommendation as long as the newly proposed document will not contravene the SEANF's Guideline on Torture Prevention. NHRCT agreed to the second recommendation in the spirit of cooperation and inquired if SEANF Members needed to make a vote as they agreed to the second recommendation. PDHJ and Komnas HAM opted for the first recommendation while CHRP, SUHAKAM and MNHRC opted for the second recommendation. Komnas HAM suggested that the WGTP give another chance to discuss NHRCT's proposal and if there is no agreement among members of the WGTP, to bring the discussion back to the Forum.

Decision: SUHAKAM to convene a meeting of the WGTP to further discuss NHRCT's newly proposed document and to gain a consensus among SEANF Members by the SEANF TWG Meeting 2/2021.

Progress on the Human Rights Agenda amid the Global Pandemic: Challenges and Opportunities for NHRIs

All SEANF Members presented their work in pushing forth the human rights agenda amid the COVID-19 pandemic, opportunities and challenges faced. The presentations were followed by an interactive exchange of information and sharing of knowledge on the common issues that affect the region.

Presentation on the Issue of Climate Change and the Role of NHRIs as State-based Non-Judicial Access to Justice Mechanisms by CHRP Commissioner Mr. Roberto Cadiz

Comm. Cadiz presented the role of NHRIs as State-based non-judicial access to remedy mechanisms for addressing human rights issues, specifically in the context of climate change as a global issue.

NHRIs may fill in the gaps that judicial mechanisms or courts are unable to fulfill. CHRP conducted a National Inquiry on Climate Change with two public hearings conducted in New York and two public hearings in London.

As more human rights issues are global, in order to get a comprehensive dialogue or solution, a potential way forward is to conduct collaborative inquiries not only between and among governments but between and among NHRIs. Comm. Cadiz informed the Meeting that CHRP is advocating for the formation of an inter-NHRI inquiry panel and is about to release the results of their National Inquiry on Climate Change.

Updates on the Establishment of the Permanent Secretariat and Host Country Agreement (HCA) by Komnas HAM

Komnas HAM presented the background, chronology of the drafting of the HCA and updates on the establishment of the SEANF Permanent Secretariat. Following the discussion at the 17th SEANF Annual Conference, SEANF Members agreed to sign the Rules of Procedure (RoP) that has been provisionally adopted in 2017 and SEANF Members agreed on the signing mechanism namely to use e-signature, followed by the circulation of hardcopies of the RoP to each SEANF Member.

On 10 February 2021, the clean draft version of the RoP was circulated among Members. Komnas HAM informed SEANF Members that the discussion on the HCA is delayed due to the ongoing process of the signing of the RoP. CHRP highlighted that they still have not received the hardcopy of the RoP and are also unable to track the document due to the lockdown.

Once the RoP has been signed, Komnas HAM will arrange for a meeting with the International Organizational Membership Review Working Group.

Updates on the APF - NHRI Inter-Governmental Mechanisms Project by APF and Next Steps for the SEANF-AICHR Engagement

APF representatives presented updates on the APF-NHRI Inter-Governmental Mechanisms Project including the findings of the baseline assessment survey and next steps of the project. All SEANF Members have participated in the baseline assessment to identify a key human rights issue/concern as a thematic priority for engagement and collaboration between NHRIs and IGM.

Findings from the baseline assessment showed the need for NHRIs in the region to work on climate change because climate change is a cross border issue and therefore, requires a more functional approach among stakeholders. The baseline assessment showed that climate change was a main priority for AICHR as well. APF urged SEANF Members to continue its existing efforts on the issue of climate change such as the CHRP's National Inquiry on Climate Change.

APF informed members that it has reached out to the ASEAN Secretariat on the baseline assessment and will continue to have discussions with individual AICHR representatives.

After completing the baseline report, APF is looking to organize blended-learning courses for NHRIs in the Southeast Asia on selected thematic human rights issues for engagement with IGMs and to establish online communities for NHRIs to learn from one another and share experiences on their engagements with IGMs at the end of 2021.

Discussion on the Development of SEANF's 2022-2026 Strategic Plan

SUHAKAM presented the results to the survey conducted by SUHAKAM to gauge the level of implementation of the activities in the SEANF Strategic Plan (2017 - 2021) and to assist in the development of the next SEANF Strategic Plan (2022 - 2026). SUHAKAM will share the findings of the survey once all members complete the survey.

CHRP inquired on whether the old or a new template of the Strategic Plan will be used. CHRP expressed support for the initial findings of the survey and the priority issues but highlighted that there are also other emerging issues to be considered such as the situation of human rights defenders. MNHRC stated that the issues and strategic priorities of the SEANF Strategic Plan (2017 - 2021) are still applicable and that the new Strategic Plan be based on the current Strategic Plan. PDHJ suggested to arrange a Working Group to look into whether we need to develop a new Strategic Plan or revise the current Strategic Plan.

NHRCT suggested to include the issue of torture and ill-treatment and Komnas HAM suggested to include the issue of freedom of speech, expression and association into the SEANF Strategic Plan (2022 - 2026). SUHAKAM suggested to have a separate session to look into the Strategic Plan and to invite experts such APF or OHCHR to assist in the development. CHRP agreed to PDHJ's suggestion to have a Technical Working Group to draft the Strategic Plan and SUHAKAM's suggestion to invite APF

or OHCHR (NIRMS). CHRP further suggested to limit to six priority issues and that members keep in mind the existing impacts of the COVID-19 pandemic when drafting the Strategic Plan.

Decision: SUHAKAM to establish the Technical Working Group to develop the Strategic Plan and to approach APF or OHCHR to get their technical advice and expertise.

Next Steps and Preparations towards the 18th SEANF Annual Conference

SUHAKAM proposed that the SEANF TWG 2/2021 be held online between 24 - 26 August 2021. Subject to the improvement of the situation, SUHAKAM proposes to host the 18th SEANF Annual Conference in hybrid format, both in-person and online.

SUHAKAM aspire to achieve the following indicators at the SEANF Annual Conference:

- i. Adoption of SEANF Logo
- ii. Launching and Publicization of SEANF Website
- iii. Launching of the SEANF Guidelines on Torture Prevention
- iv. Adoption of SEANF Strategic Plan 2022-2026

SUHAKAM proposed to host a regional conference on the theme of Prison Reform. The objectives of the regional conference are as follows:

- To support the Prison Reform Agenda in Malaysia and the Southeast Asia Region.
- To strengthen the advocacy work towards the reform among key Government agencies.
- To exchange experiences and good practices among NHRIs and key stakeholders.
- To submit and discuss the main outcomes with the policy makers, nationally and in Southeast Asia.

SUHAKAM sought members' endorsement on proposals of SEANF TWG 2/2021, 18th SEANF Annual Conference and the regional conference.

NHRCT and CHRP suggested to invite government agencies from SEANF member states and CSO networks working on the prison reform initiatives respectively.

MNHRC suggested to conduct the meeting slightly later but if the internet access gets better then the meeting can be remain at the same time.

Other Matters - Request by Asian NGO Network on National Human Rights Institutions (ANNI) to have a dialogue between ANNI and SEANF members

SUHAKAM received a request from ANNI to have a dialogue between SEANF and ANNI. Komnas HAM met with ANNI on 19 November 2020 to discuss possible areas of cooperation between ANNI and SEANF. 3 main issues proposed by ANNI are business and human rights, the recovery efforts amid the COVID-19 pandemic, and human rights defenders.

CHRP proposed that the Technical Working Group to develop the SEANF's Strategic Plan (2022 - 2026) meet with ANNI. MNHRC agreed with CHRP's proposal to meet with ANNI before the SEANF TWG Meeting 2/2021 and to assess the need to convene the

meeting between ANNI and SEANF Commissioners. PDHJ agreed with the proposal to have a meeting between now and August 2021 and to convene another meeting at the SEANF TWG Meeting 2/2021.

**Prepared by SUHAKAM, SEANF Chair
22 April 2021**