



**1st Technical Working Group (TWG) Meeting of the
South East Asia National Human Rights Institutions Forum (SEANF)
3-4 April 2024 Hotel the Ramelau-Dili, Timor-Leste**

The South East Asia National Human Rights Institutions Forum (SEANF) is a collaborative platform consisting of six national human rights institutions from Southeast Asian countries consisting of the National Human Rights Commission of Indonesia (KOMNAS HAM); Human Rights Commission of Malaysia (SUHAKAM); Myanmar National Human Rights Commission (MNHRC); Commission on Human Rights of the Philippines (CHRP); National Human Rights Commission of Thailand (NHRCT) and the Provedoria dos Direitos Humanos e Justiça (PDHJ) Timor-Leste. These institutions work together within SEANF to promote and protect human rights in the region.

As the SEANF Chair for 2024, PDHJ hosted the 1st TWG Meeting of SEANF 2024 on April 3-4, 2024, in Dili, Timor-Leste. The theme was "Human Rights for All, Especially in Southeast Asia: Respected, Protected, and Enjoyed Equally by All." The meeting was attended by local Non-Governmental Organisations (NGOs) in Timor-Leste, including Centro Nasional Chéga (CNC), and Asia Justice and Rights (AJAR), who were invited to share best practices on Missing Persons and Stolen Children. Additionally, representatives of the Regional Program, Operations Manager, and Country Representative of the American Bar Association Rule of Law Initiative (ABA ROLI) in the Philippines were invited to participate in the 1st TWG Meeting as observers and presented issues on Digital Rights.

The main outcomes of the 1st TWG SEANF Meeting 2024 are as follows:

Opening Remarks by SEANF Chair 2024, PDHJ Chairperson Virgilio da Silva Guterres “Lamukan”

The meeting started with the opening ceremony by PDHJ Chairperson or Provedor for Human Rights and Justice (PDHJ), Virgilio da Silva Guterres “Lamukan”, welcomed all SEANF members who participate in-person and online to the 1st Technical Working Group Meeting for 2024. Chairperson also reiterated the significance of the SEANF as a valuable platform for collaboration and relationship among members with our common objective to protect and promote human rights in Southeast Asia Region.

The Provedor also emphasized that as a member of the SEANF, we already have bilateral cooperation to address issues that implicate our region. Some of the issues to be discussed include cross border human rights issues and statelessness, as these issues are quite specific issues for Timor-Leste and to encourage our self to address this important issue related to our concern.

1. Adoption of Agenda

The Deputy Provedor for Human Rights and Justice (PDHJ), Ms. Maria Marilia X, C. de O. da Costa started the meeting by welcoming all SEANF members who attended in person and online. The Deputy Provedor invited all participants to review the agenda for the adoption of the 1st TWG Meeting 2024. All delegates and participants agreed to adopt the agenda without any amendments. The 1st SEANF TWG Meeting 2024 was moderated by Mr. Áureo José Antonio Sávio, the Professional Senior for Good Governance at PDHJ.

2. Updates on Major Developments and Activities since the 20th SEANF Annual Conference 2023

All SEANF members provided an overview of their work undertaken as well as major developments, activities, lessons learned, and challenges faced since the 20th SEANF Annual Conference.

The SEANF members shared presentations covering a wide range of issues, including the protection of human rights defenders, human rights education and promotion, issues related to stolen children and stateless persons, discrimination against individuals, human trafficking, rights of people with disabilities, migrant workers, dialogue and discussions on the right to property, celebration of Human Rights Day, Human Rights festivals, dialogue on the Universal Periodic Review (UPR) process, Business and Human Rights, Cross-Border Issues, and high-level capacity building activities on international human rights mechanisms.

Following the sharing from SEANF members, the floor was open for questions and answers. A SEANF member raised some issues related to human rights defenders who were attacked and asked how SEANF members could take specific actions to address these issues. Therefore, SEANF should develop a strategy for addressing such issues, such as issuing joint statements and engaging in advocacy efforts, considering that NHRIs are also a part of the human rights defender community itself.

3. Sharing on the implementation of SEANF Strategic Plan (2022-2026)

3.1 Priority 1. Ensure human rights are central in a COVID-19 environment

The Commission on Human Rights of the Philippines (CHRP) presented the final draft Baseline Report on the Human Rights-Based Approach to COVID-19 Response and Recovery in the

SEANF Member Countries. The report comprised of 100 pages and included at least six recommendations for the way forward by the SEANF members, as follows:

- a. Participatory process in crisis recovery by the Government;
- b. Development of online mechanism accessible to vulnerable groups, including people with disabilities and older person;
- c. Adoption of inclusive and non-discriminatory emergency measures by the Government;
- d. Implementation of awareness-raising programs to counter discrimination, stigmatization, harassment, and violence during the pandemic;
- e. Accessibility and comprehensibility of disseminated information;
- f. Contribution to making the draft pandemic treaty human rights-centred.

The meeting also noted that CHRP will distribute the final draft of the Baseline Report on Human Rights-Based Approach to COVID-19 Response and Recovery in the SEANF Member Countries on Priority 1 to all SEANF members for additional comments and approval from the respective officials. The deadline for receiving comments from SEANF members is before or on 31st of May 2024. After receiving comments from SEANF members, CHRP will integrate these comments into the final draft and seek endorsement from the CHRP Commission en Banc (CeB) members for inputs, comments, and approval. This process will be completed in time for the 2nd TWG meeting in July 2024. In addition, CHRP will also share the references discussed by CHRP with SEANF members, such as: (a) Republic Act 7309, Board of Claims; (b) CHRP position paper: Compensation for victims of unjust imprisonment or detention and victims of violent crime; and (c) draft house bill regarding the victims' compensation program.

3.2. Priority 2. Protect and promote human rights in business

The Myanmar National Human Rights Commission (MNHRC) provided updates and presented its activities in relation to priority 2. The MNHRC conducted a meeting with the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and held discussions on business and human rights. MNHRC, in collaboration with the UMFCCI, conducted a Dialogue on Business and Human Rights on 23 January 2024 with the aim to raise awareness and promote accountability among business leaders from various enterprises. Additionally, MNHRC has formulated 11 recommendations to prevent human rights violations resulting from the interaction of human rights and business, for adoption and implementation.

3.3. Priority 3. Prevent torture and other cruel, inhuman, degrading treatment or punishment

The NHRCT presented its implementation of the 2022 – 2026 strategic plan. In 2024, which is the first year of the action plan, the NHRCT has identified around 30 activities in accordance with the key strategies outlined in the plan including:

Strategic area 1 **mobilizing for change through meeting** the NHRCT have held meeting with the Royal Thai Police and started discussion about improving the general condition of police lock-up cells. Public awareness activity about torture prevention will be organized in high-risk areas in the southern border province. Also, the NHRCT will be developing a set of recommendations for torture prevention through the preparation its parallel report on the implementation implementation of the Convention against Torture (CAT for submission to the treaty body in September this year.

Strategic area 2 **strengthening law enforcement**: NHRCT closely monitors the implementation of the new anti-torture law. In addition, the NHRCT continue to take part in training and awareness raising programs for law enforcement officials. The NHRCT also working with the Police Academy to develop human rights-centred investigative practices and curriculum in accordance with the Mendez Principles. Two research projects are underway to create compensation standards for torture victims and develop protocols for medical of torture cases for use in prosecution of torture cases.

Strategic are 3 **increasing the effectiveness of torture prevention**: priority is given to visits to detention facilities, including development guidelines for such visits, and the conduct of such visit to selected prisons and immigration centres. A research project is being carried out to develop inspection standards and tools for preventive visits with the support of the APT. This to prepare the NHRCT for the duty of the National Preventive Mechanism (NPM) should Thailand become party to the OPCAT and the NHRCT is to be the NPM. The NHRCT will continue to advocate for Thailand's ratification of the OPCAT.

With regards to the Action Plan on Torture Prevention 2024 – 2026, each of SEANF members, each of the SEANF members including Komnas HAM, SUAHAKAM, CHRP and PDHJ will complete it before the 2nd TWG meeting. PDHJ with coordination of the NHRCT as the lead of strategic 3.

3.4. Priority 4. Strengthen SEANF as a credible, independent and effective institution

a. Review of SEANF process and structure, SUHAKAM as Lead.

SUHAKAM has established a Technical Working Group to assess and review the SEANF Rules of Procedure (RoP) and has the responsibility to develop recommendations to be presented at the upcoming SEANF Annual Conference. The assessment and review of the SEANF RoP is made with reference to the Asia Pacific Forum of National Human Rights Institutions' (APF) Constitution and the Global Alliance of National Human Rights Institutions' (GANHRI) Statute. SUHAKAM has presented the outcome of the consultation which was organised during the 2nd SEANF TWG Meeting 2023 during the SEANF Annual Conference in 2023, however, the response and feedback from SEANF members was not very comprehensive and supportive of the idea to amend the SEANF RoP to achieve the objective of the Strategic Priority 4a of the SEANF Strategic Plan 2022-2026 which is to strengthen SEANF as a credible, independent and effective

institution. SUHAKAM will compile comments and recommendations from all SEANF members and recirculate the document to all SEANF members for reference.

The Meeting also agreed for SUHAKAM to work with PDHJ as the Chair of SEANF for 2024 to organize an online working group meeting with SEANF members at the Commissioners level, demonstrating our commitment to ensuring SEANF as a credible institution before the 2nd TWG meeting.

4. Discussion on Activities between SEANF-ASEAN Intergovernmental Commission on Human Rights (AICHR)

4.1. AICHR-SEANF on Torture Prevention and Dialogue on Human Rights Declaration in the Association of Southeast Asian Nations (ASEAN)

PDHJ shared the cooperation between SEANF and AICHR and updated some activities that would be implemented together in 2024, including the ASEAN dialogue on realizing Southeast Asia as a Torture-Free Region in Bali, Indonesia, from May 29-30, 2024. PDHJ, as the chair of SEANF, and some SEANF representatives will be presenting the role of National Human Rights Institutions (NHRIs) in preventing torture.

4.2. AICHR-SEANF Regional Workshop on Business and Human Rights in ASEAN in 2024

The NHRCT presented the update for hosting the AICHR-SEANF Regional Workshop on Business and Human Rights in ASEAN that in the tentative date has been changed to be hold on September 2024 as well as the topic has also been revised to “Regional Workshop: Sharing Good Practices on Business and Human Rights and Enhancing Access to Remedy for Migrant Workers in ASEAN”. It will be co-hosted by NHRCT, SEANF, and the Danish Institute for Human Rights (DIHR), the International Organization for Migration (IOM) and the OHCHR South-East Asia Regional Office. SEANF members are invite to participate in various capacities building as speakers, moderators, and participants. The NHRCT will maintain ongoing communication with members regarding further updates of the workshop and coordinate with PDHJ as a Chair of SEANF.

4.3. National Consultation on the draft ASEAN Declaration on environmental rights, in Thailand

The NHRCT that NHRCT, in collaboration with the AICHR Thailand and its CSO network on the environmental right, is scheduled to convene the national consultation on the draft ASEAN declaration on the environmental rights in Thailand from 25 – 26 April 2024. This consultation aims to gather public input on the draft declaration.

Additionally, representatives from the CHRP engaged in the discussions with other SEANF members consulting on how SEANF could contribute to the development of the ASEAN declaration on environmental right (AER).

The NHRCT also informed the meeting that AICHR is open for public consultation until 30 April 2024 to finalize the draft before the AER working group meeting in May 2024. However, CHRP may contact AICHR for further information.

5. Sharing on best practice on Missing Persons/Stolen children (CNC & AJAR) About Stolen Children from Timor-Leste

Comissão Nacional Chega (CNC) and AJAR of Timor-Leste presented their best practices for addressing the issue of missing persons/stolen children during the conflict in Timor-Leste from 1975-1999. Thousands of children from Timor-Leste, now adults, remain separated from their families in Indonesia for about 40 years due to the conflict. Parents in Timor-Leste continue to search for their children in Indonesia, often referred to as "Labarik Lakon" or "Lost Child" in the Tetun language. Special efforts are needed to facilitate their reunion with their families in Timor-Leste.

6. Cross Border issues (Border Community / ECOSOC Rights)

The Provedor addressed cross-border issues between Timor-Leste and Indonesia, particularly concerning Economic, Social, and Cultural Rights (ECOSOC) at the border. This topic arose during the SEANF Annual Conference in Bangkok in 2023, prompting PDHJ to include it in the agenda for the 1st TWG meeting. Continued discussion on this matter is anticipated at the 2nd TWG meeting.

Since 2000, mechanisms have been established to address human rights issues along the joint border, with a focus on ECOSOC aspects, as stated by the Provedor. Efforts are being directed towards prioritizing individuals or communities living near the border. While PDHJ has not conducted surveys as part of the NHRI's assessment, informal conversations have revealed concerns such as illegal border crossings and human trafficking. One significant issue highlighted is the lack of formal identity documentation for approximately one thousand people living in Oecusse since 1999.

Social disparities along the border contribute to illegal crossings for economic and cultural reasons. In 2003, the governments of Timor-Leste and Indonesia agreed to facilitate cross-border trade for communities residing near the border through "Lintas Batas" passes. However, some markets have ceased to exist, highlighting the importance of this discussion. Communities face challenges related to education, infrastructure, and health issues.

PDHJ engaged in bilateral discussions with KOMNAS HAM to discuss exchanging ideas and signing a memorandum of understanding (MOU) to address the issue. The aim is to involve other stakeholders in conducting assessments.

SEANF members also shared border issues related to statelessness, human trafficking, migrant workers, and other related issues as references for future cooperation between Timor-Leste and Indonesia. PDHJ and KOMNAS HAM should carefully examine the details and take specific actions together on statelessness issues, drawing from the experiences of KOMNAS HAM, CHRP, and SUHAKAM in Sabah namely the MoU to find durable solution to the statelessness issues in Sabah. For instance, KOMNAS HAM received 170 cases of trafficking in persons and illegal migrant marriage workers. SUHAKAM, addressed the issue of political claims by the Philippines in Sabah, while the NHRCT highlighted the increasing number of human trafficking at the border of Thailand. In light of this, the NHRCT has sought input from SEANF members regarding their respective Trafficking in Person (TIP) implementation strategies and best practices.

KOMNAS HAM will implement the Human Rights Festival at Belitung in July 2024. PDHJ also plans to implement a border cultural festival and border tour with stakeholders and communities in October 2024.

7. Transfer of Prisoners/Sentenced Persons to their country of Origin

SUHAKAM presented the issue of transferring prisoners/sentenced persons to their country of origin, highlighting key requirements for the International Transfer of Prisoners (ITOP), including legal documentation, dual criminality, final judgment, and consent. They also discussed the provisions under the International Transfer of Prisoners Act 2012 [Act 754] regarding the expansion to ITOP as well as empowering the Minister of Home Affairs to refuse prisoner transfers under certain conditions. Additionally, they outlined the role of NHRI in data collection, advocating with their respective government for ITOP-related diplomatic agreements, facilitating ITOP, partnering with other NHRIs, and monitoring ITOP to protect prisoners' rights.

SUHAKAM encourages active participation among SEANF members in the ITOP. Additionally, SUHAKAM proposed to include ITOP as a permanent agenda item during SEANF meetings. SUHAKAM urges SEANF members to provide updates on ITOP progress in upcoming meetings.

8. Digital Rights

The American Bar Association (ABA), represented by Atty. Liezl Z. Parajas, Senior Regional Program and Operations Manager, presented on Defending Digital Privacy in Southeast Asia, focusing on internet freedom, cybersecurity, freedom of expression and association online, and privacy (Right to Privacy Online). She urged all SEANF members to advocate for digital rights in Southeast Asia. SEANF members emphasized the importance of the digital space platform in promoting human rights in their respective countries.

9. The Inter-NHRI Inquiry Mechanism (INIM) by CHRP

CHRP presented the Inter-NHRI Inquiry Mechanism (INIM) as a platform for at least two NHRIs to investigate human rights violations with extraordinary obligations. They also discussed existing regional human rights mechanisms, including the Inter-American Court of Human Rights, the African Court of Human and Peoples' Rights, the European Court of Human Rights, and the Arab-European Human Rights Dialogue.

The NHRCT has requested that CHRP resubmit a revised concept note for consideration of SEANF members.

10. The Open-Ended Working Group on Ageing (OEWGA)

CHRP presented the Open-Ended Working Group on Ageing (OEWGA) as a subsidiary body of the UN General Assembly (GA), which is the main policy-making organ of the UN, consisting of all 193 UN member states. The GA serves as the forum for multilateral discussion on the full spectrum of international issues.

The OEWGA was established by the UN General Assembly through resolution 65/182 on December 21, 2010. Its mandate includes considering the international framework for the human rights of older persons, identifying gaps, and exploring further instruments and measures. The OEWGA meets annually, except in 2020 due to the COVID-19 pandemic, and has held 1 organizational session and 12 regular sessions since 2010. In December 2012, the General Assembly renewed the OEWGA's mandate through resolution 67/139, tasking it with considering proposals for an international legal instrument to promote and protect the rights of older persons.

In 2024, discussions will cover normative elements such as social inclusion and the right to health and access to health services, which were introduced in 2023. New focus areas include accessibility, infrastructure, and habitat (transport, housing, and access), as well as participation in public life and decision-making processes. Other agenda items include advocating for the publication of Intergovernmental Negotiated Recommendations, drafting a new Convention on the Human Rights of Older Persons, and following up on the 2023 Manila Workshop Call to Action regarding strengthening the advocacy of national human rights institutions (NHRIs). Important dates for 2024 include deadlines for NHRI applications, NGOs with ECOSOC status, and call for inputs. Substantive inputs are requested for the focus areas of accessibility, infrastructure, and habitat, as well as participation in public life and decision-making processes, along with normative contents related to social inclusion and the right to health and access to health services.

11. SEANF Action Plan 2024 (Discussion on Possible Joint activities)

Delegates noted a lack of joint activities among SEANF members but discussed potential joint activities, particularly focusing on cross-border issues following the signed MoU between KOMNAS HAM and PDHJ. Post-1st SEANF TWG meeting, several activities were proposed:

- a. SUHAKAM to host a side event or Zoom meeting to discuss Strategic Priority 4a and SEANF RoP with PDHJ before the 2nd TWG meeting;
- b. NHRCT to organize a side event to discuss and develop torture prevention guidelines for SEANF members before the 2nd TWG meeting;
- c. CHRP to organize a side event to discuss the Inter-NHRIs Inquiry Mechanism (INIM), with a concept note to be circulated within two weeks;
- d. KOMNAS HAM to organize a festival in Belitung (Sulawesi) in July 2024; and
- e. PDHJ and stakeholders to organize a border festival and tour in October 2024.

12. Preparation towards the 2nd TWG Meeting and 21st SEANF Annual Conference 2024

Preparations for the 2nd TWG Meeting and the 21st SEANF Annual Conference in 2024 are underway. Tentative dates for the 2nd TWG Meeting are set for July 10-11, 2024, while tentative dates for the 21st Annual Meeting would be between November 18-23, 2024. The agenda for these meetings will be further discussed among chairpersons and delegates during the GAHNRI meeting in Geneva.

Closing remarks

Providor of PDHJ expressed gratitude for the presence of the delegates at the 1st TWG in Dili, both in-person and online. Chairperson of PDHJ acknowledges the fruitful discussion held over the past two days, during which each NHRI shared experiences, best practices, success stories, and challenges faced in promoting and protecting human rights. Providor extended his best wishes to the delegates and looks forward to seeing them at the 2nd TWG Meeting in Dili July 2024.