



**Report of the 2<sup>nd</sup> Technical Working Group (TWG) Meeting of the  
South East Asia National Human Rights Institutions Forum (SEANF)  
10 – 11 July 2024 Hotel Timor -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.

PDHJ as the SEANF Chair for 2024 hosted the 2<sup>nd</sup> TWG Meeting of SEANF 2024 on July 10 - 11, 2024, in Dili, Timor-Leste. The theme was "Human Rights for All, Especially in Southeast Asia: Respected, Protected, and Enjoyed Equally by All," prompted contributions from key participants. The Civil Society Organization Rede ba Rai and The Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) were invited to share best practices on monitoring mechanisms, advocacy for land conflict, and initiatives related to land conflict monitoring. FORUM-ASIA/ANNI actively discussed human rights developments in Southeast Asia and explored potential collaborations with SEANF. The meeting also featured updates from the ASEAN Intergovernmental Commission on Human Rights (AICHR) Thailand regarding the AICHR-SEANF Regional Workshop's preparation, focusing on Sharing Good Practice and Effective Remedy for migrant workers in business and human rights in ASEAN. AICHR-Indonesia also provided updates on the development of regional compilation of best practice centred on non-punishment principles for victims of human trafficking.

The outcomes of the 2<sup>nd</sup> TWG SEANF Meeting 2024 are as follows:

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

The meeting started with an opening ceremony by the PDHJ Chairperson, or Provedor for Human Rights and Justice (PDHJ), Virgilio da Silva Guterres “Lamukan,” who extended a warm welcome

to all SEANF members participating both in person and online in the 2nd Technical Working Group Meeting for 2024.

The Provedor looks forward to fruitful discussions on various human rights issues such as land rights, livelihoods, and the condition of human rights. The chairperson highlighted the aims of this 2nd TWG Meeting, emphasizing that the most important discussions from today will be presented at the annual SEANF conference in November 2024.

The Provedor extended a welcome to civil society groups, including ANGOC from the Philippines, who will present on the land conflict monitoring initiative, and Rede Ba Rai from Timor-Leste, who will present on monitoring mechanisms and advocacy for land conflicts in Timor-Leste.

### **1. Adoption of Agenda**

Adoption of the agenda without revision

### **2. Adoption of the 1<sup>st</sup> TWG Meeting report**

Adoption of the 1st TWG Meeting SEANF with minor comments from SEANF members, as comments were made through email.

### **3. Updates on Major Developments and Activities since 1<sup>st</sup> TWG Meeting of SEANF 2024**

All SEANF members presented an overview of their individual mandates, highlighting the work they've accomplished, major developments, and challenges encountered since the 1st TWG Meeting of SEANF in 2024.

**PDHJ** highlighted their strategic initiatives outlined in the 2024-2028 Strategic Plan, emphasizing the promotion of human rights and good governance through public awareness campaigns, policy oversight, and citizen complaint management. Their efforts included extensive training sessions for National Police Officers, Defence Forces members, and senior officials, as well as induction programs for new civil servants. PDHJ also engaged with diverse community groups, including students, LGBTIQ+ individuals, people with disabilities, and women's groups, disseminating information on their mandates. Despite these accomplishments, PDHJ faces challenges such as pending organic law revisions and resource constraints. They remain committed to monitoring police detention centers, advocating with authorities on critical issues, and ensuring the rights of vulnerable groups, including access to healthcare and social services. PDHJ continues to play a crucial role in governance oversight, conducting public perception surveys, and monitoring the implementation of the National Action Plan for Persons with Disabilities.

**NHRCT's** share updates on its work in addressing human rights issues, having concluded several cases and proposed recommendations to prevent future violations. The issues were including the rights of individuals in drug rehabilitation centres, the enforced disappearance of Thai citizens

abroad, statelessness, and human rights impacts on displaced persons. The NHRCT also addressed labour rights violations, environmental health impacts, and concerns about the use of spyware.

The NHRCT conducts field visits to address statelessness in southern Thailand and Kelantan, Malaysia, and to support the Sea Gypsy community and monks. They work with local agencies to ensure National Park Declarations do not harm land and community rights.

The NHRCT monitoring function includes issuing public statements on human rights violations and advocating for harm reduction in drug policies. As well as collaborate with various agencies on issues such as education for non-citizen children, disability rights, torture prevention, and climate change legislation.

The NHRCT also promotes human rights through guidelines for public assemblies, training for SMEs, and guest speaking engagements. At the 2024 GANHRI annual meeting, NHRCT presented anti-torture action plan and signed an MoU with the UNDP and Thai SMEs for sustainable business practices. Moreover, the NHRCT actively engaged in international consultations and training to strengthen their role in preventing torture and supporting human rights globally.

**SUHAKAM** informed that on July 3, 2024, SUHAKAM announced the appointment of YBhg. Dato' Seri Mohd Hishamudin Md Yunus as its new Chairman for the 2024-2027 term. SUHAKAM also presented during the SUHAKAM Annual Report and Financial Statement debate held in Parliament on June 27 and July 1-2, 2024, various issues were raised, including delays in appointing the Chairman, procedural transparency, and topics like racial discrimination and freedom of religion. The debate also addressed progress in areas such as water supply, indigenous rights, prison reform, and mental health.

SUHAKAM's thematic focus includes torture, statelessness, international engagements, Islam and human rights, and community outreach. Recent activities included international meetings on human rights, seminars on Mendez Principles, visits to citizenship offices and educational centers, and community programs.

SUHAKAM also received 313 complaints from January to May 2024 and issued eight press statements, addressing challenges such as the non-ratification of the Convention Against Torture due to conflicts with national laws.

**Komnas HAM** has informed significant developments and activities. From January to June 2024, the Commission received 1,204 complaints, with the majority concerning police (327 cases), followed by corporations (164 cases) and local governments (126 cases).

The Komnas HAM conducted key events include the Kick Off Meeting & Seminar on Human Rights Assessment, held on April 30, 2024, aimed at developing guidelines for assessing laws and policies. In addition, Komnas HAM also launched its 2023 Annual Report on June 10, 2024, commemorating its 31st anniversary and addressing human rights challenges in Indonesia. Furthermore, a research and dialogue event on trafficking in persons took place on June 27, 2024, in Labuan Bajo.

Komnas HAM has conducted various training programs, including for schools, law enforcement, on HIV issues. Komnas HAM also signed memorandums of understanding (MoUs) with universities and civil society organizations. Internationally, Komnas HAM participated in several events, such as the GANHRI Annual Meeting and the World Bank Land Conference, and is preparing for future events including the Human Rights Festival 2024 and Youth Camp 2024.

**MNHRC's** The Myanmar National Human Rights Commission (MNHRC) shared its work that from April to June 2024, MNHRC received 50 complaint letters, which were addressed through coordination with relevant departments, direct notifications to complainants, and record-keeping. Among these, 20 complaints were coordinated with concerned departments, 4 were directly informed to complainants, 26 were recorded, and 15 received replies from the departments involved.

MNHRC also conducted field visits to various facilities, including prisons, labour camps, police lock-ups, and homes for the aged and youth. During the same period, the Commission delivered 10 human rights lectures to 618 participants across various institutions, including the Ministry of Investment and Foreign Economic Relations and several training institutes and universities.

On the legal front, MNHRC engaged in significant activities such as submitting inputs for the Beijing Declaration and Platform for Action (BPFA+30) and compiling an analysis for the accession to the Convention against Torture (CAT).

The MNHRC also assessed the status of NHRIs in SEANF according to the Paris Principles. For staff capacity building, MNHRC facilitated English language courses and participated in international programs, including the Human Rights Defenders Capacity Development Programme and virtual dialogues on digitalization and human rights. Additionally, the Commission published news and statements on its activities, updated its website and national portal, and recruited new staff members.

**CHRP** outlined significant developments in their major areas of work—prevention, protection, promotion, and policy services—since the 1st SEANF TWG Meeting. Notable achievements include the presentation of the 2022 Situation Report on Persons Deprived of Liberty (PDL) in March 2024, which offered insights from Commission visits and recommendations for improving PDL conditions based on international standards. Commissioner Faydah Dumarpa led courtesy visits to various government agencies to discuss human rights concerns, and also participated in significant conferences addressing women's roles in the judiciary and prison conditions. The CHRP's 14th Basta Run Against Torture (BRAT) on June 26, 2024, underscored its commitment to combating torture.

In May and June 2024, the CHRP launched several important initiatives, including the CHR MISMO online complaint system and new procedural manuals. The Commission provided 1,430 protection services and investigated 109 cases, focusing predominantly on violations related to the

right to life. It also organized the LaKaRan program to promote human rights services and conducted training on mental health law. Additionally, the CHRP engaged in international dialogues and consultations, including participation in the 56th Human Rights Council and discussions with the UAE NHRI about potential collaborations.

The CHRP's recent activities highlight its ongoing efforts to enhance human rights protection and advocacy, both locally and internationally, while also addressing critical issues such as forced displacement, labor rights, and the situation of marginalized groups.

Following a presentation detailing the major developments and activities from each member, the CHRP requested clarification on marriage discrimination issues.

PDHJ reported that its review of Timor-Leste's civil law revealed that while it recognizes Catholic marriages, it does not acknowledge marriages from other religions, such as Protestant Christianity and Islam. PDHJ is preparing to submit a petition to the Tribunal Court by the end of July 2024, arguing that this exclusion is discriminatory and unconstitutional as it fails to recognize all religious marriages.

PDHJ also sought clarification from Komnas HAM regarding the Human Rights Festival 2024 in Bitung, Indonesia, and from SUHAKAM about their Islam and Human Rights activities. PDHJ is interested in understanding the specific approaches and activities of SUHAKAM's program to potentially adopt similar practices in Timor-Leste. Regarding the Human Rights Festival, preparations are ongoing, and invitations for NHRIs to join online will be sent out soon. SUHAKAM reported a courtesy visit to religious offices in Malaysia, discussing collaborations with Imams during Friday prayers in Malacca and Kuala Lumpur. Topics covered included refugees, older persons, and environmental issues.

#### **4. Sharing on the implementation of SEANF Strategic Plan (2022-2026)**

The meeting evaluated the progress in implementing the four strategic priorities outlined in the current SEANF Strategic Plan, with presentations from the member institutions leading each priority area.

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

The Commission on Human Rights of the Philippines (CHRP) distributed the draft Baseline Report on the Human Rights-Based Approach to COVID-19 Response and Recovery in the SEANF Member Countries to all SEANF members for inputs and comments to be submitted by the end of June. So far, SUHAKAM, MNHRC, and NHRCT have submitted their comments and inputs on the draft. The PDHJ and Komnas HAM have not provided inputs or comments; however, during this meeting, Komnas HAM mentioned that no further comments on the report, and both Komnas HAM and PDHJ agreed on the draft report to be adopted at the annual conference.

### **Priority 2. Protect and promote human rights in business**

The Myanmar National Human Rights Commission (MNHRC) has presented no further updates on this priority and expected to be update on this priority in the upcoming annual conference meeting. In addition, others SEANF members have no comments on this priority.

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

In this agenda item, NHRCT provides updates on matters related to this priority. During the GANHRI Annual Meeting 2024, NHRCT also participated in a discussion on the prevention of torture and the establishment of a national plan mechanism.

At the 1st TWG Meeting of SEANF, it was decided that each member would prepare its national action plan on the prevention of torture, to be updated in the 2nd TWG Meeting of SEANF. However, most SEANF NHRI members did not do this because their plan strategies were not aligned with the SEANF strategic plan, particularly priority 3 on torture prevention.

Therefore, NHRCT, leading this priority, requested SEANF members who did not create a national action plan to compile their activities related to the prevention of torture and submit them to NHRCT. NHRCT will then compile these updates and submit them for adoption at this year's annual conference.

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

Proposed amendments to the Rules of Procedure (ROP) of the Southeast Asia National Human Rights Institutions (SEANF) include revisions to articles 1, 4, and 5, and the introduction of new articles: Article 6 concerning categories of members, Article 7 regarding movement between membership categories, and the replacement of Article 17(4) with a new article on the decision-making process. There are also proposed amendments to Article 10 concerning the Chairperson of SEANF.

The majority of SEANF members have suggested these proposals be presented to the Chairperson of each NHRI for internal discussion and approval. NHRI members recommend SUHAKAM hold a meeting in August prior to the annual conference.

### **5. Update the activities between SEANF and AICHR – AICHR-SEANF Regional Workshop: Sharing Good Practice and Effective Remedy for Migrant Workers in Business and Human Rights in ASEAN – AICHR Thailand or NHRCT**

Professor Amara from AICHR Thailand introduced the concept note for the AICHR-SEANF Regional Workshop on Sharing Good Practices and Effective Remedy for Migrant Workers in Business and Human Rights in ASEAN. She requested all SEANF members to provide comments and inputs on the title, speakers, and the content in general. Comments should be submitted within two weeks.

## **6. Trafficking in Person (AICHR Indonesia) – on regional guideline of the non-punishment principles for human trafficking victim**

The NHRI Indonesia representative presented on the regional guidelines regarding the non-punishment principles for victims of human trafficking. All members will discuss this concept with their respective chairpersons and request to share drafts before September 2-3, 2024. The draft guidelines will only be available on September 2, 2024, as they are still with the consultant.

## **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), Review of past sentence law of Malaysia act 2023 (act 846) effective on 4<sup>th</sup> July 2024. In addition, The SUHAKAM is also updating the statistic of the prisoners in Malaysia total 13616 prisoners (17.2% from total population) as of April 2024).

SUHAKAM also introduced to the statistic shared on the foreign prisoners in Malaysia with total 235, with the highest number of prisoners from Indonesia and the lowest is from Timor Leste. SUHAKAM presented key Consideration by the Federal Court for Sentence Review of Death Row Prisoners such as: Nature and Circumstances of the Offence, Rehabilitation Potential, Mitigating and Aggravating Factors, Public Interest Impact on Victims and Society, Legal Precedents and Guidelines. SUHAKAM also mentioned 99 countries practicing include seven countries in Southeast Asia namely: Thailand, Cambodia, Vietnam, Laos, Brunei, Philippine and Malaysia.

SUHAKAM has outlined a comprehensive strategy for the way forward, starting with initiating contact with the government to discuss the potential for prisoner transfers. This process involves clearly explaining the benefits and legal frameworks that support such transfers. A key component of this strategy is the accurate and up-to-date collection of data and statistics on foreign prisoners from Southeast Asian countries.

This data will be shared during SEANF meetings, ensuring that all member NHRIs are informed and can collaborate effectively. Following these meetings, bilateral discussions between NHRIs of the concerned countries will be held, focusing on identifying prisoners eligible for transfer. An application under section 7.2 of the International Transfer of Prisoners (ITOP) Act has been refused, highlighting the need for further action.

Moving forward, SUHAKAM encourages NHRI SEANF to engage with their respective governments, particularly the Ministry of Foreign Affairs, to adopt and support the prisoner transfer concept. Continuous data gathering and sharing among SEANF members and promoting bilateral discussions to adopt and implement ITOP provisions are also recommended. Lastly, NHRIs are encouraged to integrate the prisoner transfer concept into their policies.

## **8. Land Conflict Monitoring Initiative (ANGOC)**

The 2023 Land Conflict Monitoring Report covers incidences, drivers, and impacts of land conflicts in six Asian countries. Information was gathered from various sources, including media, CSOs, government, communities, courts, academic professionals, and the police.

According to the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), there were 691 land conflict cases reported, involving 1,557,564 hectares and affecting 454,497 households. These conflicts have persisted for durations ranging from 2 to over 20 years.

The types of land resources most affected include smallholder farming/agriculture (50%), indigenous peoples' lands, fisheries, agroforestry, and common/public land.

ANGOC emphasizes the need to advocate for and mainstream land rights as human rights and to foster partnerships between CSOs, NHRIs, and NHRCs. To address land conflicts, ANGOC highlights six key areas: immediate resolution of cases, efficient management and governance, effective implementation of land and resource reforms, responsible business practices, enhanced land literacy among communities and governments, and improved land conflict monitoring.

### **Rede ba Rai**

The National Coordinator of Rede ba Rai (the Land Network Timor-Leste), Mr. Hortencio Pedro Vieira, presented the national situation of land in Timor-Leste at the second Technical Meeting of the South East Asia Human Rights Network National Human Rights Institutions Forum (SEANF). He also highlighted land cases that cause human rights violations.

The Rede ba Rai presentation focused on human rights violations related to recent evictions, which have caused significant harm to the affected communities. Additionally, Mr. Vieira took advantage of the presence of KOMNAS HAM (National Human Rights Commission) to discuss the community's land rights in Naktuka. The Land Network believes that the community in Naktuka will face serious human rights violations if they lose their land, which is crucial for farming and fields. Therefore, Rede ba Rai recommended that KOMNAS HAM cooperate and pay serious attention to this case.

Furthermore, Rede ba Rai considered this meeting an opportunity for ANGOC, which also advocates for land issues in the Southeast Asian region. With the recommendations presented at this meeting, it is hoped that they can become a point of consideration for the Human Rights Network. This will enable joint discussions and the creation of recommendations to be made to each state in Southeast Asia to ensure respect for community rights.

### **Human rights development in Southeast Asia and Opportunities for collaboration between SEANF and Forum Asia/ANNI for 2024 – 2025**

The presentation by FORUM-ASIA/ANNI at the SEANF meeting highlighted their role in Asia's human rights landscape. FORUM-ASIA serves as a network of over 85 organizations across 23 countries, supporting ANNI in promoting National Human Rights Institutions (NHRIs) and



ensuring compliance with international standards like the Paris Principles. They reported on recent advocacy successes in Malaysia, including expanding the scope of the human rights commission, SUHAKAM, and monitoring NHRI developments in Myanmar following accreditation issues.

ANNI's 2023 report assessed NHRI performance in 13 Asian countries, emphasizing transparency and civil society involvement. They engaged with SEANF through discussions on civic space, HRDs, and climate change at regional forums. Future plans include hosting civil society consultations across Southeast Asia to review NHRI effectiveness and collaborating with SEANF on initiatives like the protection of HRDs and promoting human rights in business.

FORUM-ASIA/ANNI urged SEANF to improve transparency and engagement with civil society, echoing calls for inclusive decision-making processes and accessible reporting. They proposed collaborations on human rights declarations, monitoring torture cases, and enhancing SEANF's institutional credibility. They emphasized the importance of ongoing dialogue and cooperation between NHRIs and civil society to address regional human rights challenges effectively.

#### **10. A) Inter-NHRI Inquiry Mechanism (INIM) by CHRP and**

##### **B) UN Open-ended Working Group on Ageing (UN-OEWGA)-14th session by CHRP**

#### **A). Inter-NHRI Inquiry Mechanism (INIM)**

The presentation by the Commission on Human Rights of the Philippines focused on developing an Inter-NHRI Inquiry Mechanism for addressing transboundary human rights issues. The objective is to enable National Human Rights Institutions (NHRIs) to investigate violations that cross international borders, building on previous successful inquiries like climate change. This mechanism, guided by the Paris Principles, aims to provide NHRIs with the authority to issue advisory opinions, recommendations, and engage relevant authorities to respond to findings.

Consultations have been held with various human rights entities nationally and internationally, including meetings in Bangkok and Geneva, to gather input and recommendations. The process has progressed through phases such as consultation, identifying common transboundary issues, and forming technical working groups. Notably, several NHRIs, including those from Timor-Leste, Indonesia, Malaysia, and the Philippines, have expressed strong support for the mechanism's establishment, viewing it as crucial for regional human rights efforts.

Challenges highlighted include jurisdictional concerns, although the mechanism focuses on transboundary rather than territorial jurisdiction. Common transboundary issues identified include migrant worker rights, trafficking, forced labor, environmental degradation, and haze pollution. Moving forward, the plan includes finalizing inquiry regulations and operational protocols, culminating in high-level meetings and support for the mechanism's secretariat to ensure effective implementation.

## **B). UN open-ended working group on Ageing (UN-OEWGA) – 14<sup>th</sup> Session**

The 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 calls 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. CHRP highlighted UN General Assembly Resolution 65/182 (December 21, 2010), which mandates the Working Group to consider the existing international framework of the human rights of older persons, identify possible gaps, and determine how best to address them, including the feasibility of further instruments and measures.

## **11. Preparation towards 21<sup>st</sup> SEANF Annual Conference 2024**

In this agenda, all SEANF members have proposed two tentative dates for the annual conference: November 6-8, 2024, and November 18-20, 2024. Each SEANF delegation will present these proposed dates to the chair of their respective members for a final decision.

## **12. Other matters**

The SEANF meeting discussed updating the SEANF website and proposed establishing a communication working group. The SEANF members suggested to include the SEANF Communication guidelines in the agenda for the annual conference, emphasizing the importance of considering the budget to maintain and enhance the SEANF website. PDHJ was recommended to review the relevant documents and provide feedback at the annual conference. Additionally, an email will be sent to request NHRI to assign a member to the communication working group.

## **13. Closing Remarks**

The Deputy Provedor for Good Governance, Rigoberto Monteiro expressed gratitude to the delegates for their participation in the 2nd TWG Meeting of SEANF 2024 in Dili and online. Deputy Monteiro noted that over the past two days, numerous important issues were discussed. Each NHRI shared their experiences, best practices, success stories, and the challenges NHRI encountered in promoting and protecting human rights. The Deputy extended their best wishes to the delegates and looked forward to their presence at the 21st SEANF Annual Conference in November 2024.