

CONCLUDING STATEMENT
Second Technical Working Group Meeting for 2017 of the
South East Asia National Human Rights Institutions Forum (SEANF)
Montebello Villa Hotel, Cebu City, Philippines
7-8 September 2017

The South East Asia National Human Rights Institutions Forum (SEANF) held the second Technical Working Group (TWG) Meeting for 2017, which was hosted by the Commission on Human Rights of the Philippines (CHRP) as the Chair of SEANF, in Cebu City, Philippines on 7-8 September, 2017. The Members of the SEANF – the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Myanmar National Human Rights Commission (MNHRC), the Commission on Human Rights of the Philippines (CHRP), the Provedoria for Human Rights and Justice of Timor Leste (PDHJ), and the National Human Rights Commission of Thailand (NHRCT) were present at the TWG meeting.

The main outcomes of the TWG meeting are as follows:

1.0. Greenpeace case

- 1.1. The presentation from Greenpeace is not part of the official SEANF TWG meeting agenda. Representatives from Greenpeace requested CHRP to allow them to speak for a few minutes with the SEANF members.
- 1.2. The Greenpeace organization presented updates on the landmark petition on climate change, known as the Greenpeace case¹, two years after its inception.
- 1.3. Among the recommendations of the petitioners of the case to the CHRP are the following:
 - 1.3.1. For CHRP to request to submit plans on how the international community can prevent harms brought by climate change.
 - 1.3.2. For the CHRP to urge the state to fulfill their international duty and cooperate in holding the major carbon producers accountable.
 - 1.3.3. For CHRP to recommend to the Philippine Congress an accessible mechanism to protect those affected by climate change impacts.
- 1.4. SEANF members welcomed the presentation by Greenpeace and acknowledged the need for stronger efforts to combat climate change and hold duty bears to account.

¹This case is the world's first-ever national investigation into human rights harms resulting from climate change initiated by individuals and organizations implicating 47 investor-owned carbon producers including Chevron, ExxonMobil, BP, Shell, Total, BHP Billiton, Suncor, and ConocoPhillips.

1.0 Adoption of the Agenda

- 1.1 The Agenda for the second TWG Meeting was adopted with minor amendments as to the sequence of each session.
- 1.2 The agenda for the first day of the TWG Meeting focused on administrative, executive and institutional matters: recap and updates following the 1st Technical Working Group Meeting; assessment of activities on migration and human rights, business and human rights, the Sustainable Development Goals (SDGs), the SEANF Secretariat, the SEANF strategic plan for 2017-2021; and the upcoming annual meeting and ASEAN and AICHR engagement.

2.0 Adoption of the Concluding Statement of the 1st Technical Working Group Meeting

- 2.1 SEANF members adopted the Concluding Statement of the 1st Technical Working Group Meeting after correcting minor typographical errors.

3.0 Sharing of Updates after the 1st Technical Working Group Meeting

- 3.1 SEANF members shared their respective updates following the 1st Technical Working Group meeting.

Komnas HAM

- 3.2 Komnas HAM shared that it has finished the selection of new commissioners and have submitted the selection to the Parliament. By the 12th of November, there will be a new set of commissioners. Komnas HAM likewise reported that there has been a reduction on the number of commissioners in their institution.
- 3.3 Komnas HAM reported that the commission will be delivering a 2-minute oral intervention for the adoption of the outcome of the Universal Periodic Review of Indonesia.
- 3.4 Komnas HAM shared the activities they have undertaken and currently undertaking after April 2017, stating among others its participation in the 2nd ASEM conference on the rights of older persons (19-21 September), the launching of the national action plan on BHR and the development of tools on SDG, and its ongoing cooperation with stakeholders on human rights mainstreaming.

SUHAKAM

- 3.5 SUHAKAM, reporting on updates on the SDGs, stated that the Malaysian government is currently developing a 5-year roadmap and that it would be

crucial for the Commission to come up with a position on how SDGs should be pursued.

- 3.6** SUHAKAM stated that business and human rights remain as the priority of the Commission. It further shared the Commission's ongoing activities in relation to this such as the promotion of greater awareness on business and human rights issues. The Commission stated that through the institution, the level of awareness has substantially increased.
- 3.7** SUHAKAM reported that it has entered in a Memorandum of Understanding (MOU) with Philna Global Ventures. SUHAKAM seeks to provide advice to the latter on the plantation sector. Overall, SUHAKAM is gaining progress in engaging corporations with respect to business and human rights.
- 3.8** SUHAKAM, in engagement with the AICHR has been advocating for the ratification of the convention on trafficking. SUHAKAM claimed that actual ratification of the convention will likely be done within the month of September.
- 3.9** SUHAKAM informed the SEANF members that it has been successful in obtaining the grant of APF on the Anti-Death Penalty Project.
- 3.10** MNHRC and CHRP submitted that they were likewise granted the APF grant and will proceed to undertake activities in fulfillment of such. For CHRP, the Commission will conduct meetings with government and stakeholders and will be launching a nationwide survey on the death penalty to collect the sentiments of the citizens with regard to the reinstatement of the death penalty in the country, while MNHRC is planning to organize workshops to discuss the abolition of death penalty.
- 3.11** SUHAKAM further shared other activities undertaken such as the submission of its independent report to the CEDAW committee and their ongoing efforts to embark on investigation of disappearances of activists in Malaysia in cooperation with the Committee on Enforced Disappearance.

MNHRC

- 3.12** MNHRC reported that it has recommended the government of Myanmar to ratify the ASEAN Convention on Trafficking and that it advised the same on the ratification process. The State ratified the convention in late 2016.
- 3.13** MNHRC, in partnership with the Danish Institute of Human Rights (DIHR), organized a program for MNHRC staff on business and human rights.
- 3.14** MNHRC is in the process of prison reform. The Commission has visited most of the prison facilities in the country and has successfully sent recommendations to the government/ministry. It likewise issued a

statement-report on the prison visitation and is currently advocating for prison reform.

PDHJ

- 3.15** PDHJ presented updates on the national elections in Timor Leste. It reported that it has conducted monitoring and that so far, no accidents have been recorded. PDHJ is collaborating with the European Union to observe the election process. PDHJ further reported that there are still thousands of citizens who cannot vote and that the standing concern remains to be the prohibition for citizens to vote outside their place of registration.
- 3.16** PDHJ informed the SEANF members of other activities undertaken by the Commission such as the implementation of the MOU with Komnas HAM on the activity on missing children and border monitoring.
- 3.17** On the Convention Against Torture, PDHJ is currently drafting its report, to be submitted by 9th October 2017.

NHRCT

- 3.18** NHRCT shared that it has attended a seminar on the national action plan on BHR. Subsequently, the Commission organized a seminar with civil service organizations to discuss human rights impacts of businesses. In light of this, the Commission is already preparing recommendations to the national action plan on BHR.
- 3.19** NHRCT reported that Thailand is yet a signatory of the Convention Against Torture and that it recently hosted an unofficial visit by the CAT Committee.

CHRP

- 3.20** CHRP reported that they are working towards gaining more responses from corporations in connection with the climate change petition otherwise known as the Greenpeace case. Further, CHRP relayed that it is currently conducting a national inquiry on the rights of indigenous peoples.
- 3.21** CHRP shared its programs with respect to ageing including international meetings and conferences it attended.
- 3.22** CHRP provided updates on the SEANF paper on ageing which it was tasked to draft during the 1st TWG and acknowledged with appreciation the inputs submitted by the SEANF members.
- 3.23** CHRP provided updates on the 3rd Cycle Universal Periodic Review of the Philippines.
- 3.24** On the development of a national action plan on BHR, CHRP discussed that the Presidential Human Rights Committee (PHRC) is currently

developing a BHR plan and hopefully, it will engage the Commission in the drafting process.

4.0 SEANF Permanent Secretariat

- 4.1 Komnas HAM reported that due to time constraints and due to the selection process in relation to the change of its commissioners, the academic paper will not yet be available for presentation.

5.0 Rules of Procedures

- 5.1 SEANF members introduced amendments to the rules of procedures including typographical and technical errors.
- 5.2 SEANF members resolved to defer the live editing of the rules of procedures and agreed to submit their respective inputs after the TWG meeting. The inputs are to be consolidated by the CHRP and Komnas HAM. All comments from SEANF members must be submitted to the CHRP through email on 22 September 2017.

6.0 Presentation of the SEANF Strategic Plan

- 6.1 SEANF members welcomed the presentation of Komnas HAM on the Strategic Plan. The presentation began by discussing the six SEANF priorities. Subsequently, SEANF members gave their respective updates on the ratification of the ASEAN convention against trafficking as well as other efforts undertaken by the members as regards trafficking.
- 6.2 PDHJ updated that it is currently working in collaboration with Komnas HAM with regard to its research on border monitoring and that the PDHJ is engaging with the government on advocacy building on the law on trafficking. PDHJ reported that only last year, a law on trafficking was passed; CHRP has already ratified the convention as well and has submitted its position paper on trafficking. The Philippines likewise has laws on anti-trafficking and migrant concerns which are currently under amendment; MNHRC stated that Myanmar has already ratified the convention and have been collaborating with NHRCT for the protection of migrant workers; SUHAKAM reiterated that the Malaysian government will ratify the treaty possibly within the month of September and that the commission regularly gets invited in council meetings as experts on trafficking; Komnas HAM, although has not yet ratified the convention, has been conducting activities on trafficking especially on migration and migrant workers.
- 6.3 CHRP recommended that SEANF members urge to the government of those who have not yet ratified the convention to ratify the same. This

could be done through the issuance of a statement to be presented during the annual meeting.

- 6.4** SEANF members gave their respective updates on BHR:
- 6.5** Komnas HAM has already formulated the national action plan and it was officially launched last June 2017 and submitted to the government to urge the same to take into consideration BHR in the formulation of policies.
- 6.6** SUHAKAM is currently advocating for the development of the national action plan on BHR.
- 6.7** MNHRC is undertaking the facilitation of BHR workshops in coordination with the Danish Institute on Human Rights (DIHR)
- 6.8** CHRP is initiating the process of developing a human rights action plan and a BHR action plan. For this, the UNDP is providing technical support.
- 6.9** NHRCT reported that its government is committed to coming up with a BHR national action plan. Accordingly, the ministry of justice is in the process of developing the said plan to which the NHRCT would be providing inputs. The Commission is likewise conducting seminars to guide them in coming up with necessary recommendations.
- 6.10** SUHAKAM raised that the SEANF Strategic plan does not lay down specific action points, rather, an annual plan should be developed and more concrete actions be taken to push the agenda of the body forward. SUHAKAM recommended for SEANF members to first, clear the wordings of the strategic plan as to the objectives and input specific objective under each issues and indicate the period projected to fulfill such objectives.
- 6.11** SEANF members duly noted the suggestion of SUHAKAM.
- 6.12** SEANF members resolved to sharing their suggestions on specific activities to implement the strategic plan by email. The activities should be regional in scope. It cannot be decided yet in this TWG meeting which activities should be part of the plan as the inputs need to be approved by their respective Commission en banc (CEB). At the annual meeting, the heads of the NHRIs should come up with a plan of action or at least a roadmap to implement the strategic plan.
- 6.13** SEANF members accepted the recommendations of CHRP and SUHAKAM to provide information on (1) specific objectives for what the SEANF aims as a regional group; (2) Specific activities the body needs to do to attain such objectives and; (3) actions the SEANF can take to attain its objectives. The deadline for submission of inputs was set on 22 September 2017.
- 6.14** CHRP and Komnas HAM will consolidate the submissions.

7.0 Proposed Academic Paper on the SEANF

- 7.1** SEANF members welcomed the suggestion of SUHAKAM to allow an academic to draft a paper assessing the work of the SEANF. The said paper is to be distributed or presented in the annual meeting, subject to approval of the body.
- 7.2** NHRCT however expressed its concern with regard to sensitive issues that might be presented in the paper while MNHRC raised the issue of proper authority and suggested that the suggestion be relayed to their respective chairpersons first.

8.0 Other matters

- 8.1** CHRP reiterated the need for website development and reminded the SEANF members that this needs to be discussed as the last update of the website was done in 2015.
- 8.2** SEANF members, through suggestion of CHRP, acknowledged that members need capacity building on how to engage with government. This could be done in collaboration with the APF and other national human rights institutions.
- 8.3** SEANF expressed its concern on recent developments within NHRCT leading to the distribution of a letter from its Chairperson regarding the new organic law, which once adopted will immediately replace their CEB. In response, SEANF members agreed to issue independently letters of support for NHRCT.

9.0 Migration and human rights

- 9.1** A special session on migration and human rights and internal displacement was conducted on 8 September 2017. The minutes and action points can be found in a separate document, attached to this statement.

Manila, 18 September 2017

Commission on Human Rights of the Philippines