



**The Southeast Asia National Human Rights Institutions Forum (SEANF)**  
**Concluding Statement of Side Events and the Second Technical Working Group**  
**(TWG) Meeting**  
**23-25 July 2019**  
**Dili, Timor-Leste**

The South East Asia National Human Rights Institutions Forum (SEANF), comprising of 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 National Human Rights Commission of Thailand (NHRCT), and the Provedor de Direitos Humanos e Justiça (PDHJ), held side Events and its Second Technical Working Group (TWG) Meeting on 23 – 25 July 2019, hosted by PDHJ in Dili, Timor-Leste.

The main outcomes of the side events and 2<sup>nd</sup> TWG meeting were as follows:

**Side Event: Climate Change Inquiry by CHRP**

1. CHRP presented their National Inquiry on Climate Change (NICC) as an example of how an Inter-NHRI Inquiry Panel could be utilized to deep dive into trans-boundary issues. Internally, CHRP took the initiative to expand the boundaries of their mandate to include economic and social human rights issues. They were also able to expand beyond their territorial jurisdiction by persuading international stakeholders to participate in a collaborative dialogue rather than through compulsion or confrontation, which would have discredited them and severely hampered their efforts. They were able to get many legal and scientific experts to participate. This inquiry was supported financially by the European Union. The investigative hearings were supported by those organizations that hosted them, including the New York Bar Association, the London School of Economics, and multiple universities. CHRP plans to share their NICC report at the CoP25 in Chile this December.

### **Side Event: Inter-NHRI Inquiry Panels**

2. CHRP presented the idea of Inter-NHRI Inquiry Panels, which would serve in a more proactive capacity than SEANF as they would be topic-specific. At this time, CHRP brought this topic to gauge interest of other NHRIs. CHRP proposed some trans-boundary issues (climate change and migration) and asked other NHRIs if they had ideas on possible additional topics for a panel. SUHAKAM proposed business and human rights, as well as human trafficking. NHRCT brought up the issue of pollution specifically. MNHRC seconded the idea of business and human rights. Overall, the NHRIs seemed to be interested in the idea of Inter-NHRI Inquiry Panels.
3. However, SEANF delegates are not currently ready to agree to joining an ad-hoc committee on these panels. NHRCT is unable to commit until their new commissioner is appointed. MNHRC proposes that this topic be discussed at the annual meeting, when all chairpersons are present. SUHAKAM needs more details, and then will need to take it to their commissioner for approval. PDHJ also wants more details before agreeing to anything and asked for a concept note to be shared on this subject prior to the annual meeting. The NHRIs will be able to make a decision at the annual meeting, when all chairpersons are present and have learned more about the proposed panels.

### **Side Event: Second Draft Guidelines from the Association for the Prevention of Torture (APT)**

4. Ms. ShazeeraZawawi from the APT led the discussion on the second draft on the SEANF Guidelines on Torture Prevention in South East Asia. Much of the discussion focused on the definition of torture. The general consensus was to stick with the UNCAT definition of torture, as most SEANF countries have already ratified and changing it impact negatively the impact of the UNCAT's implementation. Criminalization of torture was also discussed, as in what legal mechanisms were sufficient for criminalization according to the guidelines. PDHJ raised the fact that Timor-Leste criminalizes torture in its Constitution and Penal Code, but the report stated that only the Philippines criminalized torture, as it has a specific law on this issue. It is unclear whether specific legislation on torture is necessary, or if specific articles or provisions in the constitution or other laws is enough. This element of compliance defined by APT should be clarified in the final draft.
5. Multiple items for addition or alteration of the guidelines were raised by the SEANF members in addition to the comments submitted by e-mail. NHRCT suggested that the guidelines be made separate from the analysis, as well as be made more concise, so that the guidelines could be shared more easily with other agencies or public officials. PDHJ agreed that they would like to share these guidelines with police and military.

CHRP made multiple suggestions on how some of the language could be more inclusive. Ms. Zawawi raised the importance of allowing for subjectivity in some of the language, as some of the concepts associated with torture, such as severity of pain and suffering, would be ill-served in practice by a set threshold definition. Overall, Ms. Zawawi was given substantial comments and input to work with for the third and final draft.

6. It was decided that the deadline for the final draft would be 30 August 2019. Ms. Zawawi will send the third draft to PDHJ, who will then share it with the other SEANF members. If any SEANF members have additional comments or questions, they have the next two weeks to send them to Ms. Zawawi by email. She also said that if more communication is necessary to explain certain comments or elements of the guideline, that it can be arranged. The two-week limit was agreed upon to allow Ms. Zawawi to have time to integrate the comments into the draft in a reasonable amount of time before the 30 August deadline.

### **Adoption of the Agenda**

7. CHRP proposed amending an item on the agenda. The originally scheduled update on 2010 SEANF paper on Initiative on Migrant Worker Migration Paper was replaced with further discussion on Inter-NHRI Inquiry Panels.
8. NHRCT proposed to include a discussion on their concept paper on business and human rights, which was put in the “Other Matters” timeslot for 24 July.
9. The rest of the agenda was adopted without issue.

### **Adoption of the Report of the First Technical Working Group Meeting, April 2019**

10. The delegates were asked to present objections or necessary amendments regarding the Concluding Statement of the First Technical Working Group Meeting, April 2019. The Myanmar delegate asked that the word “process” on the third paragraph of point 3.4 of page 4 be altered to “project”. The alteration was made and there was no further comments or objections to the text presented. The delegates approved the adoption of the Concluding Statement of the First Technical Working Group Meeting, April 2019.

### **Sharing of Major Developments and Activities since the 1<sup>st</sup> TWG Meeting 2019**

11. Each SEANF member shared major developments and activities since the last TWG in April. Many topics were covered, including monitoring and evaluation, as well as awareness-raising, on various human rights issues, including some notable highlights from each NHRI. PDHJ shared about their efforts with healthcare in public

hospitals, specifically with right to water, plus education of high school students on human rights issues, particularly human trafficking. Komnas HAM shared progress on addressing research and study on racial discrimination, and shared public awareness activities, especially about police training, as well as monitoring of prisons and detention centers. SUHAKAM implemented training modules to school teachers and hosted a high-level dialogue on business and human rights, as well as a regional conference on UNCAT. MNHRC shared their progress with capacity assessments, strategic planning, and necessary legal amendments to its enabling law. CHRP brought up their efforts on climate change, climate justice, and work on older persons, as well as continued advocacy against the reinstatement of the death penalty. NHRCT highlighted their work on trans-boundary issues with AICHR and ACWC, as well as human rights education. Additionally, Komnas HAM, SUHAKAM, and CHRP have worked together to address statelessness.

### **NHRCT: Draft Concept Note on SEANF Members' Capacity Strengthening and Effective Communication Channels**

12. NHRCT proposed a concept for capacity building and possibility effective communication channels among SEANF members including reviving the SEANF's Facebook page (which had not been updated since 2016), creating a WhatsApp group chat to facilitate more informal communication among SEANF staff members, and re-instituting the SEANF website (which had been deactivated in 2017 due to end of funding from EU). It was decided that CHRP would form a draft proposal for funding for the website and NHRCT would form a draft guideline of content and use for SEANF members for all social media such as FB, website, twitter, etc. to be presented at the Annual Meeting. SUHAKAM proposed that PDHJ begin to post SEANF activities on the Facebook page, such as a post on this TWG. All SEANF members agreed that, until guidelines could be established for the content and use, a post on activity that all members agreed was appropriate could be posted. Until the guidelines have been formalized, the acting chair NHRI would seek approval from all SEANF members via email of proposed posts before posting anything on the SEANF Facebook page and set the deadline for the approval. PDHJ is willing to begin posting from the SEANF Facebook page once they receive the log-in information for the page. PDHJ will create a WA group after receiving the WA numbers from the delegates

### **Komnas HAM: Progress on Establishment of SEANF Permanent Secretariat**

13. Efforts have been made by Komnas HAM towards the establishment of SEANF Permanent Secretariat in Indonesia. The next steps include a discussion on the SEANF paper and drafted Presidential Decree to allow Komnas HAM to have legal basis for an international organization. SEANF members have asked to view the draft decree to be

able to study any legal impacts or impediments that may arise from the proposed draft. Komnas HAM stated that the host country agreement requires that the Indonesian government contact and seek the approval of the Ministry of Foreign Affairs of Indonesia to settle this issue. CHRP and PDHJ also raised concerns about whether this would undermine the independence of the NHRIs. Komnas HAM will underline the independence of the SEANF Permanent Secretariat. All delegates agreed that they need more information on timeline, host country agreement, legal provisions, road map and other background information.

### **CHRP: Inter-NHRI Inquiry Panels**

14. More discussion was had on idea of Inter-NHRI Inquiry Panels. SEANF members were made to better understand the concept and manifest interest in learning more about participation. Once the mechanism to regulate the work of the Inter-NHRI Inquiry Panels is set up, the NHRIs would participate in the Inter-NHRI Inquiry Panels on an ad hoc basis, depending on the topics being pursued. The Inter-NHRI Inquiry Panels could also be used as a think tank, or a communication tool to share experiences and best practices on specific issues. CHRP will put together more formal information on the Inter-NHRI Inquiry Panels to be shared at the Annual Meeting.

### **NHRCT: Business and Human Rights**

15. NHRCT's concept note on business and human rights will be the base for the Regional Seminar on Human Rights planned for June 2020. Its objective is to discuss issues related to the relationship between business and human rights, based on efforts made by NHRCT in the past three years. Participants in the seminar are expected to be attended by 4 persons from each country, who could be from NHRI, government, or private sector. The discussion of the seminar would be based on UN Guiding Principles and best practices. NHRCT is expected to share more information with SEANF members on the cost of participating.

### **PDHJ: Rights of Persons with Disabilities (PWD)**

16. PDHJ gave a presentation based on the draft report on the SEANF Baseline Paper on the Rights of Persons with Disabilities in Southeast Asia. As all SEANF members either have or will soon ratify the CRPD, the analysis is based on the tenants of that convention. The presentation discussed the CRPD, the SEANF Action Plan on PWD, and an overview of the report, including best practices, challenges, achievements, and gaps. Recommendations for NHRIs were also discussed. The draft baseline paper and the draft Statement on the Rights of People with Disabilities in Southeast Asia will be circulated

so that each member can add updates on PWD practices in their country if necessary. A deadline of 15 September has been set for PDHJ to receive final comments from SEANF members on the baseline paper and the statement. Comments will be integrated in to the final drafts to be presented at the Annual Meeting.

### **Discussion on Preparation for the 16<sup>th</sup> SEANF Annual Meeting in Dili, Timor-Leste in October 2019**

17. The Provisional Agenda for 16<sup>th</sup> SEANF Annual Meeting in Dili Timor-Lestewas discussed with all members. The tentative dates are 23<sup>rd</sup> and 24<sup>th</sup> of October, with the possibility of extending to a third day. The main topics to be addressed at the Annual Meeting will include:

- Sharing of major development or activities since the 15<sup>th</sup> SEANF Annual Meeting;
- Third and final draft of the APT guidelines, which will be will be presented at the SEANF Annual Meeting for member approval;
- NHRCT requests adiscussion on the rules and procedures of SEANF, especially on the provision of funding arrangement;
- NHRCT will present draft guidelines for use of the SEANF social media platforms;
- CHRP will present the draft proposal for funding for the SEANF website;
- Komnas HAM will present further information and developments on the establishment of SEANF Permanent Secretariat;
- CHRP will present the framework of cooperation for the Inter-NHRI Inquiry Panels;
- NHRCT will provide more information regarding the activity on Business and Human Rights in June 2020;
- PDHJ will present an updated and final baseline paper and statementon the rights of persons with disabilities in Southeast Asia;
- SUHAKAM will share the findings on theirpublic inquiry on enforced disappearance and the investigation report on human trafficking;
- Komnas HAM, SUHAKAM, and CHRP will be signing an agreement on statelessness.

18. Potential participants include:

- Komnas HAM: Chairperson, 1 commissioner, and 1 staff member;
- SUHAKAM: Chairperson, commissioners, and additional staff members;
- MNHRC: Chairperson and 1 commissioner;
- CHRP: 5 commissioners, including Chairperson;
- NHRCT: Chairperson, secretary general, and 2 staff members.