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Report of the 1st Technical Working Group Online Meeting
Southeast Asia National Human Rights Institution Forum (SEANF)
Cisco Webex, Jakarta, Indonesia
12 – 14 May 2020

The Southeast Asia National Human Rights Institutions Forum (SEANF) consisting of the National Human Rights Commission of Indonesia [Komisi Nasional Hak Asasi Manusia (Komnas HAM)], the Human Rights Commission of Malaysia [Suruhanjaya Hak Asasi Manusia 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 for Human Rights and Justice of Timor Leste (PDHJ), held the 1st *Technical Working Group (TWG) Online Meeting of the SEANF* in Jakarta, Indonesia on 12-14 May 2020.

1. Opening Remarks

1.1 Chairperson Ahmad Taufan Damanik of Komnas HAM welcomed the SEANF members to present an online meeting through Cisco Webex.

1.2 The conference focused on the issues of access to human right that is important in pandemic to region. NHRI focuses the effort on approaching the government policy in handling Covid-19 which be solidarity to pass as a single global solution. NHRI will keep up the efforts to interfere with the government policy for asserting human rights perspective, consolidation, and solidarity

1.3 Komnas HAM, as the outgoing chair, expressed its commitment to strengthen the SEANF in the coming years and to continue to be a participant and interlocutor in the SEANF. The Commission hopes that under the Chairmanship of the Indonesia Commission, SEANF will

finally make the resolutions necessary for the permanent secretariat, with Indonesia helping to create the roadmap.

2. The Adoption Agenda of the 1st TWG

2.1 The adoption of the TWG 1 SEANF 2020 was adopted by an amendment from NHRCT, namely the inclusion of updating Business and Human Rights activity which later will be discussed on other matters section in day 3 (three).

2.2 TWG 1 2020 main objective is to ensure that SEANF's members have access to sound credible and legalize information, analyses, and all other tools needed to design and implement human rights paradigms of many covenants in their government's policies. Each SEANF Member shall present the developments and activities post 16th Annual Meeting of SEANF.

2. Sharing of Major Developments and Activities since the 16th Annual Meeting 2019

2.1 PDHJ shared an overview of the situation within the country. Though the budget system in Timor Leste decreased the program budget, PDHJ still could run the prioritized program, such as information dissemination on human rights and trafficking in person, on Business and Human Rights, the rights of vulnerable groups (persons with disabilities, women, children, indigenous peoples and minorities, older persons, LGBTIQ persons), Sustainable Development Goals (SDGs), including the right to clean water, technical assistance by APT on torture prevention, the celebration of International Human Rights Day with global theme "Youth Standing for Human Rights".

2.2 NHRCT reported the appointment of four National Human Rights Commissioners ad interim and the selection status of the 4th batch National Human Rights Commission and the current activities relating to Business and Human Rights also human rights education. NHRCT celebrated Human Rights Day and organized many activities on the theme "Modern Thai Society Caring for Human Rights". NHCRT cooperated with international organizations by participating in the Regional Workshop on Human Rights, Gender Equality, and Environment in the Framework of SDGs: Workshop for NHRIs at Holiday Inn Silom, Bangkok on 2 December 2019 and the AICHR Consultation on Freedom Opinion, Expression and Information in ASEAN.

2.3 MNHRC was reconstituted with 11 Commissioners including 4 Lady- Commissioners and the Chairman on 14 January 2020. MNHRC conducted the following activities during the past four months, namely giving human rights awareness. MNHRC sent the recommendations on

the Protection and Prevention of Violence against Women (POVAW) Bill to the Speaker of Pyidaungsu Hluttaw/ Union Parliament and sent the comments and recommendations on the Right to Information Bill to the Ministry of Information. MNHRC engaged with International and National Mechanisms for further cooperation in the field of human rights, such as UNDP, Democracy Reporting International (DRI), CSOs, and foreign ambassadors and diplomats. MNHRC issued a Statement requesting CSOs, NGOs working in the field of human rights to provide their profile and contact details for further engagement, coordination and cooperation with MNHRC, and a Special Statement on the Presidential Pardon and statement on the announcement true or force ceasefire.

2.4 CHRP had four (4) major activities; protection, promotion, policy, and prevention. Protection cluster has the main program, CHR Legal Caravan Clinic. For the Promotions Cluster, CHRP held an advance celebration of Human Rights Week, launched the Celebration of the National Human Rights Consciousness Week, CHRP also did advocacy, campaigns, and communications training workshops and lobby workshops for the passage of the Human Rights Defenders Bill the Policy Cluster, focused on the activities of the Gender and Women Human Rights Center (GEWHRC), Economic, Social and Cultural Rights (ESCR) Center, Child Rights Center (CRC), and Center for Crisis, Conflict and Humanitarian Protection (CCCHP). Other important CHRP works are monitoring of the persons deprived of liberty situation Pre and During the Pandemic particularly on informing the Department of Justice about the OHCHR Guidelines in Places of Detention during the Pandemic, and to fast track the release of detainees, and provided personal protective equipment (PPEs) to the places of detention, drafting of the National Preventive Mechanism Bill, becoming Ad Hoc Secretariat of the Interim NPM. The CHRP, likewise, shared about their Strategic Communications Division's initiatives in disseminating human rights public information through mass media and social media.

2.5 SUHAKAM had Debate of 2018 Annual Report at the House of Representatives for the first time in history, organized a Dialogue on Business and Human Rights, signed a Memorandum of Understanding with the National Human Rights Commission of Nepal, co-organized a forum entitled StandUp4HumanRights for Human Rights Day, launched the Code of Conduct for the Promotion of Equal Opportunities through the Elimination of Racial Discrimination, conducted a public inquiry into the disappearance of individuals, organized a consultation with children and

organized a Dialogue on the Human Rights Developments in Malaysia and Ways Forward alongside the high-level segment of the 43rd Session of the Human Rights Council in Geneva.

2.6 Komnas HAM had three (3) strategic issues on its work Settlement Gross Violations of Human Rights, Human Rights-Based Agrarian Conflicts Resolution, and Eradication of Radicalism and Intolerance. For Settlement Gross Violations of Human Rights, Komnas HAM had a press conference entitled "a decision of Komnas HAM Special Plenary Session of the Paniai Case 7-8 December 2014 as Settlement Gross Violations of Human Rights". It was informed on the press release that the number of cases of settlement gross violations reached three investigations by 2019. Paniai, the latest cases were resolved. In dealing with Human Rights based agrarian conflict, Komnas HAM had made the policy paper to accelerate alternative ways to penetrate agrarian institutional policies and resolve agrarian conflict. Meanwhile, for the eradication of radicalism and intolerance, Komnas HAM had created the recommendation of the eradication of terrorism draft bill became the law/regulation, reviewed and recommendation of norms and regulatory standard on freedom of belief. Komnas HAM also had six (6) special issues and events. Such as Human Rights Festival, International Human Rights Day, Proactive Complaint Mechanism, SDGs, cooperation with some stakeholders, NPM initiatives became special issues. Komnas HAM held Human Rights Festival 19-21 November 2019 at Jember, East Java. It presented 81 speakers in collaboration with the International NGO Forum on Indonesia Development and Indonesia Presidential Staff Office. Besides the Human Rights Festival, Komnas HAM also held two big events in commemorating Human Rights Day which was attended by The Indonesia Vice President. On that event, the government had a commitment to resolve past human rights violation cases. The second event was the seminar 'Two decades of Law no. 39 of 1999 about Human Rights: Reflection and Projections' initiated by Komnas HAM and House of Representatives. Three recommendations had been declared in that seminar; the settlement of cases of gross human rights violations, natural resources conflicts handling, problems of intolerance, discrimination, and extremism. Besides, Komnas HAM held National Seminar on Human Rights-Friendly Agrarian Conflict Resolution, on 12 December 2019 and also held National Seminar and Workshop Reflections on the Implementation of the mediation function in Indonesia: 20 years of mediation function. Komnas HAM also held Regional events such as questionnaire NHRI: EU Project- Regional Workshop for 13 NHRIs in Asia Pacific Region, arranged Regional Workshop on SDGs, and the role of NHRIs in the Asia Pacific

Region in Bangkok on 23-24 March 2020 in collaboration with DIHR and NHRCT. On 17-18 December 2019, The chairperson of Komnas HAM was invited as a speaker at the 3rd International Conference on the protection of Human Rights in Eurasia. On 11-14 November 2019, Komnas HAM attended ASEAN Intergovernmental Commission on Human Rights (AICHR) Consultation on Realisation of the Rights to enhance the ASEAN Community. Besides, Komnas HAM had supported and assisted the crucial consideration to the government, The Ministry of Foreign Affairs of The Republic of Indonesia that elected as a member of the UN Human Rights Council 2020-2022 period at the UN General Assembly in October 17, 2019. Furthermore, Komnas HAM held a discussion meeting of the Host Country Agreement of SEANF Permanent secretary with stakeholders from six ministries on 11 December 2019. Komnas HAM informed that they led the integrated discussion between five institutions, including Komnas HAM, Indonesia Violence against Women National Commission (Komnas Perempuan), the Indonesia Ombudsman, the Witness and Victim Protection Agency (LPSK), and the Indonesia Child Protection Commission (KPAI).

3.0 Sharing on NHRI Roles at the times of COVID 19 Pandemic

3.1 Komnas HAM provided several recommendations for Indonesia COVID-19 Task Force. Due to the growing concerns on COVID-19 pandemic, Komnas HAM has conducted a study of the "Human Rights Perspective on Management of COVID-19" which has produced Position Papers and 18 (eighteen) Policy Recommendations that were submitted to the President of Indonesia on March 30, 2020. Komnas HAM emphasized that health protection is the right of all people, for that government must ensure there is no discrimination and provide equal access for everyone to health services. Komnas HAM also made public discussion about "Fulfillment of Rights and Protection of Workers that Affected by Covid-19 " and "Worship Practice in Ramadhan during Covid-19", a periodical progress report on the management of Covid-19 based on 18 (eighteen) Policy Recommendations; Recommendation Letter to local government about Human Rights Perspective on Large Scale Social Restriction (PSBB) Implementation; Appreciation Letter to Government of Indonesia; Comparative Study on Management of Covid-19 nationally and in 6 (six) representatives regions of Komnas HAM.

3.2 On the COVID-19 updates, CHRP emphasized the importance of the government's national plan to view the pandemic as a right to the health issue, which must be implemented with a strategy to cope with the pandemic, allowing for short-term, medium-term, and long-term scenarios and multiple settings. CHRP emphasized the need to respond to the specific needs of Internally Displaced Persons especially the social and economic impacts brought by this national health emergency. The Commission called on all stakeholders, including employers and business enterprises to take proactive action, and adopt a more cooperative and human rights-based approach to ease the burden and mitigate the social and economic risks of the COVID-19 pandemic, while maintaining an environment for continued employment, decent work, and commercial activity. The Commission also mentioned the monitoring of HRVs during the pandemic, including excessive use of force in implementing movement restrictions.

3.3 SUHAKAM presented its efforts in response to COVID-19 in Malaysia. Due to restricted movement, SUHAKAM's role had been mainly advisory and advocacy. SUHAKAM communicated with enforcement agencies especially in situations where human rights are being violated specifically those in detention of and when charges are brought upon alleged offenders of the Movement Control Order (MCO). SUHAKAM also urged the authorities to cease the arrests of undocumented migrants, in the interest of public health efforts to contain the disease. SUHAKAM organized 7 online consultations with representatives of vulnerable communities and NGOs/CSOs who have been working with the respective communities from 9-23 April 2020. The list of issues and recommendations was compiled and submitted to the relevant agencies including the National Disaster Management Agency (NADMA) to take on remedial action among others. SUHAKAM also issued press statements based on the findings of the online consultations highlighting the negative impacts on the vulnerable communities, and challenges face a result of the (MCO) implemented to control the spread of COVID-19.

3.4 NHRCT had issued a measure to provide human rights protection services to the public that must not be affected while the office of the NHCRT working from home from 20 March 2020 to 31 May 2020. NHRCT had issued 2 statements to support the government in controlling the spread of the Covid-19 pandemic concerning human rights and requested the government to protect the human rights of all vulnerable. NHRCT resolved to assign the office of the NHRCT to review the Annual Action Plan by adjusting budgets and activities. NHRCT had translated the speeches, guidelines, and recommendations for implementation on human rights promotion and

protection in the COVID-19 pandemic of the HCHR, OHCHR, and other UN-affiliated organizations. NHRCT also has monitored the situation and the impact of COVID-19 on the vulnerable groups and monitoring government measures with human rights perspectives. Myanmar has followed a whole-of-nation approach. The central committee for the prevention, control, and treatment of COVID-19 make sure no one is left behind in this measure. MNHRC has to follow the health guidelines and instructions. As a result of this, human rights promotion and educations have to be suspended. However, the complaints are, as usual, investigated at the commission and addressed to the relevant minister and department. To conduct social distancing effectively MNHRC needs to upgrade the IT System, English language training, and hold dialogue or video conference. PDHJ made a public statement calls for the Government obligations particularly to the rights to life, the right for receiving information regarding COVID-19's prevention including quarantine, treatment and isolation, mitigation, and integration of patients to their family and community, PDHJ also calls for the State's obligation to protect worker's rights, the right to health, and on the rights of privacy of the patients of COVID-19. PDHJ made some recommendations in its public statement to the Government and delighted that some recommendations were taken into consideration, an example was a sign language translator has been taken on board in daily press conferences including in the national broadcasting media. PDHJ internally developed an analysis on Measures to Decrease Prison Population, and possible measures to be taken in Timor-Leste.

4.0 Discussion of Issues Initiated by CHRP and NHRCT to present guidelines for use of SEANF social media platform and the approval of guidelines.

4.1 NHRCT informed SEANF members of the revised draft. Meanwhile, CHRP had submitted its written comments/inputs while other SEANF members agreed to provide written inputs. CHRP clarified the posting mechanism of social media administrators.

4.2 SUHAKAM hoped that the working group would not be a controlling mechanism that could stop the sharing of information on what was happening in the region. It should be clearly stated that there should not be any way of blocking information. SUHAKAM on the view that point 5.2 is problematic as the role of NHRIs is to check on laws, rules, and regulations that are by nature against human rights.

4.3 MNHRC suggested replacing the first sentence of paragraph 2 of 3.1 which The Working Group shall approve social media content and posts to be uploaded based on consensus among the Working Group's members. The Working Group shall coordinate their work.

4.4 SEANF members agreed that the dummy social media platform should be set up in a month parallel with the development of the guidelines.

NHRCT to present updates on SEANF Anti – Torture Guidelines

4.5 SEANF members agreed for the guidelines be adopted by NHRCT by July 2020 followed by a launch of the guidelines. Komnas HAM reminded SEANF Members that NHRCT will conclude the process of the guideline before the annual meeting.

5.0 CHRP to update Baseline Papers on the Rights of Older Person in South East Asia

5.1 All SEANF members appreciated the baseline paper on the Rights of Older Person that has been developed two years ago. In this meeting, SEANF members also discussed that the guidelines shall cover a sense of humanity and the mechanism of social context, the provided data might become a concern as well.

6.0 CHRP to update Baseline Papers on the Migrant Workers in South East Asia

6.1 CHRP noted impacts on migrants and members of their families. Migrants are thus more likely to be either young or of working age and are part of the response by working in critical sectors. The medic, paramedic, and domestic sectors became crucial in the pandemic.

6.2 CHRP proposed 2020-2021 activity of SEANF on migration and human rights update of the 2010 SEANF policy paper on migration: a baseline paper to monitor implementation of treaties and laws; advisory on protecting the rights of migrants and members of their families in South East Asia during and after the pandemic response and recovery; or statement on the current global health and human rights emergency impacting migrants and members of their families.

6.3 SEANF members agreed to provide inputs on the proposed SEANF activities by 18 May 2020 to CHRP.

7.0 MNHRC's inputs under "Baseline Papers on the Migrant Workers in South East Asia".

7.1 MNHRC measures in Myanmar on the rights of the migrant worker, the Law relating to Overseas Employment 1999, was enacted with 4 objectives; 1) To enable the systematic utilization of human resources of the State for building a modern developed state; 2) To create overseas employment opportunities; 3) To protect the rights and privileges of workers, and to enable the systematic use in the country of the experience and skills gained abroad. This law is now being reviewed to reflect the current situation in the country.

7.2 MNHRC informed that Public Overseas Employment Agency was established in 2010 and has sent 1,092,419 workers abroad from 1990 to 2019. MNHRC reported A significant measure to protect the rights of migrant workers is the opening of pre-departure orientation courses in Yangon and Mandalay where awareness-raising lectures on dos and don'ts, cultures, and laws of the recipient countries are given. Before departure, migrant workers are provided with valuable information on contact persons and organizations. From 2017 to 2018, undocumented Myanmar workers in Thailand were issued with the Certificate of Identity - CI, to become documented workers. MNHRC reported that Myanmar now has Labour Attaches in Myanmar Embassies in Thailand, Malaysia, and the ROK. In countries where there is no labor attaches, the Embassy concerned addresses the Labour disputes. MNHRC by way of The Central Committee on Prevention, Control, and Treatment of Coronavirus Disease (COVID-19) had to make special arrangements to bring back those migrant workers stranded in Thailand, Korea, Malaysia, Singapore, and other countries in the Middle East. Under the arrangement, the Ministry of Foreign Affairs coordinated with the Myanmar Embassies in those countries and other relevant ministries in Myanmar and arranged relief flights to bring them back. On arrival at the Yangon International Airport, the Ministry of Labour, Immigration and Population, the Ministry of Health and Sports and the Yangon Region Government provided assistance to quarantine them for 21 days at the designated places or respective hotels by the immigration guidelines and health care processes such as social distancing, mask-wearing, and temperature checks. MNHRC informed migrant workers from Thailand had to return through Myanmar - Thai border gates. At the gates, they were screened by health workers from Myanmar and regional authorities undertake to transport them to the native states or regions where they will be quarantined. Due to the remaining restrictions in the countries they work in, there still are Myanmar migrant workers in those countries. The government is resolved to bring them back batch by batch.

7.3 SUHAKAM's inputs under "The CHRP roles of updating the 2020 SEANF migration paper and advisory requirement initiated by CHRP". SUHAKAM would like to propose for all three activities to be conducted starting with the immediate statement on the current global health and human rights emergency impacting migrants and members of their families in South East Asia during and after the pandemic response and recovery. SUHAKAM stated that the update of the 2010 SEANF policy paper on migration would be a useful advocacy tool to monitor ASEAN Government's efforts in implementing the declaration as well as to include MNHRC and PDHJ. We believe that this can be done simultaneously alongside the statement and advisory.

8.0 Komnas HAM to update the progress on the establishment of SEANF Permanent Secretariat.

8.1 Komnas HAM arranged four (4) meetings: 1st Inter-Ministerial Meeting for SEANF membership (13 August 2019) to engage with main stakeholders. It continued with an initial consultation meeting with the Indonesia Minister of Foreign Affairs (MoFA) on Host Country Agreement (HCA) and 1st Inter-Ministerial Consultation for HCA (18 October 2019 & 13 December 2019).

8.2 Komnas HAM will propose the coordination meeting especially with MoFA and the HCA draft of the SEANF Secretariat Permanent will be discussed with the government. SEANF members agreed to circulate the physical document of the RoP to be signed. Komnas HAM will manage to send one member to others and it will be submitted to the government of Indonesia.

Komnas HAM to update the progress of communication between SEANF and AICHR

8.3 Komnas HAM proposed to have a meeting SEANF and AICHR and suggested AICHR provide engagement with SEANF. SEANF proposed an informal meeting with AICHR representatives. All of them, except Laos, agreed to engage with SEANF.

8.4 SUHAKAM suggested having a meeting with AICHR. Komnas HAM, as SEANF chair, can host discussions with AICHR on topics; such as COVID-19. SUHAKAM supported the motion to have a working relationship with AICHR and will, itself, follow up with the AICHR Representative in Malaysia.

Komnas HAM to update the progress of SEANF website

8.5 Komnas HAM still needs more time to arrange internal coordination regarding grant fund management of the SEANF website.

8.6 SEANF members supported and agreed on the consistency framework of social media guidelines propose by NHCRT

8.7 Komnas HAM and NHCRT will conduct further discussion regarding SEANF

9.0 Discussion on the Modality of Technical Working Group 2 & SEANF Annual Meeting 2020 (Seminar NHRI and Prevention Mechanism)

9.1 SEANF Chairperson stated the 2nd TWG meeting will be held in the third week of July 2020 in Jakarta, Indonesia. SEANF chairperson proposed the Annual Meeting will be held in the last week of October 2020. The meeting will be set up online if the COVID-19 hasn't over.

9.2 The detailed agenda will be sent through email and SEANF members can discuss it.

9.3 CHRP proposed a lecture about SEANF Guidelines on Torture at the Annual Meeting.

9.4 Komnas HAM proposed a half day international seminar on the issue of the National Prevention Mechanism of Torture will be held in October 2020. SUHAKAM proposed to expand the notion and undocumented communities. Komnas HAM, CHRP, and SUHAKAM can also share examples based on the collaboration between the three NHRIs on statelessness issues and issues of documentation in Sabah. SEANF members agreed to this seminar as a side event for the Annual Meeting of SEANF 2020.

9.5 Komnas HAM and CHRP agreed to SUHAKAM's proposal to have a separate half-day seminar to discuss the issue of statelessness alongside the Annual Meeting. A draft concept paper will be prepared by SUHAKAM.

10.0 Other Matter

10.1 NHRCT updated regarding Business and Human Rights activities. A field trip was planned to be conducted in June 2020, but because of COVID-19, this activity is postponed until next year. SEANF members agreed to participate in this event.

Jakarta, 14 May 2020

Secretariat Komnas HAM

