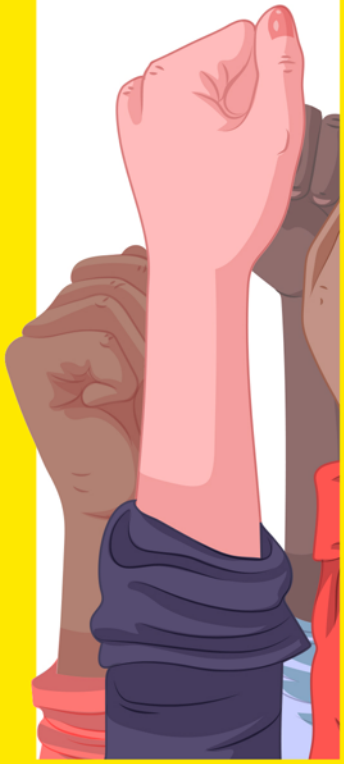
# CHAIRMANSHIP REPORT

**of the Indonesia National Commission on Human Rights (Komnas HAM) in the South East Asia National Human Rights Institutions Forum (SEANF) 2019-2020**





# CHAIRMANSHIP REPORT

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on Human Rights (Komnas HAM)
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Institutions Forum (SEANF) 2019-2020

2021

**PERSON-IN-CHARGE:**

SEANF Chairperson

**SUPERVISORS:**

1. External Vice-Chairperson of Komnas HAM Amiruddin
2. The Commissioner of Komnas HAM Sandrayati Moniaga
3. General Secretary of Komnas HAM Tasdiyanto
4. Head of Bureau for Planning, Internal Supervision, and Human Rights Cooperation Komnas HAM Esrom Hamonangan Panjaitan

**EDITOR:**

Secretariat of Komnas HAM

1. Sasanti Amisani
2. Sri Nur Fathya
3. Haris Agung Setyawan
4. Indah Wulandari
5. Sulistyawati Sasangka
6. Dewi Retna Dita

**LAYOUTER:**

Agus Riyanto

**ADMINISTRATION:**

Hidayatul Rohmi

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ACKNOWLEDGEMENT

# CHAIRPERSON'S NOTE

As a forum of National Human Rights Institutions in South East Asia region, SEANF was established based on the opinion that human rights are imperative the advances of international level, in general, and in the national level, exclusively.

SEANF is mainly committed to recognize human rights which include the rights of civil and politics, economics, social and cultural for individuals and groups regardless of race, ethnicity, religion, gender, sexual orientation, political views, social status, and disabilities for the sake of creating equality, justice, freedom and a life with dignity and without discrimination.

Through this opportunity, I encourage all parties to be at the forefront of supporting the promotion and enforcement of human rights.

The period of the chairmanship of Komnas HAM at SEANF is a historic moment since it was marked by the COVID-19 pandemic. Nevertheless, the pandemic does not dampen the activities of promoting and enforcing human rights for all SEANF members.

The members have successfully adapted to the fact that the work of human rights seems to raise hope; a hope for life without discrimination in all aspects of life. Even more, the hope of opening up fair and equal access to education, health, economy, and a better life.

Advocating the views of human rights has becoming even more crucial to the creation of a just, peaceful, and inclusive development. It is imperative for us to mobilize any resources in our possession to achieve the honorable goal.

As the Chairperson of SEANF, I would like to address my appreciation on the important roles that the members of SEANF have given their best effort in driving forward and upholding human rights in their respective countries. NHRI has and always will be both of the upstream and downstream for the victims of human rights violation. They have been relocated in a proper place and alternative naration through researches, publication, and recommendation have been made by NHRI.

Human rights are gifts that are inherent in every human being, but ensuring that this gift is still upheld requires hard work and sacrifice. Upholding and advancing human rights to conform to the lofty ideals of humanity can only be achieved through collective work, both at the national and international levels. On this basis, SEANF will remain relevant to the global dynamics and situation.

**Chairperson of SEANF**
**Ahmad Taufan Damanik**



INTRODUCTION

# ABOUT SEANF

The South East Asia National Human Rights Institutions Forum (SEANF) is a consultative body for human rights institutions in the South East Asia region. Initially, the forum was established through the signing of the Declaration of Cooperation in Bali, Indonesia on June 28, 2007 which was signed by four human rights institutions, namely Indonesia (Komnas HAM), Malaysia (SUHAKAM), the Philippines (CHRP), and Thailand (NHRCT) which named themselves as ASEAN Four NHRIs. Furthermore, the forum held the 4th Consultative Meeting of the ASEAN Four in Manila, Philippines in 2008, the forum officially agreed to use the name ASEAN NHRI Forum. ASEAN Four NHRIs became the forerunners of SEANF.

In its sixth year, the National Human Rights Institutions (NHRIs) held a meeting in November 2009 in Yogyakarta, Indonesia. This forum then again agreed to change the name from the ASEAN NHRI Forum to SEANF. SEANF aims to organize its members as a regional mechanism for the protection, promotion, and fulfillment of effective human rights for communities in the South East Asian region. The operational implementation of SEANF refers to the SEANF Rules of Procedures (RoP), which last amendment was provisionally on 10 November 2017 at the 14th Annual Conference in Manila. SEANF's work also refers to the 2012-2016 Strategic Planning and has been updated with the 2017-2021 Strategic Planning. The meeting mechanism to discuss SEANF activities is discussed in two technical meetings (Technical Working Group) and one Annual Conference (Annual Conference). If needed, SEANF can hold special meetings or additional meetings to discuss important issues.[1]

SEANF is a distinctive organization with a special character, where it has the mandate to promote, protect and fulfill human rights effectively in the South East Asia region. However, referring to the RoP SEANF, each national human rights institution has independence of members, so that SEANF will not affect the authority, scope of work and function of these institutions.[2]

Along its development, SEANF actively collaborates with stakeholders in their respective countries. Several issues has been the concern for SEANF member countries, including the issue of refugees, the elderly, people with disabilities as well as business and human rights issues.

The general objective of SEANF is to organize these human rights institutions in order to carry out the mechanism of promotion, protection and fulfillment of human rights for people in the South East Asian region.[3]

Meanwhile, SEANF's specific objectives are:

1) Strengthening SEANF as an independent and professional institution through capacity building and promoting cooperation and coordination among its members;
2) Promote the establishment and strengthening of

1. A Special Meeting to discuss *Rule of Procedure* on 2012 and other a meeting to discuss Permanent Secretariat pada 2016.
2. Rule of Procedure, Art. 7.
3. Rule of Procedure, Art.3.




national human rights institutions in South East Asia in accordance with the Paris Principles;

3) Strengthen networks with academic institutions, non-governmental organizations and civil society organizations, governments in the South East Asia region and international human rights organizations, especially APF and GAHNRI;
4) Establishing a Permanent Secretariat with sufficient financial and human resources;
5) Recommending laws, policies, efforts and remedies in the framework of protecting, advancing and fulfilling human rights in the South East Asia region in line with international human rights standards;
6) Take collective action in an effective and timely manner in responding to urgent human rights issues.

Currently, SEANF membership consists of 6 national human rights institutions, namely : *Komisi Nasional Hak Asasi Manusia Republik Indonesia* (Komnas HAM RI), *Suruhanjaya Hak Asasi Manusia Malaysia* (SUHAKAM), *Commission on Human Rights of the Republic of Philippines* (CHRP), *National Human Rights Commission of Thailand* (NHRCT), *Myanmar National Human Rights Commission* (MNHRC), dan *Provedoria dos Direitos Humanos e Justica* (PDHJ) of Timor-Leste.

As a regional NHRI network, SEANF plays an important role in protecting and promoting human rights in South East Asia. Working under a cooperative framework, SEANF members carry out joint projects or activities to discuss issues of common concern such as human trafficking, migrant workers, statelessness, business and human rights, corruption and others.

To strengthen and expand their network, they continue to strive to encourage the governments of each country in South East Asia to build independent human rights institutions. SEANF collaborates with the Asia Pacific Forum (APF), the Global Alliance of National Human Rights Institution (GANHRI) which was formerly known as ICC, Office of the High Commissioner on Human Rights (OHCHR), and other human rights organizations to further promote and protect human rights at the national, regional and international levels.

# The History of SEANF



**2004**

Komnas HAM, SUHAKAM, CHRP, and NHRCT

**Bilateral Joint Cooperation**

**28 June 2007**

The ASEAN NHRI's Forum Declaration of Cooperation in Bali, Indonesia was signed by Komnas HAM, SUHAKAM, CHRP, and NHRCT

**ASEAN Four NHRIs**



**2008**

4th Consultative Meeting of the ASEAN Four in Manila, Philippines

**ASEAN NHRI Forum**

**11-13 November 2009**

6th ANF Annual Conference in Yogyakarta, Indonesia

**SEANF**

# Approach to SEANF's Strategic Planning

**SEANF's Strategic Plan 2012-2016 - Strategic Plan 2017-2021**

**the Paris Principles**

**STRATEGIC AREA 5**
Effective and collective response to address human rights issues in South East Asia

**STRATEGIC AREA 4**
Common stance on human right issues

**STRATEGIC AREA 3**
Advocacy

**STRATEGIC AREA 2**
Networking and information sharing

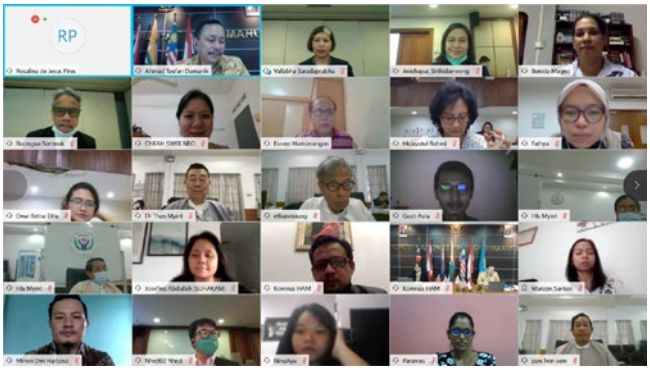
**STRATEGIC AREA 1**
Credibility and clear legal personality



PART ONE

# WORKS OF SEANF (DEC 2019-NOV 2020)





**a. Guidelines for the Use of SEANF Social Media Platform**

The initiation to develop Guidelines for the Use of SEANF Social Media Platform was initially presented by NHRCT at TWG 2 SEANF 2019, in Dili, Timor Leste, with the aim of establishing effective communication channels among SEANF members. This guideline regulates policies, communication flow management, duties and responsibilities of the SEANF communication working group and the Permanent Secretariat as well as the form of data that can be publicly released.

**b. SEANF Guidelines on Torture Prevention**

In 2017, SEANF and APT (Association for Prevention of Torture) members started collaboration in torture prevention and held intensive discussions to produce torture prevention guidelines. The SEANF torture prevention manual contains the experience and expertise of SEANF members in six main areas, ie.; mobilizing change, strengthening law enforcement and justice, increasing transparency in detention systems, protecting people in vulnerable situations and engaging the international community. The guidelines drafting process has been completed and it is planned to be adopted at the 16th Annual Conference of SEANF in 2019, when it was adopted in the form of an ad referendum pending approval from the NHRCT. Guidelines have been discussed twice in technical meetings 1 and 2 in 2020, and subject to pending approval of NHRCT.

**c. NHRI Roles at the times of COVID-19 Pandemic**

During the pandemic, NHRIs play an important role, including giving advice to the government through recommendations on how to protect human rights in the times of pandemic, sharing information and experiences with stakeholders regarding the protection and enforcement of human rights during the pandemic, and maintaining both virtual and non-virrual access to stakeholders. SEANF members made various efforts in order to maximize their role during the pandemic, which was presented virtually in TWG 1. At the 17th Annual Conference of SEANF, members adopted the SEANF Statement on the situation of Migrants and Members of their Families amid the COVID-19 crisis.



PART TWO

# SEANF'S MEETINGS



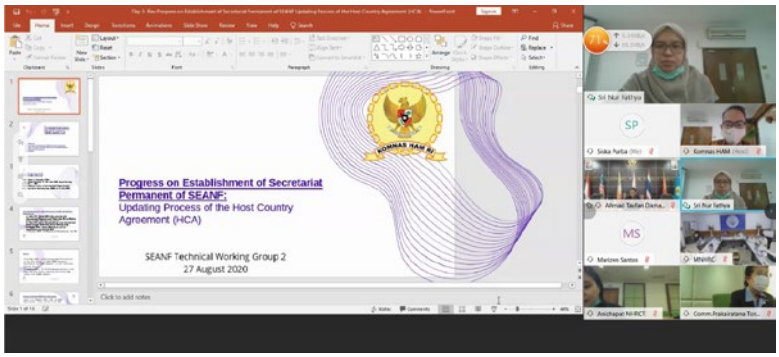
SEANF Chairperson Ahmad Taufan Damanik led TWG 1 Meeting.
Vice Chairperson of External Affairs of Komnas HAM Sandrayati Moniaga assisted the meeting.

## Technical Working Group 1 (May 12-14, 2020)

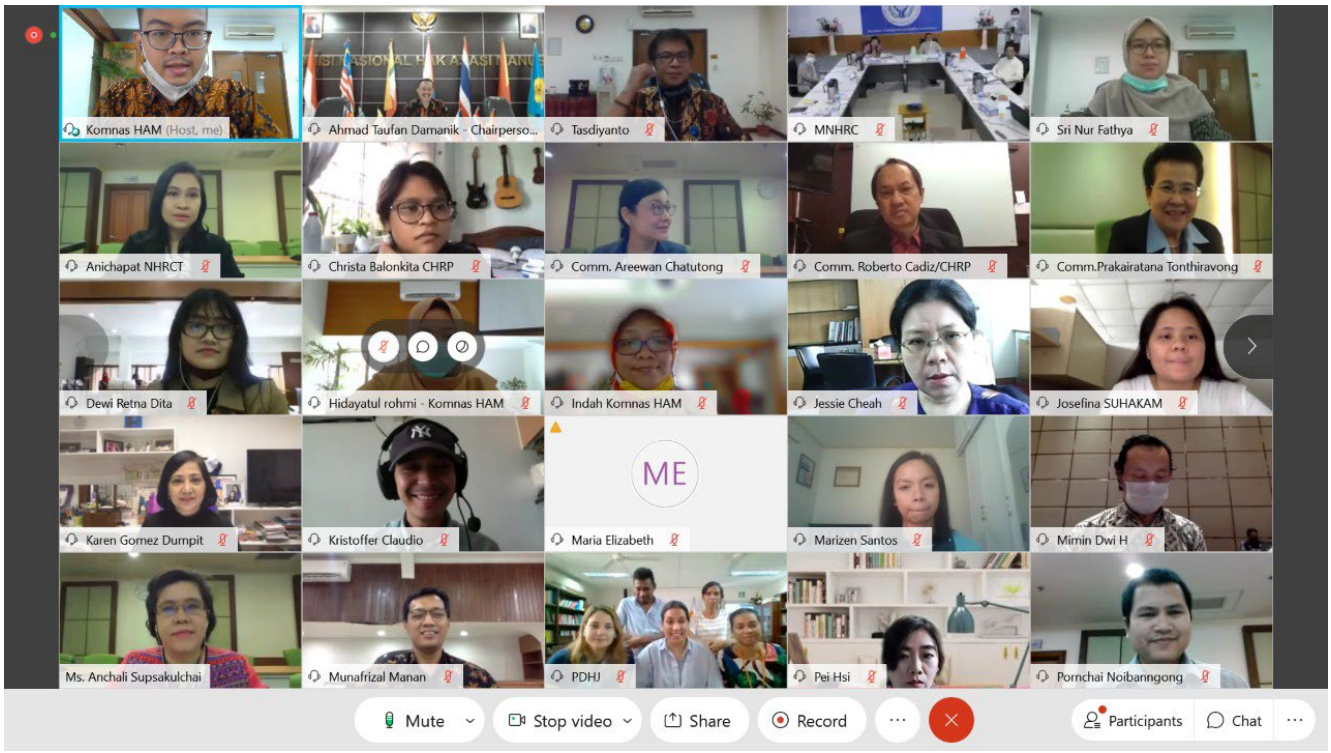
Komnas HAM hosted the Technical Working Group 1 South East Asia National Human Rights Institution Forum (TWG 1 SEANF) meeting on, May 12-14, 2020. This particular meeting was different compared to the previous ones since it was held via the Cisco Webex platform due to the COVID-19 pandemic.

The 55 participants consisted of 33 delegates and 22 observers representing 6 human rights institutions in the South East Asia region, namely Komnas HAM (Indonesia), Suruhanjaya Human Rights (Malaysia), 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 Provedoria dos Direitos Humanos e Justica (PDHJ) Timor-Leste.

Each member of SEANF presented their progress regarding the implementation supporting activities of human rights mechanisms in their respective countries. They also reported a number of efforts to encourage their respective governments to fulfill the basic rights of the people amid the COVID-19 pandemic.






Participants of TWG 2 Meeting

## Technical Working Group 2 (August 25-27, 2020)

Hosting the 2nd Technical Working Group Virtual Meeting of the South East Asia National Human Rights Institution Forum (TWG 2 SEANF) doesn't mean that Komnas HAM was merely organizing. The work proposal of the National Human Rights Institutions (NHRIs) in South East Asia is gradually taking shape with the utility support from Komnas HAM.

The first session was marked with the presentations from the NHRCT (Thailand) and CHRP (Philippines) which pointed out the guidelines for the use and management of the SEANF social media platform.

The second discussion from the NHCRT was about the development of Guidelines for the Prevention of Torture in the South East Asia Region. CHRP participated in presenting a draft baseline paper related to migrant workers and the various handling of cases concerning human rights defenders.

Komnas HAM also reported the progress of the SEANF Permanent Secretariat and the built-up of the SEANF official website on Thursday (27/8/2020). Sub-Coordinator for Inter-Agency Cooperation Sri Nur Fathya explained the process that has been initiated by Komnas HAM through the Host Country Agreement mechanism since July 2019.




Meanwhile, the establishment of the SEANF official website which was mandated since the 16th Annual Conference of SEANF in October 2019 in Dili, Timor-Leste is starting to be processed. Through an internal meeting, Komnas HAM produced a SEANF logo draft and a mock up of the SEANF website layout. The finalization of site creation and management is expected to be completed before the 17th Annual Conference of SEANF.

## 17th Annual Conference (November 24-26, 2020)

The series of annual SEANF events also marked the handover of the Komnas HAM to SUHAKAM, Malaysia as the Chairperson of SEANF 2020-2021. In the Annual Conference, several decisions were made, including:

1) **Discussion and approval of guidelines for use of SEANF social media platform**
   SEANF members moved to adopt the guidelines with amendments from SUHAKAM, CHRP, and PDHJ.
2) **The progress of SEANF website**
   Any inputs or new designs for SEANF website and logo should be finalized by 31 December 2020. It is projected to launch the final version at the TWG Meeting conducted by SUHAKAM in 2021.

SEANF Chairperson Ahmad Taufan Damanik opened the 17th Annual Conference. Head of Bureau for Planning, Internal Supervision, and Cooperation of Komnas HAM Esrom Hamonangan reported the development and activities since the 16th Annual Conference.



SUHAKAM Chairman Tan Sri Othman Hashim and Commissioner Jerald Joseph



CHRP Chairperson Jose Luis Gascon presented the report




MNHRC Chairperson U Hla Myint joined the Annual Conference within the Commissioners and staff members



NHRCT Acting Chairperson Prakairatana Thontiravong




Chairperson of SEANF Ahmad Taufan Damanik and the Vice Person of External Affairs of Komnas HAM Amiruddin opened the discussion at the 2nd session of the 2020 Annual Conference of SEANF




Komnas HAM handed over the SEANF Chairmanship to SUHAKAM




Side Event of the 17th Annual Conference

3) **Adoption of SEANF Statement on the situation of Migrants and Members of their Families amid the COVID-19 crisis**
Comments and revisions from SUHAKAM, NHRCT and PDHJ have been incorporated. CHRP updated the statement to include a paragraph on the Global Compact for Migration. The SEANF Members have adopted the statement.




The Annual Conference also presented two side events:

1) **Webinar on National and International Initiatives in Torture Prevention (24 November 2020)**
Komnas HAM and other four state institutions (The Ombudsman of Republic Indonesia, Witness and Victim Protection Agency, The National Commission on Violence against Women and National Commission on Child Protection) initiated the national prevention mechanism. The objectives of this Webinar are to strengthen SEANF commitment in developing regional model for prevention mechanism and have comparative initiatives in torture prevention; to promote the ratification of OPCAT and to share knowledge and experiences regarding to torture prevention. There are 116 participants on this event.









Side Event of the 17th Annual Conference



Acting Head of SUHAKAM Sabah Office Heflin Dino



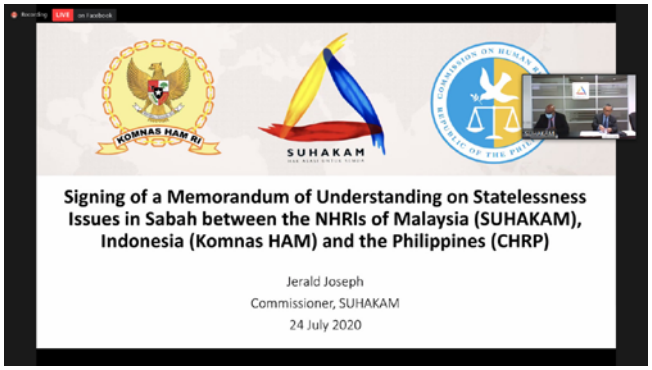
Statelessness Officer of UNHCR Asia Pacific
Matthias Reuss

**2) Online Dialogue on Stateless Issues in Sabah (November 25, 2020)**

The dialogue has been initiated by Komnas HAM, SUHAKAM, and CHRP as the follow up discussion after tripartite MoU signing in July 2020. SUHAKAM, Komnas HAM, and CHRP intended this dialogue as a part of MoU Signing on Statelessness in Sabah. Six speakers from multi-stakeholders bring up various comprehensive perspectives. The discussion underlined the NHRIs' way to solve the statelessness issues that will be threatening the fulfillment of human rights. The solution requires a strong commitment from relevant stakeholders for implementing collaborative efforts among related authorities. There are 125 participants joined virtually.

PART THREE

# SEANF'S ACTIVITIES







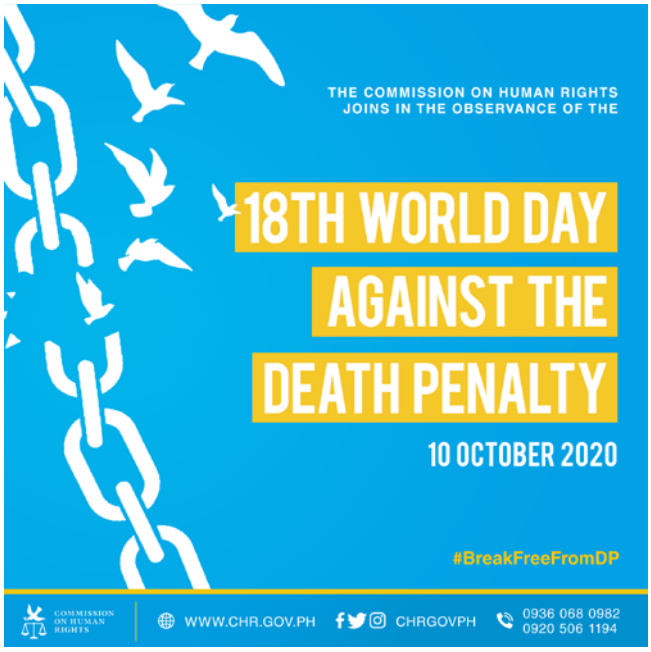
**Joint MoU Signing on Statelessness Issue in Sabah (July 24, 2020)**

Komnas HAM, SUHAKAM and CHRP signed a Memorandum of Understanding (MoU) on Statelessness Issue in Sabah with the objectives to strengthen their partnership through collaborating and the to encourage the handling and settlement of cases of stateless people in Sabah Malaysia, on July 24, 2020.

For the first time, the three members of NHRI signed virtually due to the COVID-19 pandemic situation. The limited meeting between these parties did not reduce the solemnity of the ceremonial event. The Chairperson of Komnas HAM Ahmad Taufan Damanik, SUHAKAM Chairman Tan Sri Othman Hashim, SUHAKAM Commissioner Jerald Joseph, and CHRP Commissioner Karen Gomez-Dumpit carried out the procession in an orderly manner witnessed by other commissioners, structural officials, and members of each NHRI. The initiation of cooperation between the three members of NHRI has started in 2019, when Komnas HAM and SUHAKAM signed an MoU on statelessness in Issue in Sabah, CHRP became an observer.

### The Commission on Human Rights of the Philippines (CHRP) Webinar Series (September 23, 2020)

CHRP reviewed the Anti-Terrorism Law which has been in effect in the Philippines since July 18, 2020, with academics, legal practitioners, and NGOs in the webinar "The Anti-Terror Law and Its Implications on Human Rights and Freedom: A Hard Look" on 23 September 2020. This webinar was held together with the Asia Pacific Refugee Rights Network (APRRN) and the UN Civil Society Advisory Committee (UNCSAS). A number of SEANF members also participated.




### Commemoration of the 18th World Day Against the Death Penalty (October 10, 2020)

CHRP commemorated the World Day Against the Death Penalty on October 10, 2020 by publishing two advocacy tools for solidify the rejection of death penaltiest in the form of the latest research entitled, "In Defense of the Right to Life: Analyzing Factors Affecting Filipino Opinion About Death Penalty" and the website of Right to Life. Komnas HAM as the Chairperson of SEANF invited all members to participate.

PART FOUR

# EXTERNAL RELATION



## Komnas HAM - ASEAN Intergovernmental Commission on Human Rights (AICHR)



**a. AICHR Consultation on the Realization of the Right to Development to Enhance ASEAN Community (Article 35-37 of the ASEAN Human Rights Declaration) (November 11-12, 2019)**

SEANF members actively participate in dialogues, including in exploring the implementation of ASEAN Human Rights Declaration (AHDR) Article 35-37. The substance of AHDR is in line with the interests of developing human rights mechanisms in the South East Asia region.




**b. Jakarta AICHR Human Rights Dialogue (November 13, 2019)**

AICHR invited SEANF members to participate in a series of activities on the Roadshow on ASEAN Human Rights Declaration and the Role of AICHR at the ASEAN Secretariat in Jakarta on November 13, 2019. One of the events was the 2019 Jakarta-AICHR Human Rights Dialogue (JAHRD). As one of the NHRI stakeholders, SEANF contributed to the discussion on the achievements, obstacles and challenges of implementing human rights principles and mechanisms in the South East Asia region.

c. **2019 AICHR Regional Dialogue on The Mainstreaming of the Rights of Persons with Disabilities in the ASEAN Community (Gender Perspectives on Disability Rights) and Disability Rights NHRI Roundtable Meeting (December 3-6, 2019)**

In conjunction with the commemoration of the International Day of Persons with Disabilities, the ASEAN Intergovernmental Commission on Human Rights (AICHR) held an annual activity, the activity was Regional Dialogue on Mainstreaming the Rights of Persons with Disabilities which was held in Bangkok, Thailand. The activity involved participation from ASEAN Sectoral Bodies, Government Agencies, NHRIs, organizations of persons with disabilities, and the ASEAN Secretariat.




The discussion highlighted several issues, including policies and political rights for women with disabilities, a gender perspective in the justice system, and disaster preparedness management for women with disabilities. The discussion also discussed issues of inclusive education for women with disabilities and the mainstreaming of gender and the rights of persons with disabilities in business, including a visit to Asia Pacific Development Center on Disability.

The Australian Human Rights Commission (AHRC) facilitated a roundtable meeting for NHRI representatives to ASEAN and related organizations in the 2019 AICHR Regional Dialogue side event on the Mainstreaming of the Rights of Persons with Disabilities in the ASEAN Community (Gender Perspectives on Disability Rights). The purpose of the meeting was to increase collaboration and information sharing between NHRI members in the Asia Pacific region on issues of rights of persons with disabilities and gender, including sharing of case studies, experiences, and the work of each NHRI member.

**d. Bilateral Meeting between Komnas HAM-AICHR Rep Indonesia (October 13, 2020)**

A virtual meeting has been initiated by the Indonesian Ministry of Foreign Affairs to discuss AICHR updates, Tuesday (13/10/2020). the Vice Chairperson on External Affairs of Komnas HAM, Amiruddin, delivered a number of perspectives on the work of human rights institutions. Meanwhile, Indonesian Representative to AICHR, Yuyun Wahyuningrum explained several other issues. AICHR plans a review meeting with a number of civil society groups that has gathered input




from stakeholder to formulate recommendations regarding AICHR terms of reference review. Komnas HAM supports the review as an effort to support independent state institutions and regional human rights mechanisms, one of which is by planning a meeting between AICHR Representatives and SEANF members.

**e. Special Meeting between SEANF and AICHR (November 25, 2020)**

This meeting has been proposed by SEANF member since 16th Annual Conference in Dili, Timor-Leste. Komnas HAM as SEANF Chair facilitated through a dialogue with AICHR Representatives in Indonesia and sent an official letter on behalf of SEANF dated 16th November 2020 addressed to AICHR Chair. The AICHR Secretariat responded on 18th November 2020 by email. AICHR conducted the closed virtual meeting on 25 November 2020. SEANF Chairperson noted two important things to collaborate each other on similar roles, secondly, SEANF-AICHR will share common areas that can be worked together in the future before December 2020.






All SEANF Members participated at AICHR and SEANF Special Meeting



## Komnas HAM RI-Danish Institute for Human Rights (DIHR)

The Asia Pacific Regional Webinar was held with the theme on "How NHRIs Work with the 2030 Agenda" for two days (28-29 / 9/2020). In this webinar, the participants who came from six different countries, including SEANF members, shared their experiences in monitoring and reporting the implementation of the Sustainable Development Goals (SDGs).

Attended by 55 participants, the webinar was opened by the Chairperson of Komnas HAM, Ahmad Taufan Damanik. The SDGs Team Leader for Komnas HAM Sandrayati Moniaga and Research and Study Coordinator of Komnas HAM, Mimin Dwi Hartono actively participated as participants and moderated the webinar.

This webinar is a follow-up of the EU Project SDGs survey questionnaire in early 2020. The respondents consisted of representatives from 18 NHRIs members throughout Asia Pacific. Some of them shared their strategies and tips in overseeing the implementation of SDGs related to the fulfillment of human rights. The representatives from the Australian Human Rights Commission, National Human Rights Commission of Mongolia, and Commission on the Human Rights of the Philippines shared the strategies in this session.




## Komnas HAM- the Asian NGOs Network on National Human Rights Institutions (ANNI)

Both institutions started their interaction at the 24th Annual Conference of the Asia Pacific Forum of National Human Rights Institutions (APF) in Seoul, Korea, 3-4 September 2019. ANNI opened a dialogue on common interests and potential future cooperation with SEANF. Komnas HAM as SEANF Chair noted in the 17th Annual Conference that it convened an informal virtual meeting with ANNI on 19 November 2020 to discuss the possible area of cooperation.


LIVE

PART FIVE

# OBSERVATIONS AND FUTURE DIRECTIONS

## Strengthening SEANF as an Institution

**a. Adoption of SEANF Rule of Procedures (RoP) Update**

The Rules of Procedure (RoP), which was temporarily formalized in 2017 during the Annual Conference in Manila, were opened to improvements, if deemed necessary, by the SEANF members. The RoP regulates the name, objectives, scope and function, membership, structure, chairmanship, executive board, secretariat, to name a few.

Under the consideration of current situation development, Komnas HAM and several other SEANF members intend to review the RoP. Currently, Komnas HAM will ask for input on the RoP which has been put effect by the members in 2017.

In the 17th Annual Conference, SEANF members agreed to sign the RoP that has been provisionally adopted in 2017. They agreed to insert 26 November 2020 in closing document without mentioning the place of signing. SEANF members agreed on the mechanism of RoP's signing and distribution. The signing will be done by e-sign and pen signature. Then, it will be circulated among six members.

**b. SEANF Permanent Secretariat**

SEANF Permanent Secretariat has been initiated since 2013 in Timor-Leste and in 2015 it was agreed that it is based in Jakarta. The Secretariat functioned is to support SEANF's work.

### The Process of Establishment SEANF Permanent Secretariat

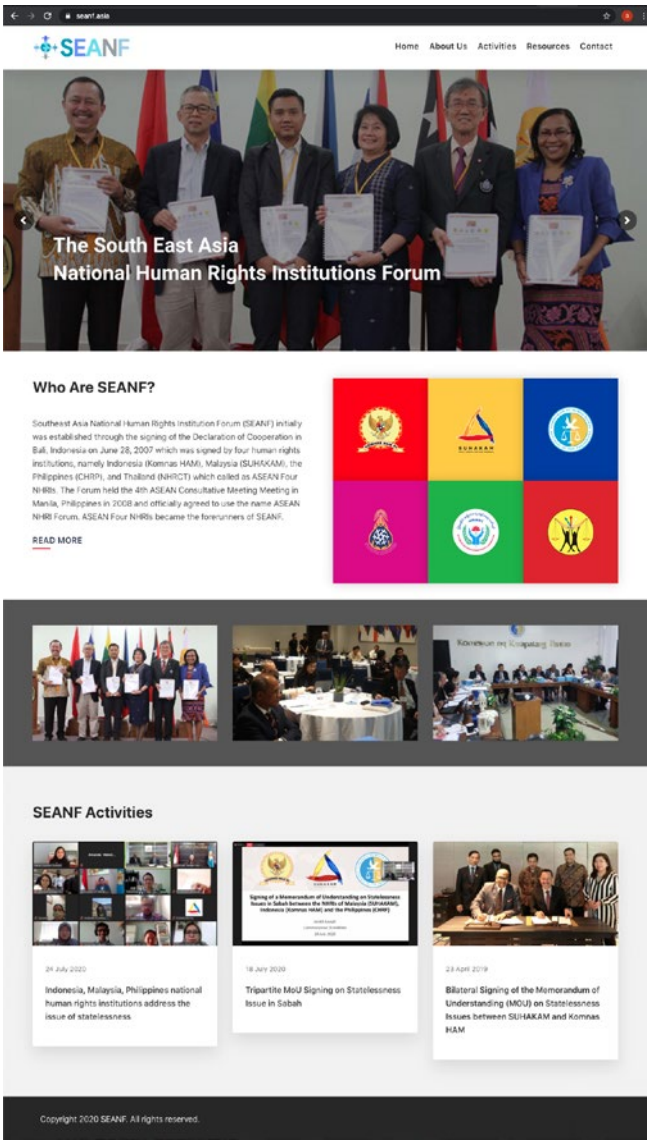
- **2013** It was initiated in Timor-Leste
- **2015** It was agreed that the SEANF PS based in Jakarta
- **Basic Rules:** SEANF Rules of Procedure (RoP) 2017, Concluding Statement of the 16th SEANF Annual Conference in October 2019, Recommendation Letter from International Organization Working Group of Indonesia (KKOI) on 15 July 2019
- **11 December 2019** Discussion with relevant stakeholders in Indonesia, among others: the Ministry of Foreign Affairs, Ministry of Finance, and Ministry of Law and Human Rights.
- **12-14 May 2020** Dissemination and distribution of the HCA draft to SEANF members at TWG 1
- **19 August 2020 and 10 November** Follow-up consultation with MoFA of Republic Indonesia
- Komnas HAM is still establishing this Permanent Secretariat in a past year. Legal basis: Host Country Agreement (HCA)
- Komnas HAM committed to continue the process of drafting the HCA within MoFA of Republic of Indonesia.
- The RoP must be formalized as the basic document.



Komnas HAM is still in the process of establishing this Permanent Secretariat. Komnas HAM is still carrying out several stages, namely the creation of a Host Country Agreement (HCA) as the legal basis for the Permanent Secretariat of SEANF. HCA regulates when international organizations open offices in Indonesia. In HCA there are rules regarding rights and obligations, legal status, and privileges and immunities of international organizations to carry out their functions in the host country (recipient country).

Currently the HCA draft is still being discussed with the Ministry of Foreign Affairs, Ministry of Finance, and Ministry of Law and Human Rights. Komnas HAM conducted several discussions on the draft before it was finally signed by the Minister of Foreign Affairs of the Republic of Indonesia.

Komnas HAM committed to continue the process of drafting the HCA within MoFA. Based on MoFA consideration, the RoP must be formalized as the basic document.




## SEANF Branding

**a. Website**

The SEANF website adopts the results of concluding the statement of the Annual Conference in Dili, Timor Leste. In the process, CHRP and NHRCT created the Proposal Creation of SEANF website. Komnas HAM as the chairperson of SEANF followed up by creating a website layout concept. In the Technical Working Group 1 Komnas HAM presented the results of an internal study on website development and received some input from SEANF members.












Komnas HAM has already developing SEANF's Website and inserted some materials from web archives into https://seanf.asia. Any inputs or new designs for SEANF website and logo should be finalized by 31 December 2020. The final version can be launched by the time of TWG meeting conducted by SUHAKAM in 2021.

**b. Logo**

Komnas HAM suggested the need for the SEANF logo to be displayed complementary to the content on the SEANF website. There are several initial logo concepts from Komnas HAM submitted at TWG 1 2020. The initial designs have been submitted in TWG 2, but there has been no input from SEANF members.

There are some inputs on SEANF logo design from SEANF Member that was suggested in the 17th Annual Conference. There are suggestions noting down an explanation for the symbols and details of each image within the logo. SUHAKAM supported to have 11 persons in the logo as it represents South East Asia region and suggested that front page of SEANF logo should be against white.

The members proposed the logo with blue background as the main option and changing the red-colored hand into the color that representing SEANF's color. Alternatively, if the forum decides to choose a logo with 6 (six) person, it is recommended to make some space for additional person in the future if more countries decide to join SEANF.

## Public Outreach

### a. Joint Press Releases

## Indonesia, Malaysia, Philippines national human rights institutions address the issue of statelessness

**QUEZON CITY**—The national human rights institutions (NHRIs) of Indonesia, Malaysia, and the Philippines—Komnas HAM, SUHAKAM, and the Commission on Human Rights (CHR) respectively—inked a memorandum of understanding (MOU) on Friday, 24 July 2020, to strengthen efforts in addressing statelessness and the protection of the rights and welfare of stateless persons and persons at risk of statelessness in Sabah.

The MOU signing was done remotely through a web conference, NHRI joined the MOU signing from their respective countries, and it was aired live on their official social media pages.

The new MOU builds on the previous efforts of Komnas HAM and SUHAKAM by adding CHR as a main signatory from being an observer in last year's cooperative agreement.

The exact number of people who may be affected by statelessness in the context of Sabah is difficult to establish because of the complexity of mixed migration and geopolitical issues surrounding the region. Stateless person are confronted with challenges of lacking or no documentation. The case in Sabah, many stateless persons are of Indonesian and Filipino descent. This scenario makes them vulnerable to dehumanizing crimes of trafficking, harassment, and exploitation.

Stateless persons who are "not considered as a national by any State under the operation of its law", are often deprived of their basic human rights, such as equality before the law and rights to work, education, healthcare, and to own a property.

Initial steps towards fully documenting stateless persons were already taken by the said NHRIs, alongside representatives from their respective governments, starting with a workshop in 2019.

In the coming months, Komnas HAM, SUHAKAM, and CHR will increasingly engage government agencies and stakeholders in their respective countries. Regional and international collaboration is also being sought, including a case referral mechanism. For Philippines, site visits are also eyed in the Sarangani Province, Davao, and Zamboanga in Mindanao as part of the NHRI cross-border community engagement in these affected areas.

NHRIs, focusses on human rights and humanitarian issues on the ground, and they always ready to mediate the dialogues between governments and relevant stakeholders.

As it is crucial and timely that the three NHRIs are intensifying efforts to work closely with their respective governments, and other stakeholders by ensuring that stateless persons are treated with dignity and their rights are upheld their rights, such as access to asylum and justice, decent work, education, healthcare, freedom of movement, liberty, and non-refoulement should be taken more seriously and also we have to make sure that there stateless person rights is being fullfilled.

**b. Joint Statements**

## South East Asia National Human Rights Institutions Forum (SEANF) Statement on the Situation of Migrants and Members of their Families amid the COVID-19 Pandemic

The South East Asia National Human Rights Institutions Forum (SEANF), comprising national human rights institutions (NHRIs) from 6 countries in the region, namely 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 Provedoria dos Direitos Humanos e Justiça (PDHJ) of Timor-Leste, issues this statement to draw particular attention to the plight of migrants and members of their families in South East Asia amid the COVID-19 pandemic.

The impacts of the pandemic, lockdown restrictions and emergency powers of States, on migrants and members of their families are greatly visible and alarming. We cannot stress quite enough how the rights and dignity of migrants and their families have been significantly affected by the pandemic and its health, socio-economic, and political repercussions.

Migrants, including undocumented, irregular, low-skilled migrant workers, refugees and stateless persons have faced and continue to experience xenophobia, discrimination, barriers to access to healthcare services and social protection measures, and exclusion in pandemic responses.[1] Migrant workers in the informal sectors, majority of whom are women, have been at greater risk of gender-based violence as stay-at-home orders posed difficulty in leaving abusive employers.

The International Labor Organization (ILO) estimated that the COVID-19 pandemic has affected a total of 2.7 billion workers, or around 81% of the world's workforce.[2] Lockdowns and related business disruptions, travel restrictions, and other containment measures have had drastic impacts on workers and enterprises. Migrant workers are part of this affected workforce who are pushed to return to their home countries for loss of jobs. Aside from difficulties to secure basic livelihood, and insufficient support and services for their return journey[3], migrant workers also face other challenges such as poor conditions in quarantine facilities and lack of adequate health care and transportation. There are also reports of cases of wage theft wherein migrant workers are sent home without salaries or other employment benefits and with no recourse or means for redress.[4]

SEANF recognizes the plight of the migrants and members of their families who grapple with the loss of their jobs or income and who may experience fear and suffering as a result of the pandemic. SEANF members also offers its deepest condolences to migrants and their families who have lost loved ones to COVID-19. The pandemic has highlighted the contributions of migrants in their host and home countries (which

1. International Labour Organization, "ILO Monitor: COVID-19 and the world of work. Second edition. Updated estimates and analysis," 7 April 2020, *available at* https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms_740877.pdf (Last accessed: 23 April 2020).
2. *Id.*
3. *Id.*
4. Justice for Wage Theft Campaign, https://justiceforwagetheft.org/en/page/kjolr2n202 (Last accessed: 20 November 2020).

by the way have always been significant even before COVID-19) – migrant workers are considerably part of the healthcare workforce who are the front liners in the pandemic response; they are also the backbone of the food and service industry making sure that people who are in quarantine are provided with their basic necessities.

Noting the Governments' initiatives to address the concerns of migrants and their families, SEANF wishes to underline the importance for the sending and receiving member states of ASEAN and South East Asia to ensure the full and effective implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, taking into account the fundamental rights and dignity of migrant workers and family members especially on the protection from exploitation, discrimination and violence, and proper labour migration governance and the fight against trafficking in persons.

SEANF urges the Member States in South East Asia to adopt and implement the recommendations by the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and the UN Special Rapporteur on the human rights of migrants in their Joint Guidance Note on the Impacts of the COVID-19 Pandemic on Human Rights of Migrants[5] among which are the following:

1. "Integrate migrant workers into national COVID-19 prevention and response plans and policies;
2. Include migrants and their families, regardless of their migration status, in economic recovery policies, taking into account the need for the recovery of remittance flows;
3. Pro-actively prevent discrimination and scapegoating of individuals or groups of migrants;
4. Guarantee the right of all migrants and their families to return to the country of which they are nationals; and
5. Include migrants and their families, regardless of their migration status, in economic recovery policies, taking into account the need for the recovery of remittance flows."

SEANF also urges fellow NHRIs in the sending and receiving countries to remain vigilant in guaranteeing that immediate and proper assistance is given to all migrants. Coordination with other NHRIs in origin, receiving and transit countries is encouraged to ensure that migrants who are stranded or are in distress have access to justice and remedies.

The regional reviews of the Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration or GCM) would be good venues as well for States and relevant stakeholders such as civil society and NHRIs to comprehensively update on the milestones, challenges, and gaps in implementing the GCM.[6] The regional reviews are happening in this critical juncture, in which the GCM can help in addressing the negative impacts of the pandemic on the human rights of migrants and their families, and enhancing the positive contributions of migrants.

SEANF will continue to engage with the respective governments, civil society organizations, as well as regional and international human rights institutions to find just and sustainable solutions, access to justice and redress for labor rights and human rights issues violations experienced by migrants and members of their families, particularly in this time of the pandemic.

5. UN Committee on Migrant Workers and the UN Special Rapporteur on the Human Rights of Migrants, Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants, 16 May 2020, *available at* https://www.ohchr.org/Documents/Issues/Migration/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf (last accessed 1 October 2020).

6. High-level webinars on ISCMs and the GCM regional review (2020), https://www.iom.int/high-level-webinars-iscms-and-gcm-regional-review-2020 (Last accessed 22 November 2020).

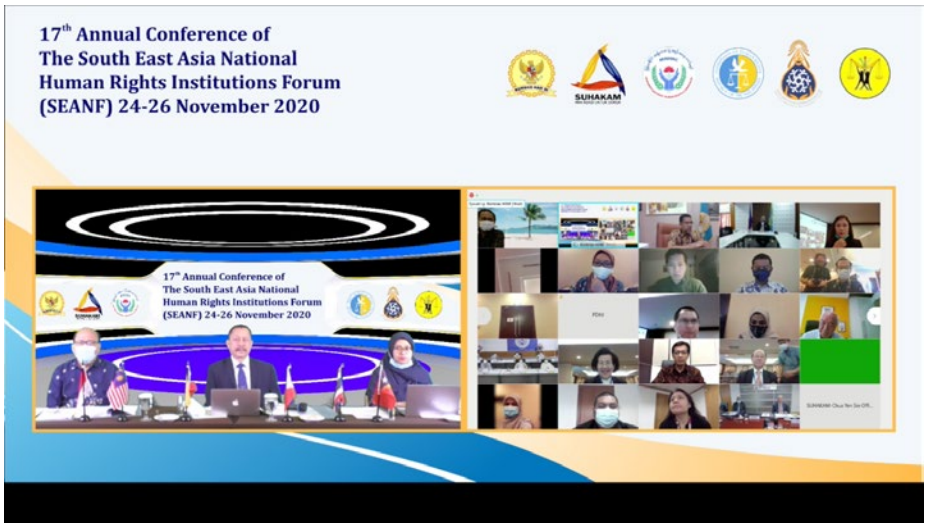
ANNEX 1

# MEETINGS WITHIN THE SEANF MEMBERS










17th Annual Conference of
The South East Asia National
Human Rights Institutions Forum
(SEANF) 24-26 November 2020
SUHAKAM
Provedoria Dos Direitos Humanos e Justiça
PDHJ


17th Annual Conference of
The South East Asia National
Human Rights Institutions Forum
(SEANF) 24-26 November 2020
SUHAKAM
STRATEGIC ISSUES
Human Rights Violations Related to Agrarian Conflict
Settlement of Gross Human Rights Violations
Violence Action by State Apparatus and Community Groups
Access to Justice
2020 Strategic - 2024 Issues
Intolerance and Violent Extremism
Institutional Arrangements
Freedom of Opinion, Expression, and Association




Webinar on National and International
Initiatives
on Torture Prevention


Webinar on National and International
Initiatives
on Torture Prevention


Webinar on National and International
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on Torture Prevention


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on Torture Prevention


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Initiatives
on Torture Prevention


Webinar on National and International
Initiatives
on Torture Prevention
Myanmar National Human Rights Commission


17th Annual Conference of
The South East Asia National
Human Rights Institutions Forum
(SEANF) 24-26 November 2020
SUHAKAM


17th Annual Conference of
The South East Asia National
Human Rights Institutions Forum
(SEANF) 24-26 November 2020

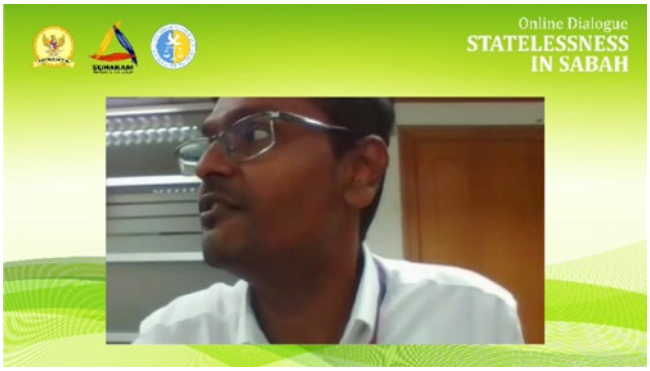

17th Annual Conference of
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Human Rights Institutions Forum
(SEANF) 24-26 November 2020

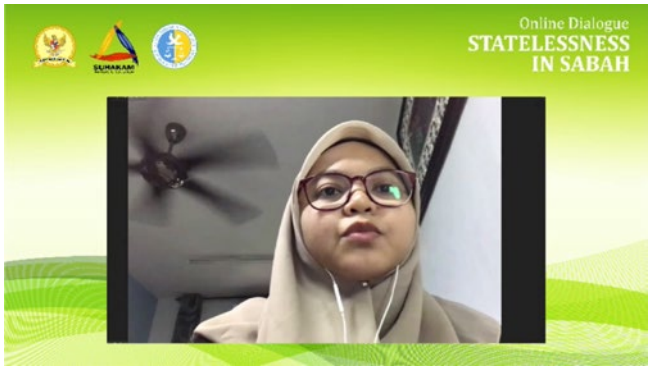

17th Annual Conference of
The South East Asia National
Human Rights Institutions Forum
(SEANF) 24-26 November 2020


Online Dialogue
STATELESSNESS
IN SABAH


Online Dialogue
STATELESSNESS
IN SABAH


Online Dialogue
STATELESSNESS
IN SABAH
Dr. Ayesah Uy Abubakar
KOMNAS HAM


Online Dialogue
STATELESSNESS
IN SABAH


Online Dialogue
STATELESSNESS
IN SABAH


Online Dialogue
STATELESSNESS
IN SABAH


Online Dialogue
STATELESSNESS
IN SABAH
Dr. Sriprapha Petcharamesree


Online Dialogue
STATELESSNESS
IN SABAH
Dato' Dr. Madeline Berma


Online Dialogue
STATELESSNESS
IN SABAH
Leah Tanodra


Online Dialogue
STATELESSNESS
IN SABAH
Mr. Ahmad Taufan Damanik





ANNEX 2

# TECHNICAL WORKING GROUP 1 REPORTS

## Report of 1st Technical Working Group Online Meeting South East Asia National Human Rights Institution Forum (SEANF) Jakarta, Indonesia 12 – 14 May 2020

The South East 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. The 2020 Chair of SEANF is Komnas HAM.

1. **Adoption of the minutes of the 16th SEANF Annual Conference**
   1.1. Komnas HAM presented the summary of records and concluding statement of the 16th SEANF Annual Conference held in Dili, Timor Leste from 22-24 October 2019.

2. **Sharing of Major Developments and Activities since the 16th Annual Conference 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 prioritized program, such as: information dissemination on human rights and trafficking in persons, 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, Celebration of International Human Rights Day with Global theme "Youth Standing for Human Rights".

   2.2. NHRCT reported the appointment of 4 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, and human right education. NHRCT celebrated Human Rights Day and organized several 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 of Opinion, Expression and Information in ASEAN.

2.3. MNHRC was reconstituted with 11 Commissioners including 4 women Commissioners and the Chairman on 14 January, 2020. MNHRC activities during the past four months included the organizing of human rights awareness. MNHRC sent the recommendations on the Protection and Prevention of Violence against Women (POVAW) Bill to the Speaker of the 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 stage on the announcement true or force ceasefire. (Hluttaw)

2.4. CHRP presented several activities under its four human rights cluster: Protection, Promotion, Policy, and Prevention. These activities included the Legal Caravan Clinic facilitated by the Protection Cluster. The Promotion Cluster spearheaded a week-long celebration of International Human Rights Day, awareness-raising through National Human Rights Consciousness Week, advocacy, campaigns and communications training workshops. The Policy Cluster composed of the Centers Management Office[1] and the Policy Advisory Office the Policy cluster, focused on the activities of the Have released advisories, position papers and situation reports on thematic human rights concerns, proposed legislations affecting human rights and monitoring of State compliance with international laws and treaties, based on the consultations, meetings and fieldwork they have organized. CHRP also shared that the report and findings from the Inquiry on Human Rights Defenders in September 2019 will be published in June 2020. The Prevention Cluster serves as the Ad Hoc Secretariat of the Interim National Preventive Mechanism ( INPM). It submitted a draft NPM bill to Congress after a series of multi-sectoral consultations. This cluster monitors places of detention (POD) as a preventive measure and had visited pilot POD all over the country to come with the Manual of Operations of the INPM. Moreover, it conducted a Summit to drum up support for the NPM bill and capacity building for the the different sectors and its INPM members. This cluster also embarks on the jail decongestion project as part of its anti-torture initiative. The CHRP,

1. 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).

likewise, shared about their Strategic Communications Division's initiatives in disseminating human rights public information through mass media and social media.

2.5. SUHAKAM organized a Dialogue on Business and Human Rights entitled "Towards a Malaysian National Action Plan, Lessons Learnt from Belgium and the Netherlands", in collaboration with the Embassy of Belgium and the Netherlands. SUHAKAM and the National Human Rights Commission of Nepal (NHRCN) signed a Memorandum of Understanding (MoU) on the rights of migrant workers and people residing in both countries. In celebration of Human Rights Day, SUHAKAM organized a forum titled StandUp4HumanRights on 10 December 2019. To overcome racial discrimination in the workplace, SUHAKAM and its civil society partners came together in 2017 to formulate a regulatory document that promotes inclusivity and equal opportunities. SUHAKAM's 2018 Annual Report was debated at Dewan Rakyat (House of Representatives) for the first time in history. The debate took place on the last day of the Third Parliament session for 2019. The Minister in the Prime Minister's Department (Law and Parliamentary Affairs), YB Liew Vui Keong tabled the motion to debate.

2.6. Komnas HAM has 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. Meanwhile, Human Rights Festival, International Human Rights Day, Proactive Complaint Mechanism, SDGs, cooperation with some stakeholders, NPM Initiatives became special issues.

**3. Sharing on NHRI Roles at the times of COVID 19 Pandemic**

3.1. Komnas HAM provided a number of 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. As of April 14, 2020 data on people under surveillance (ODP) and patients under surveillance (PDP) were opened by the central government. Although this step is quite late but it should be appreciated as a progress. Based on Komnas HAM's online survey on 4 May, 95 percent of respondents are comply to pray at home. Many mosques still hold tarawih prayers in congregation. Komnas HAM emphasized that health protection are the right of all people, for that the government must ensure there is no discrimination and provide equal access for everyone to health services.

3.2. The CHRP released human rights advisories focusing on the rights of vulnerable and at-risk groups who are severely affected by the pandemic and government responses to curb the virus: children in street situations, internally displaced persons, indigenous peoples, older persons, persons with disabilities and workers. The CHRP also in its advisories raised its concern over with holding relief goods as penalty for violation of curfew ordinances, and the Human Rights Aspects in the Implementation of RA 11469 or "Bayanihan to Heal as One Act. The CHRP emphasizes the importance of the government's national plan on the right to the highest attainable standard of health, 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. This action plan should be implemented within the scope and in line with normative content of the right to the highest standard of physical and mental health. The response to the pandemic must continue to incorporate elements of disaster response and that all actors therein, most especially national and local government leaders, coordinate through the Inter-Agency Taskforce on Emerging and Infectious Diseases and its subcommittees to harmonize policies and directives. The Commission also mentioned the monitoring of human rights violations (HRVs) during the pandemic, including excessive use of force in implementing movement restrictions. The Prevention Cluster also facilitated the monitoring of the situations of persons deprived of their liberty before and during the pandemic, particularly through informing the Department of Justice about the OHCHR Guidelines in Places of Detention during the Pandemic, advising the government to fast track the release of detainees, and provide personal protective equipment (PPEs) to the places of detention. Statements to call the attention of the government and POD Management on the plight of persons deprived of liberty (PDL) during this pandemic were issued thru the CHRP Strategic Communications Division.

3.3. SUHAKAM presented its efforts in response to COVID-19. As of 10 May 2020, there are 6,656 confirmed cases with 5,025 recovered cases and 108 deaths. Meanwhile, the government issued a Movement Control Order (MCO), enforced under the Control and Prevention and Infectious Diseases Act 1988 and the Police Act 1967 effective on 18 March 2020. Due to restricted movement, SUHAKAM's role has been mainly advisory and advocacy in the parliament debates.

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 with respect to human rights and requested the government to protect human rights of all of vulnerable. NHRCT resolved to assign the office of the NHRCT to review the Annual Action Plan by adjusting budgets and activities.

3.5. 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 to 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. In order to conduct social distancing effectively MNHRC need to upgrade the IT System, English language training, and hold dialogue or video conference.

3.6. 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. Discussion of Issues Initiated by CHRP and NHRCT**

***NHRCT to present guidelines for use of SEANF social media platform and the approval of guidelines***

4.1. NHCRT presented the revised draft of the guidelines. The CHRP commented as a matter of policy, that the SEANF Social Media pages will never be used for propaganda. That the sole purpose for the Social Media page will be focused on human rights promotion and protection. The Commission also requested for clarification on the role of chief administrator, what maintenance entails and the standards in screening the posts.

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 is against human rights. It was also raised by CHRP that there is a need to elect a venue to settle complaints regarding the content of what is published in the social media page. Komnas HAM responded that SEANF members can suggest which appropriate venue this complaint mechanism should take place.

4.3. SEANF members agreed that there should be a template social media page, and the final revised guidelines should be ready by June 2020. CHRP informed the members that there is an existing facebook page[2] that was reactivated when PDHJ assumed chairmanship of SEANF in 2019. That facebook page can serve as the template that will be approved by the SEANF members in June 2020, together with the final draft guidelines.

***NHRCT to present updates on SEANF Anti – Torture Guidelines***

4.5. NHRCT updated SEANF members on the approval of the guidelines within their institution. Recalling the discussions at the 16th Annual Conference of SEANF in Dili, Timor Leste, the guidelines were not completely adopted because of the internal challenges faced by NHRCT. SEANF members at this TWG meeting urged NHRCT to adopt the guidelines and update the members at the 2nd TWG meeting. Komnas HAM reiterated to the SEANF Members that NHRCT will finalize their approval of the guideline before the 17th Annual Conference.

**5. Updates on the SEANF Baseline Paper on the Rights of Older Persons and Advocacy at Regional and International Levels: Perspectives from the CHRP**

5.1 CHRP updated SEANF members on on-going initiatives, advisories and recommendations on the proposed treaty on the rights of older persons, pre-,

2. https://www.facebook.com/seanforum/

during and post-pandemic. The 2017 SEANF baseline paper on the rights of older persons were used as a discussion paper in UN Open-Ended Working Group on Ageing (OEWGA) meetings, and a template for advocacy for a binding treaty on the rights of older persons.

5.2. SEANF members appreciated the initiatives of the CHRP as shown in the presentation. CHRP encouraged SEANF members to engage more actively in the advocacy for an international convention on the rights of older persons. SEANF can submit written inputs to the Special Rapporteur on the Rights of Older Persons for her first thematic report to the General Assembly this year. CHRP can facilitate the submission, as well as the participation of SEANF members in the online discussions related to OEWGA.

**6. SEANF Initiatives on the Rights of Migrants and Members of their Families in South East Asia**

6.1. CHRP presented the initiatives of the SEANF on migration and human rights since early 2010 through a policy paper on the ASEAN Declaration (now adopted as the ASEAN Consensus) and highlighted migration as one of the six priority issues of the SEANF strategic plan 2017-2021. Besides the presentation on the previous and current initiatives within SEANF and among its members, CHRP discussed the impacts of the pandemic on migrants and members of their responses.

6.2. CHRP proposed and activity to SEANF for 2020-2021: 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 expressed the need to have a concerted response on the human rights situation of migrants and their families. The three NHRIs with MoUs on statelessness in Sabah (SUHAKAM, Komnas HAM and CHRP), will have a separate discussion on updating the implementation of the said MOU.

6.4. SEANF members agreed to provide their responses and inputs to the CHRP proposal by 18 May 2020 to CHRP (through the facilitation of Komnas HAM).

**7. Komnas HAM Update as the Chairman of SEANF**

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

7.1 . Komnas HAM arranged four (4) meetings: 1st Inter Ministrial Meeting for SEANF membership (13 August 2019) to engage with main stakeholders. It continued with Initial Consultation Meeting with Indonesia Minister of Foreign Affair (MoFA) on Host Country Agreement (HCA) and 1st Inter Ministerial Consultation for HCA (18 October 2019 & 13 December 2019).

7.2. Komnas HAM will propose the coordination meeting with the government especially with MoFA and the HCA draft of the SEANF Permanent Secretariat.

7.3. In principle, the Government of Indonesia has agreed for Komnas HAM to proceed with the establishment of the SEANF Permanent Secretariat. The SEANF members were pleased to know about this development. A timeline is being requested on when a Secretariat will be formally launched.

7.4. SEANF members agreed for the hard copies of the Rules of Procedures (RoP) to be couriered to the official addresses of the SEANF members and have the document signed by the respective Chairpersons. Komnas HAM will facilitate the mailing and signing of the document and will submit to the government of Indonesia.

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

7.2. Komnas HAM proposed to have a meeting between SEANF and AICHR, and suggested AICHR to provide a modality of engagement with SEANF. A draft modality was circulated to SEANF members early this year, in which Komnas HAM received inputs. All AICHR members except for Laos, agreed to engage with SEANF and conduct an informal meeting.

7.3. SUHAKAM proposed to organize an online dialogue with AICHR, with the agenda that includes COVID-19 responses. SEANF members supported this proposal. SUHAKAM will write a letter to the Malaysia representative and follow up on the request from SEANF Chair.

***Komnas HAM to update the progress of SEANF website***

7.1. Komnas HAM requests for more time to arrange internal coordination regarding grant fund management of SEANF Website.

7.2. SEANF members advised that the website and social media platform should have the same modality and framework.

7.3. Komnas HAM and NHCRT will further discuss about the online platforms of the SEANF.

7.4. CHRP will share to Komnas HAM the source code and access to the old SEANF website that was managed ad hoc by the Commission. The SEANF website, www.seanf.asia, is currently offline.

**8. Discussion on the Modality of Technical Working Group 2 & SEANF Annual Conference 2020 (NHRI Seminar on Torture Prevention Mechanism)**

8.1. The SEANF Chairperson stated that the 2nd TWG meeting will be held on the last week of July 2020 in Jakarta, Indonesia, and the 17th Annual Conference will be held on the last week of October 2020. The meetings will be organized online if the pandemic and the imposed travel restrictions persist.

8.2. Komnas HAM will email the draft agenda of these meetings to SEANF members and solicit their inputs.

8.3. CHRP proposed that a lecture or session on the SEANF Guidelines on Torture Prevention should be included in the agenda so that SEANF members will get acquainted with the guidelines.

8.4. Komnas HAM proposed a half day international seminar on the National Preventive Mechanism against Torture in October 2020. SEANF members agreed to this seminar as a side event to the Annual Conference of SEANF.

8.5. Komnas HAM, SUHAKAM and CHRP agreed to have a discussion about statelessness as a side event of the Annual Conference. SUHAKAM will coordinate on a draft concept note.

**9. Other Matters**

9.1. NHCRT updated the SEANF of its activities on business and human rights. 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

ANNEX 2

# TECHNICAL WORKING GROUP 2 REPORTS

## Report of the 2nd Technical Working Group (TWG) Online Meeting the South East Asia National Human Rights Institution Forum (SEANF) 25-27 August 2020

The South East Asia National Human Rights Institutions Forum (SEANF) consisting 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 for Human Rights and Justice of Timor Leste (PDHJ), held the 2nd Technical Working Group (TWG) Online Meeting of the SEANF in Jakarta, Indonesia from 25-27 August 2020.

The main outcomes of the 2nd TWG were as follows:

1. **Opening Remarks and Formal Introduction**

1.1. Ahmad Taufan Damanik, Chairperson of Komnas HAM, welcomed the SEANF delegates participating in Day 1 of the 2nd TWG Online Meeting via the Cisco Webex application.

1.2. Ahmad Taufan Damanik noted that the Covid-19 pandemic has had severe socio-economic consequences and expressed his sincerest hopes that the pandemic will not negatively impact equal access to human rights for all. SEANF delegates were encouraged to continue to collectively strive towards upholding human rights in these challenging times, especially in relation to the rights of minorities, women and children, the indigenous community, and other vulnerable groups.

With the view of upholding the aforementioned rights and strengthening cooperation among SEANF members and delegates, the 2nd TWG Online Meeting on SEANF 25-27 August 2020 will discuss substantive themes, such as the protection of children through guidelines to social media platforms and websites, anti-torture initiatives, and matters relating to the effective functioning of the SEANF secretariat. Additionally,

the 2nd TWG Online Meetings seeks to discuss administrative and logistical issues relating to the endorsement of modalities and provisional agenda of the Annual Conference SEANF agenda, such as whether events will be convened in-person or online. The discussion in the 2nd TWG Online Meeting aims to answer human rights challenges amidst the global pandemic crisis.

**2. Adoption of Agenda**

2.1. Komnas HAM presented the Agenda for the 2nd TWG Online Meeting of the SEANF.

2.2. Komnas HAM informed that The Asian NGO Network on National *Human Rights* Institutions (*ANNI*) contacted by email to propose some joint program within SEANF.

2.3. There were no further suggestions or amendments from participants.

**3. Adoption of the Report of the 1st Technical Working Group 2020**

3.1. Komnas HAM noted revisions suggested by SUHAKAM in points 3.5, 5.2, 5.9, 5.11; MNHRC- point 7.2. Additionally, SUHAKAM suggested to convening an online meeting with the ASEAN Intergovernmental Commission on Human Rights (AICHR) to discuss topics relating to the impact of Covid-19 and human rights. SUHAKAM noted that they will follow-up on the matter with the AICHR representative of Malaysia.

3.2. SUHAKAM, proposed amendments to point 9.4 on the half-day international seminar on NHRI and National Prevention Mechanism against torture.

3.3. CHRP noted amendments made on 'Opening Remarks' in points 1.1, 1.2, 1.3; 'Adoption of Agenda' – points 2.1, 2.2; 'Sharing of Major Developments and Activities since the 16th Annual Conference 2019' points 3.1, 3.2, 3.3, 3.4, 3.5, 3.6; and 'Sharing on NHRI Roles at the times of Covid-19 Pandemic' point 4.2.

3.4. MNHRC suggested amending a word on point 3.3 from 'force ceasefire' to 'enforce ceasefire'.

3.5. NHRCT suggested minor changes in points 1.2 and 3.2 – amend to 'as well as human rights education'; amendments to the title of section 5 -NHRCT add 'to present', at the heading of point 5.5 add Guidelines on Torture Prevention; point 5.5 add 'NHRCT will inform the decision on the guideline before the Annual Conference', and point 10.1 – amended to 'until the outbreak of Covid-19 has dissolved'.

3.6. PDHJ clarified point 3.1 on Business and Human Rights and noted that the PDHJ has not implemented any activity relating to Business and Human Rights (BHR). However, there have been initial discussions on incorporating BHR into PDHJ strategic plans. Additionally, PDHJ has not received any technical assistance from the APT, but are exploring potential collaboration at this stage.

3.7. CHRP noted amendments under 'Adoption of the minutes of the 16th SEANF Annual Conference' point 1.1; 'Sharing of Major Developments and Activities since the 16th Annual Conference 2019' points 2.1, 2.2, 2.3, 2.4; 'Sharing on NHRI Roles at the times of COVID 19 Pandemic' point 3.2; 'Discussion of Issues Initiated by CHRP and NHRCT' points 4.1, 4.2, 4.3, 4.4; 'Updates on the SEANF Baseline Paper on the Rights of Older Persons and Advocacy at Regional

and International Levels: Perspectives from the CHRP, points 5.1, 5.2; 'SEANF Initiatives on the Rights of Migrants and Members of their Families in South East Asia' points 6.1, 6.2, 6.3, 6.4; 'Komnas HAM Update as the Chairman of SEANF' points 7.2, 7.3, 7.4, 7.5, 7.6; 'Komnas HAM to update the progress of SEANF website' points 7.7, 7.8, 7.9, 7.10; 'Discussion on the Modality of Technical Working Group 2 & SEANF Annual Conference 2020 (NHRI Seminar NHRI and on Torture Prevention Mechanism)' points 8.1, 8.2, 8.3, 8.4, 8.5; and 'Other Matters' point 9.1. CHRP clarified that they have sent their comments last May 2020 but the same were not yet considered. As such, CHRP will resend their comments on the 1st TWG Meeting report to Komnas HAM for consideration.

3.8. The amendments above will be made to the draft report of the 1st TWG Meeting and the revised version will be circulated to SEANF members and to be adopted.

**4. Sharing of Major Developments and Activities since the 1st Technical Working Group 2020**

4.1. PDHJ: During the period of May to August 2020, they received a total of 60 complaints which comprised of 20 human rights violations cases and 40 maladministration cases. Complaints were submitted by telephone, website, mail, email, or face to face.

- In monitoring and advocacy activities, PDHJ has been monitoring on people's rights to access to education, food, justice, health, information among others in several public places, such as market, port, airport, health centre, subsidy for household, public administration offices, assistance for vulnerable person, case handling, and so on. PDHJ closely monitored human rights and good governance during the State of Emergency that was caused by the pandemic. PDHJ also finalized and issued a report on the quarantine station at the border of Timor-Leste and Indonesia. PDHJ also maintained regular monitoring of the human rights situation in prisons and detention centres.
- PDHJ concluded the investigation of 33 cases involving human rights violations and maladministration. However, 85 cases remain under investigation (45 human rights violation cases, 40 on good government violation cases). Moreover, these cases were followed up by submitted reports and recommendations to the relevant institutions.
- On 28 May 2020, PDHJ publicized legal opinions on the State of Emergency (SoE) which entailed a discussion on human rights and the extension of SoE measures. Further, PDHJ participated in a debate on the right to freedom and movement, freedom of assembly, and privacy and cautioned that most measures taken under SoE must be subject to the normal process of law which considers constitutional framework and other laws of domestic regulatory system.
- On 18 June 2020, PHDJ submitted a statement against the proposal to criminalize defamation, and emphasized that the law fails to satisfy Article 19 of ICCPR. PDHJ called upon the government to consider that this criminalization violates provisions within the domestic constitution.
- PDHJ's Promotion team conducted five (5) promotional activities on 3 July 2020, from 13 to 17 July, on 24 July,

and from 27 to 29 July 2020. This also included two (2) TV Talks shows where the PDHJ discussed their opinion on the Government's proposal to criminalize defamation and also the draft law of anti-corruption.

4.2. NHRCT: has undertaken various important activities from June until August 2020. Mainly, the Commission attended the United Nations Virtual Forum on Responsible Business and Human Rights from 9 to 12 June 2020.

- On 15 and 22 June 2020, NHRCT held a meeting to prepare recommendations, measures or guidelines for the promotion and protection of human rights in the issue of problem and systematic solving of sexual violence against school children by teachers or educational personnel on 15 and 22 June 2020. The meetings aimed for hearing and sharing the experiences and views from various sectors working in the promotion and protection of child and youth on the issues, including: problem and its consequences, child protection laws and mechanisms, educational institutions' preventive measures and assistance, justice for children, remedial measures and guidelines, roles and functions of the media, as well as the suggestions, measures or guidelines for the promotion and protection of human rights.
- The NHRCT held a workshop for hearing and sharing opinions on the issue of the amendments of the Criminal Code and other laws related to the termination of pregnancy in accordance with the principles of human rights on 6 August 2020. The workshop invited the related government agencies, Federation of Medical and Public Health Professions and civil society organizations working on the rights of child and families to discuss in order to provide recommendations, measures or guidelines for the promotion and protection of human rights as well as recommendations for improving laws, regulations or orders related to termination of pregnancy in accordance with human rights principles. This recommendation aimed to submit to the National Assembly, the Council of Ministers and other relevant agencies.
- The NHRCT also established a Working Group (WG) to study the impacts of structural policies in Bangkok. It is aimed to study the impact on the traffic of the MRT Pink Line mass rapid transit project currently under construction in Bangkok and Nonthaburi Province. The NHRCT also explores a survey on the traffic impacts in order to support the formulation of recommendations for measures of the promotion and protection of human rights to be submitted to relevant governmental agencies.
- On 13 July 2020, the NHRCT organized an activity on the occasion of the NHRCT 19th Anniversary of its establishment by giving a special speech via online on the topic "Two Decades of the NHRCT and Towards" and a press meeting on the summary of the important development and activities of the NHRCT in 2019 - 2020 by the Chairperson of the NHRCT.
- On 6 - 7 August 2020, the NHRCT, in cooperation with Internal Security Operations Command (ISOC) Region 4, organized in Pattani Province the training on human rights in the southern border provinces for the operational level government security officials in the areas. The training aimed to provide the

operational staff to obtain knowledge and understanding of human rights principles as well as to apply the human rights principles in their duties.

- The NHRCT has launched the Youth Standing Up for Human Rights Project. It is the human rights programs and innovations competition invited students at the secondary and university levels to participate in with the aims to strengthen the youth learning process through the contest on concept design and work plan to produce the innovative works to promote human rights under the topic "Human Rights and the Situation of the COVID-19". The contest application was closed on 31 July 2020. It has a total prize of 1,710,000 Thai Baht and the winning team will receive a royal award.
- The selection of the fourth batch NHRCT is still ongoing. Currently, the Senate has passed resolutions approving 4 members of the fourth batch NHRCT, while the other three additional National Human Rights Commissioners need to be selected and approved. According to the Organic Act of the National Human Rights Commission B.E. 2560 (2017), at least 5 members must be approved from the Senate before the new batch NHRCT able to commence performing their duties. Lately, the NHRCT Selection Commission issued the new Announcement of the Selection of Additional National Human Rights Commissioner(s) between 29 July 2020 to 26 August 2020 in order to initiate the new selection process of the other two National Human Rights Commissioners.

4.3. **CHRP** presented updates on activities undertaken by the Commission since the 1st TWG Meeting among which is the issuance of its Human Rights Advisory Series in the time of COVID-19. To begin, on the rights to freedom movement may be restricted in the during time of a public health emergency. Through its advisory, the commission reminds the Philippines government and the public that there are specific grounds for restricting the right to freedom of movement, and that the same should only be done in accordance with international human rights standards and related laws.

- Further, CHRP issued an advisory on the Rights Against Discrimination of People As with COVID-19 to remind all duty-bearers as well as private individuals, of their obligation to respect and to protect the right against discrimination of all people associated with Covid-19. The advisory was issued amid the report of discrimination committed against health and other frontline workers.
- CHRP also issued an advisory on the protection of children form online sexual abuse and exploitation during COVID-19-wherein the CHRP commended the efforts of their law enforcement authorities, particularly the Women and Children Protection Centre of the Philippines National Police (PNP) for their efforts to protect children from online sexual violence or exploitation, especially during this crisis and their continuing cooperation with foreign child protection partners to curb online sexual abuse and exploitation of children (OSAEC) in the country. CHRP emphasized the importance of children protection from online sexual abuse or exploitation since the Philippines is one of the potential destinations for online abuse perpetrators.
- On the rights of women, CHRP issued a statement after they investigated the news report of a woman dying of childbirth complications after being

turned away by several hospitals. As the Gender Ombudsman under the Magna Charta of Women and Pursuant to the Responsible Parenthood and Reproductive Health Act, the commission urged the Department of Health to issue appropriate protocols and guidelines for all health care facilities in attending to the needs of pregnant mothers and babies. Moreover, CHRP issued several letters which recommended that government relief packs include reproductive health products. Finally, CHRP developed online platform which collates all reports on abuse (anonymity was priority). This was initiated due to the marked decrease in gender-based violence reporting due to lack of mobility brought about by the pandemic.

- Regarding on the rights of older persons, the CHRP commended the Department of interior and Local Government (DILG) for adopting a right-based and non-discriminatory policy that respects the freedom of movement of older persons in areas under community quarantine and for installing protective measures for older persons. The DILG does not only tackle the content of public health and human rights in the comprehensive response to the Covid-19 pandemic, but it also demonstrated the process in developing the policy as it was undertaken in collaboration with older persons through non-government organisation. CHRP noted that project of Vice President of the Philippines to establish dorms for medical personnel must be supported.
- On the rights on the migrant workers, CHRP has issued several statements on the situation of migrants and ensuring the availability of access to justice mechanisms for migrants and members of the families. CHRP likewise continue to coordinate with other NHRIs in the receiving and transit countries to ensure that our overseas workers who are stranded or a distress have access to justice and remedies. Also, CHRP recently launched an online reporting portal for migrants and members of their families. This is aimed at offering immediate legal assistance to actual or threatened victims of human rights violations, and to ensure the immediate referral of cases to appropriate government agencies for proper action.
- Following its presentation on the Human Rights Advisory Series, CHRP provided general information on the report of the Office of the High Commissioner for Human Rights (OHCHR). CHRP mentioned that the report that suggests acute impunity and an overarching focus on public order and national security, including countering terrorism and iegal drugs. This overarching focus reportedly results in human rights violations, shrinking civic space, threats, harassment, killings and protracted displacement as well as incitement to hatred and violence. CHRP elaborated on the recommendations provided in the OHCHR reports as well as the next steps to be undertaken.
- Finally, CHRP discussed other human rights concerns in the Philippines besides the pandemic. This included the reintroduction of law on the death penalty; the problematic Anti-Terror Law which relegates to executives the decision to impose a penalty on the basis of suspicion and not probable cause; the killings of Human Rights Defenders; and the pressing threat against journalism.
- As a follow-up on actions to be

undertaken in relation to the OHCHR report on Philippines human rights situation. CHRP shared that three-focused programs prior to COVID-19 were exacerbated by pandemic. There has been a On 534% increase in congestion in detention facilities during the pandemic – CHRP issued an advisory note/statement urging that, detainees be released in accordance with government guidelines. CHRP also highlighted the high number of deaths in jails and detention centres presumably due to COVID-19.

4.4. **MNHRC**: The Commission is reviewing MNHRC law, as called for in the review of MNHRC status in 2015 by the Sub Committee in Accreditation of the GANHRI, MNHRC is in the process of reviewing the MNHRC enabling law. Having held several rounds of consultations with relevant government agencies and CSOs, MNHRC has submitted the amendments to the authorities. The internal procedures for the amendments are yet to be completed. Besides that, MNHRC is planning to open a new branch this year in Ayeyarwaddy Region, considering the receipt of many complaints from that region. The MNHRC also plans open two more branches in other regions during the Commission's current term of five years. With UNDP assistance, the Commission is upgrading the IT infrastructure of the Commission and, as part of this, communications capacity of the current two branches in Mandalay and Nay Pyi Taw were enhanced in July. The MNHRC is in the process of establishing a media unit in the Commission and Hopes to appoint another communication officer.

- The MNHRC has conducted a total of 42 visits to prisons, detention centres, jails and places of confinement. The findings have been communicated to relevant government entities together with the Commission's recommendation. Additionally, a total of 1.177 complaints have been examined and visits to the scenes of human rights violations have been made and the report on the visits has been submitted to the President Office. The MNHRC has been granted by the Union Election Commission the local observer status at the forthcoming general elections on 8 November 2020. MNHRC issued 9 further public statements on various themes under its mandate, including the protective activities of the MNHRC, and the General Election to be held on 8 November 2020.
- The MNHRC has engaged with certain CSOs through online discussions on Business and Human Rights, on Land Law Reform, regulation of Private security and question of digital rights. Similarly, talks on PWD and LGBT were held at the Commission. In cooperation with NGOs and CSOs, the Commission has organized training workshops on child rights, rights of persons with disabilities and women and girls' rights for the Commission staff at the office of the Commission.
- The Commissioners gave human rights lectures at training courses of the Government, including the military, police, civil service and fire brigades.
- MNHRC's own Universal Periodic Review (UPR) report has been prepared and submitted to the UPR Committee. The MNHRC is now beginning to collect information and data for the preparation of MNHRC's ICESCR Report. With regard to the review of MNHRC status at the expected GANHRI meeting, the Commission is making necessary

preparations. It might be a task that needs to be coordinated with the APF in due course. A High-Level Dialogue with APF was convened virtually from 3 to 6 August 2020.

- A new e-government department with 17 staff has been established. In this connection, trainings on IT are under plan with UNDP assistance. The MNHRC staff has now increased with the recruitment of 12 new clerical level staff.

4.5. **SUHAKAM**: In March 2020, OHCHR had selected Malaysia to take part in a global study on good practices emanating from the UPR process. SUHAKAM is pleased that a UPR Monitoring Matrix which was jointly developed by the Ministry of Foreign Affairs, SUHAKAM, United Nations Country Team (UNCT) in Malaysia and CSOs has been further populated to map out the UPR recommendations to the National Human Rights Action Plan (NHRAP) activities and SDGs goals as well as assign indicators to monitor the progress of implementation for each UPR recommendation.

- On 30 June 2020, SUHAKAM met with the Human Resources Minister to discuss migrant rights issues, the expected impact of COVID-19 pandemic on workers including job losses and employer/employee issues, and ways to better connect SUHAKAM complaints mechanism with the MoHR Departments.
- In June and July 2020, SUHAKAM developed a series of policy briefs on COVID-19 and its Impacts on Human Rights in Malaysia which included the following: COVID-19 and Civil Rights in Malaysia; COVID-19 and Freedom of Speech and Information in Malaysia; COVID-19 and Women's Human Rights in Malaysia.
- On 22 July 2020, SUHAKAM met with the Director-General of the Legal Affairs Division of Prime Minister's Department (BHEUU) to discuss the strengthening of SUHAKAM by way of amendment to the SUHAKAM Act, ensuring sufficient funding and resources for SUHAKAM, tabling and debate of SUHAKAM Annual Report in Parliament, the role of SUHAKAM in Law Reform processes and review/implementation of the National Human Rights Action Plan (NHRAP).
- As part of the APF Blended Learning Course on Mainstreaming the Human Rights of Women and Girls, SUHAKAM provided input on key issues for women and girls as a result of COVID-19 and its response. SUHAKAM also conducted a survey on the impact of COVID-19 on its female staff and the results were published in APF's publication and released on 23 July 2020.
- On 24 July 2020, SUHAKAM facilitated the virtual signing ceremony of a Memorandum of Understanding (MoU) on Statelessness Issues in Sabah with SUHAKAM, Komnas HAM and CHRP as official Parties was held via Zoom. On 3 August 2020, a briefing session was held with the Deputy Minister (Parliament and Law) on the mandate, role and function of SUHAKAM in the country. On 4 August 2020, SUHAKAM organized a Re-Accreditation 2021-2026 Consultation with civil society organizations (CSOs), non-governmental organizations (NGOs), past Commissioners, representatives of the Bar Council and AICHR.
- In August 2020, SUHAKAM entered into a partnership agreement with the International Federation of Journalists

(IFJ) and National Union of Journalists Malaysia (NUJM) on a multi-year Strengthening Malaysia's Media for Change project, supported by the European Union. On 10 August 2020, SUHAKAM met with the Dewan Rakyat Speaker (House of Representatives), Datuk Azhar Azizan Harun to discuss the Select Committees relating to human rights and Parliament Reforms among others.

- Due to the COVID-19 pandemic and Movement Control Order (MCO) in place, SUHAKAM continued to carry out its SUHAKAM Bersama Masyarakat (Community Dialogue), Youth for Rights: Awareness of Human Rights Education, Human Rights Literacy programmes and programmes with Islamic Religious agencies in Malaysia online and the live-feed was shared onto SUHAKAM's Facebook page.
- SUHAKAM has been working on drafting its 2021-2025 Strategic Plan and Statement of Compliance for its upcoming Re-Accreditation in 2021 which are near completion.

4.6. **Komnas HAM:** Convened the 1st TWG SEANF Meeting virtually from 12 to 14 May 2020. Participants comprised of 33 delegations and 22 observers from SUHAKAM, MNHRC, CHRP, PDHJ.

- On Settlement on Gross Violation on Human Rights issue, Komnas HAM received investigation files restoring on the case of Paniai, Papua (2014) for the second time since 11 February 2020. At this stage, Komnas HAM is continuing to promote the pro-justice legal process through the political will of the President of the Republic of Indonesia and the Attorney General.
- Komnas HAM identified seven (7) priority issues that were identified during the plenary session meeting convened on 11-12 June 2020. The issues were Human Rights Violations related to Agrarian Conflict; Settlement of Gross Human Rights Violations; Institutional Arrangements; Intolerance and Violent Extremism; Access to Justice; Violence Action by State Apparatus and Community Groups; and Freedom of Opinion, Expression, and Association.
- On 12 June 2020, Komnas HAM confirmed its new organizational structure for the 2020-2022 year period. Komnas HAM noted that this period marked the half term of a 5-year assignment before the rotation of tasks and responsibilities of the Commissioners.
- Komnas HAM was invited to participate as a panelist at the UN Virtual Forum on Business and Human Rights from 9 to 11 June 2020. Participation entailed sharing its experience in facilitating business related human rights violation remedies through the use of its mediation mandate. From the 25 to 26 June 2020, Komnas HAM facilitated a Public Discussion Webinar Series themed 'Mechanisms for the Arrest and Detention of Women Prisoners in Papua: An Overview' and 'The Arrest and Detention of Children in Demonstrations: An Overview International Day in Support of Victims of Torture (public discussion webinar and press conference).
- Receiving an estimated 8.000 cases relating to agrarian conflict every year, mainly pertaining to the land rights of indigenous people, land dispute between civil society, corporation, and infrastructure, Komnas HAM acted as mediators for the ancestor's

graves sealing case on 20 July 2020. Additionally, Komnas HAM acted as mediator between the local government and the indigenous community on 6 August 2020.

- Komnas HAM gave a statement during the CEDAW Pre-sessional Working Group for the 78th Session. Provided Country specific information on 14 July 2020.
- Komnas HAM, SUHAKAM, and CHRP signed MoU on Statelessness Issue in Sabah which was held on 24 July 2020 virtually. As a follow-up, on 5 August 2020, Komnas HAM initiated a press conference with the Sovereign Migrant Workers Coalition.
- From 12 to 13 August 2020, the Chairperson of Komnas HAM was invited by The Embassy of the Republic of Uzbekistan in Indonesia as the speaker in the Samarkand Forum.
- On 13 August 2020, Komnas HAM facilitated a Focus Group Discussion themed 'Affirming Peace in Aceh based on Women's Experiences on 15 years of experience in MoU Helsinki'. On 18 August 2020, Komnas HAM participated in a National Webinar themed 'Caring for the Peace of Aceh: Reflections of 15 Years of Mou Helsinki' which included the participation of Indonesia's ex vice-president.

**5. Open Discussion**

5.1. CHRP Commissioner Karen Gomez-Dumpit expressed her gratitude to NHRCT for their assistance in facilitating support for the Pakistan migrant currently detained and facing the death penalty.

5.2. Deputy Director of MNHRC Zay Yar Linn noted that the sharing of developments by each SEANF member is encouraging and is beneficial as it serves to circulate valuable information and ideas which may be useful in developing similar initiatives in local context. Requested that copies of presentations are circulated to allow each member to learn about respective best practices in-depth.

**6. SEANF Guidelines for use of SEANF social media platform and the approval of guidelines**

6.1. NHRCT noted that the commission has developed a co-management tool for SEANF Social Media to form of Guidelines consisting of 7 (seven) articles. NHRCT suggested that the Permanent Secretariat should be owner and manager of the platform. Emphasizing on the SEANF fundamental principle of cooperation, NHRCT suggested that Working Group members and their respective National Human Rights Institutions will have a duty to consider the dissemination of information and the quality of publications on the social media platform in accordance to their respective internal procedures.

6.3. SUHAKAM raised concerns in regards to item 3.2 (2), and item 5.1 of the SEANF social media platform guidelines as said items may affect SEANF's capacity to be responsive and issue statements in a timely manner to address current issues. SUHAKAM stated that individual postings that are in line with international human rights standards should be released immediately by the responsible NHRI and not be subject to the decision of the Working Group to prevent any form of delay in social media updates. SUHAKAM was also of the view that item 5.1 of the guidelines is too restrictive for social media

postings as NHRIs should instead, be aligned with international human rights standards.

6.3. MNHRC noted that if the intention is to submit guidelines to Annual Conference, members must find a way to discuss the issue with funding and resource persons. MNHRC suggested setting a deadline to guideline to receive comments and inputs relating to the guidelines.

6.4. CHRP agreed with concerns raised by SUHAKAM and proposed the setting of a specific timeline to provide comments and failure to respond within the timeline would entail that the institution is in favour of the posting of the statement. The recommended timeline would be as follows :

- Two (2) weeks from 2nd TWG Meeting, for the NHRI to designate a member to the Working Group;
- Within the month of September, circulating the final draft for fine tuning and finalization by the Commissioners to prevent lengthy discussion during its presentation for approval during the Annual Conference; and
- Presentation and Approval of the Guidelines during the Annual Conference.

Additionally, CHRP recommended that while waiting for official approval of guidelines and SEANF Secretariat documents, there are discussions which need to be publicized and SEANF members must agree on how information will be posted. CHRP suggested that while waiting for the finalization of the guidelines, SEANF members should consider an agreement on fundraising for the maintenance of SEANF social media platforms as additional human resources will be required for development or maintenance of such platforms.

6.5. Komnas HAM noted that the discussion fundraising on social media has been addressed in a previous meeting where it was agreed that Komnas HAM will host the SEANF website. However, Komnas HAM is still in the process of developing the website. Further, Komnas HAM noted that since SEANF has yet to come to an agreement as regards external funding, Komnas HAM will provide the budget for 2020 and 2021.

6.6. Agreeing with CHRP and SUHAKAM, Komnas HAM endorsed the idea that each member should appoint representatives to attend a Working Group on the matter. Komnas HAM suggested to host the Working Group within the next two weeks. Each representative will be tasked to report the discussion to their respective commissioners.

6.7. In response to SUHAKAM, NHRCT explained that the Working Group approval mechanism (item 3.2(2) was designed to respond to inquiries quickly. NHRCT agreed that swift cooperation is required to ensure that item 3.2 (2) of the guideline is effective. In regards to point 5.1, NHRCT noted that organizations operating within Thailand must comply with constitution and domestic laws. However, NCHRT also notes that although Thailand promotes freedom of expression as guaranteed by article 19 and 20 of ICCPR, members of the Working Group must be responsible for ensuring that their posts do not contravene their respective domestic laws and constitution.

**7. Updates on SEANF Anti–Torture Guidelines**

7.1. **NHRCT** referred to 16th SEANF Annual Conference in October 2019 in which SEANF members agreed to approve the draft SEANF guidelines on torture prevention ad referendum, pending the NHRCT's approval due to lack of quorum in according to the Organic Act of the NHRCT B.E. 2560 (2017) – 'Organic Act'. The NHRCT opines that anti-torture guidelines contains details which implicitly oblige the NHRCT to act inconsistently with the Organic Act and has impeded implementations.

7.2. **MNHRC** noted that despite the consensus decision to adopt the guideline was made on 16th Annual Conference, the NHRCT seems to be facing difficulties with its constitution. However, MNHRC encourages SEANF members to explore avenues which could allow members, whether directly or indirectly, to utilise the guidelines.

7.3. **CHRP** seeks clarification as to which provisions of the current guidelines are considered inflexible or not in alignment with local laws for the purposes of revision. Additionally, CHRP suggested separability clause which would in essence, say that if there are provisions inconsistent with local laws, such provisions shall not affect the remainder of provisions which are consistent.

7.4. **SUHAKAM** noted that the guidelines are not legally binding in nature and it serves as a reference for members.

7.5. In response to CHRP, NHRCT noted that, although the guidelines are considered soft law, the commission opines that parts of the guidelines are still required to comply to their domestic laws. The NHRCT will draft proposal to be presented at the upcoming Annual Conference which is set to be convened in two months (end of October or beginning of November 2020).

**8. Baseline Papers on the Migrant Workers in South East Asia**

8.1. CHRP noted that a joint-activity as well as the draft of a baseline paper was proposed during the last TWG of the SEANF. As regards the joint-activity, CHRP mentioned that the pandemic has exacerbated the human rights situation in the Philippines and the CHRP has released a statement. The draft of the 2010 paper will be circulated pending approval from commissioners at this stage.

CHRP proposed that between now and Annual Conference in two months, CHRP will communicate online and share documents in Google drive with SEANF members to allow TWG participants and Commissioners time to revise the documents before the Annual Conference.

The 2010 paper was drafted with the consultation of SUHAKAM. However, at this stage, human resources are limited. Therefore, the paper may not be completed within 2020. As such, CHRP suggested that it is a good opportunity to implement membership wide initiatives with the support of other NHRIs and GANHRI.

CHRP shared its online compendium which acts as a repository for documents and reports concerning migrant rights - Migrant's rights observatory online. In its website, stakeholders and right holders

have access to information. This three-year initiative, funded by the European Union, has piloted four thematic human rights concerns: indigenous, gender, climate, and migrants. The site currently stores 39 documents such as international conventions and agreements of NHRI's on migrant rights. It also houses Supreme Court cases concerning migrant workers which is being analysed into a policy paper that will be used to accurately advise governments of the gaps in regulation and policy implementation. Further, the site provides an analysis of complied cases through visualisation of data. CHRP observed that documents don't operate in silo and that they have determined a pattern in the types of violence and cases.

The importance of this baseline study cannot be understated as it compiles narrative reports which are submitted to UN agencies, and charter-based bodies in the UN and the assembly through global compact of migration. Additionally, there is a need to quantify the progress of executive bodies in vernacularizing international obligations guaranteed by treaties into domestic law. CHRP's visualization of Supreme Court cases resulted in the identification of indicators which will be useful for the monitoring of government compliance to international provisions. This initiative relied heavily on the conceptual framework of the OHCHR. At this stage, the CHRP has identified 8 (eight) overarching indicators which are divided into stages of migration. The CHRP has identified several important indicators -that the social cost of migration also includes 'families left behind'; that most Overseas Foreign Workers (OFWs) are women working in the service sector- domestic work; and while the Philippines has a robust regulatory framework and has ratified many international conventions/frameworks, receiving countries may not have ratified to conventions. There is lack of harmonization and bilateral cooperation has resulted in gaps which continue to negatively affect OFWs. While the Philippines has adopted laws and modified policies, implementation still needs improvement.

CHRP asserts that socio-economic integration should be a priority as OFWs often struggle with unemployment as there are no sustainable or decent jobs which can be accessed upon return to home country. Additionally, CHRP suggests that SEANF members should consider the issue of 'wage theft' - migrant workers sent home without full salaries or without salaries with no recourse to redress. A potential solution may be for SEANF members to consider endorsing the 'Urgent Justice Mechanism for repatriated migrant workers' which comprises of three main concepts – to establish international claims commission, compensation fund, and reforming national justice systems.

CHRP raised the concern that although the baseline study and indicators have been useful in developing recommendations to their government, most ministerial agencies often work in silo according to their own documentation and case management system. Consequently, it is difficult to gain access to numbers and data. In order to address this issue, CHRP is seeking to develop a national level standard to monitor migrant rights. CHRP research suggested that OFWs have increasingly accessed social media since the onset of the pandemic. As such, CHRP is looking to develop a publicly accessible social platform which will allow the commission to receive complaints and

provide legal assistance. CHRP pointed out that this initiative may prove to be effective as the CHRP has signed a Memoranda of Understanding on statelessness. During their action plan, the CHRP hopes to develop referral system with the cases compiled.

## 9. Findings on the Human Rights Defender Inquiry

9.1. CHRP established and opened a report in pursuit of a resolution by its commissioners calling for the inquiry of the situation of human rights defenders in the Philippines. The process of resolution, conducted objectively, was based on several factors: evidence-based fact finding, it was non-adversarial, dialogic, voluntary, and principles of due process were observed. The resolution findings concluded that there is a threat against human rights defenders and noted that the life, liberty, and security of Human Rights Defenders (HRDs) is at risk to varying degrees when performing their obligations. The findings also concluded that these threats distort the human rights concept within the country and takes form in several ways:

- Public vilification conducted by government officials -to cast HR defenders in a negative light as person(s) with the agenda of destabilizing the State;
- Red-tagging – HR defenders tagged as communist/rebel groups. This has the effect of pushing HR defenders operate underground not operate within the democratic space;
- Profiling of surveilling HR defenders- not illegal per se but this mechanism is misused as it should only be implemented formally as an anti-criminal strategy. These activities may be used as a weapon to be used against HRDs and are usually accompanied by death threats and intimidation;
- Militarization of government- worrying trend of appointing former military officers into civilian government agencies. This is not illegal but has the effect of leaving disproportionate level of power the political prerogative of the executive branch. Additionally, it may propagate a culture of authoritarianism often adopted by officers during their time in service of the military;
- Weaponization of the law against HRDs – there are allegations of governments using means to operate beyond of the rule of law. For example -cases have been filed against HRDs which are often eventually dismissed by courts. Another example is the use of the overly broad and vague provisions within the anti-terrorism act- the term 'provoke or intimidate the government' leaves room for misinterpretation and has allowed the government to curtail certain civil liberties.

The government has failed to meet its international obligations guaranteed by the UN Declaration on the Rights of Human Rights Defenders. The points above contribute to the shrinking of civic space and the climate of impunity in the Philippines. Objective recommendations based on findings of the inquiry:

- Combat impunity – investigate all allegations of criminal acts against HRDs. Prosecute and punish all those guilty of such acts;
- Enforce the doctrine of command responsibility for all violations against HRDs – hold superiors of individuals committing extra-judicial killing accountable;

- Prohibit violations against HRDs – red-tagging, vilification etc; refrain from harassing journalists and HRDs with libel, slander or any other criminal and civil cases to discourage or prevent them from speaking truth to power;
- Prevent the abuse of state organs to curtail media licensing, taxation, and franchise; Grant journalists and HRDs full access to information on matters of public concern -guaranteed under constitution;
- Expedite court processes for the quick resolution of human rights violation cases; do not sabotage network-building of HRDs.

CHRP noted that non-state actors are equally responsible for the respecting the rule of law in their quest for human rights. Where non-state actors transgress the law, there is no excuse for the State to commit extra-judicial killings, enforced disappearances, torture, or any other form of human rights violations. Such acts destroy the moral fabric and foundation of the rule of law.

CHRP presentation and publication will be circulated to all SEANF members.

**10. Open Discussion**

10.1. MNHRC: what is the CHRP's plan on following up the recommendations? Monitor the implementation of the recommendations?

10.2. CHRP: publishing reports/sending copies to relevant agencies of government. We have efforts within congress in areas such as advocating certain changes in anti-terrorism law to make it less prone as a tool to be used to violate human rights. CHRP has several avenues within the institution as we have the promotion, protection, and advisory clusters.
CHRP cannot refrain security sector members to stop violating human rights. What we can do is remind the government that we are bound by a number of international human rights instruments. We can appeal to the conscience of the government and emphasize our commitment to international conventions such as the ICCPR.

10.3. Komnas HAM noted that this is also a prominent issue in Indonesia and that it has established a special task force to address issues relating to violations against HRDs

10.4. PDHJ sent the baseline paper on the Rights of People with Disabilities in South East Asia to Komnas HAM which has been adopted in 16th Annual Conference in October 2019 . PDHJ requested Komnas HAM to distribute the paper to SEANF members and make it accessible to the public by uploading it to the SEANF social media.

**11. Establishment of SEANF Permanent Secretariat (Discussion Host Country Agreement)**

11.1. Komnas HAM noted that the HCA was drafted based on SEANF Rules of Procedures 2017. Zero draft has been submitted to SEANF members. However, Komnas HAM is currently in the midst of significant structural amendments of the zero draft HCA as a result of recent consultations with MoFA. However, Komnas HAM is currently in the midst of significant structural amendments of the zero draft HCA as a result of recent consultations with MoFA.

11.2. PDHJ had an informal discussion with APF. Sub regional office and MoU funded by Qatar government but raises issues of independence. APF does not think it is suitable as Qatar is a sub-regional office. SEANF is a consensus based on institution by nature -unlikely to work. Autonomy under threat with suggested sub regional Qatar office MoU format. Important to gain immunity for staff, raises issues relating to rules of procedure of SEANF – who will be director executive? Nationality of staff etc.

SEANF is a consensus based institution by nature -unlikely to work. Autonomy under threat with suggested sub regional Qatar office MoU format.

11.3. CHRP does not agree – maybe discuss alternatives while HCA draft in progress - requested clarity on how SEANF can resolve the issue of possible unilateral termination regarding the Host Country Agreement? Additionally - how can we ensure independence and autonomy as NHRIs?

11.4. SUHAKAM agreed with PDHJ's view and added that the draft HCA is a well negotiated agreement that grants immunities privileges and that 6 months notification for termination is the norm.

**12. Komnas HAM to update the progress of SEANF website**

12.1. Komnas has been already developing the SEANF website design by empowering internal resources on budget plan and human resources. In this meeting, Komnas HAM offered three mock up website layouts and SEANF logo to SEANF members.

12.2. Komnas HAM held internal meeting and has received offering by third party for the development on the website. Komnas HAM is seeking information on the SEANF profile, activities, publications of SEANF members, and stakeholders such as the APF, AICHR, and GANHRI.

12.3. Komnas HAM is still working to rearrange budget to develop the SEANF website. During the meeting, Komnas HAM suggested a working group for the SEANF website and its development in more detail (date to be confirmed). Addition to this, Proposed content was presented in the meeting. The layout consisted of seven (7) headings: mandate of SEANF; Charter; Mandate of each SEANF member; SEANF reports/presentations/studies; position papers, resolutions, advisories, reports, or other publications of member NHRIs; and UN submissions and periodic reports.The IT department of Komnas HAM suggested that the SEANF website should be dynamic instead of static and mock layouts would be sent to SEANF members for reviewing and inputs. Yet, the domain addresses relating to SEANF has been taken (SEANF.org/ SEANF.asia are already taken).

12.4. CHRP supported for the new SEANF website and would retrieve files and documents from old SEANF website and would send it to Komnas HAM as soon as possible.

**13. Discussion on the Modality of SEANF Annual Conference 2020**

13.1. Provisional agenda- Komnas HAM proposed four days of Annual Conference (initially three days but also includes international seminar on torture prevention and a seminar on statelessness in SEANF member States convened prior to the Annual Conference which will take one full day). Draft of this agenda has been circulated to all SEANF members.

13.2.1 SUHAKAM supported the 3 half-day option for the Annual Conference and for the two aforementioned seminars to be held in the afternoon

13.3. Proposal on the seminar on stateless in Sabah: Side Event in Conjunction with SEANF Annual Conference 2020- to engage in dialogue and identify regional solutions (collaborations) in Sabah to improve the situation for stateless person(s). This seminar will look into root causes such as historical factors, enablers, and the role of regional actors. One of the core objectives is to enhance the role and cooperation of regional and international organisation as statelessness is a cross-border issue.

**14. Other Matters**

Discussion on the engagement of SEANF with AICHR

14.1. Komnas HAM reported that AICHR Representative of Laos has already approve to held informal meeting with SEANF. AICHR Indonesian Representatives suggested SEANF to send letter and proposal to AICHR Chair to get scheduled meeting since their meeting will be rescheduled in November 2020. However, according to the AICHR Indonesian Representative which tried to table the meeting but no direct response from AICHR chair. A follow-up letter to confirm the meeting may be necessary. Komnas HAM was waiting for Laos to agree to have a meeting with both organizations. Based on the communication, Laos has given approval to meet SEANF and AICHR.

14.2. MNHCR has engaged with all organization and gave good recommendation to hold internal meeting with AICHR. MNHCR suggested to contact Chairman of AICHR. However, meeting in an informal setting may send a wrong message to third parties. MNHCR suggests directly writing a formal invitation to the chair of AICHR.

14.3. SUHAKAM expressed its support for informal dialogues with AICHR and the proposal to write to the AICHR Chair.

14.4. SEANF Chairman considered SUHAKAM' inputs to set the informal meeting agenda

**15. Discussion on the ANNI's Formal Meeting**

SUHAKAM expressed its support to have dialogues with groups that are interested to work with NHRIs in the region. Komnas HAM suggested that it might be held online informal discussion within SEANF members.

**16. Closing Remarks**

The Vice Chairperson of Internal Affairs of Komnas HAM, Munafrizal Manan stated that SEANF has made a progress on several aspects, among others: the decision to create Working Group on Social Media and Website, progress on Permanent Secretariat SEANF, and SEANF website. Komnas HAM committed to encourage the works of SEANF before handing over the SEANF Chairmanship to SUHAKAM.

Jakarta, 25 August 2020
Komnas HAM Secretariat

**Concluding Statement of the 17th SEANF Annual Conference**
**The South East Asia National Human Rights Institution Forum (SEANF)**
**Cisco Webex, Bogor, Indonesia**
**24-26 November 2020**

The South East Asia National Human Rights Institution Forum (SEANF) consisting 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 for Human Rights and Justice of Timor-Leste (PDHJ), held the **17th SEANF Annual Conference** on a hybrid communication basis (virtual and offline) in Bogor, Indonesia from 24-26 November 2020.

The main outcomes of the **17th SEANF Annual Conference**, convened on 24-26 November 2020 virtually through the Cisco Webex Meetings application, were as follows:

**Day 1 (Tuesday, 24 November 2020)**

- **Adoption of the Agenda**
  1. The agenda of the 17th Annual Conference was adopted with amendment due to additional agenda, Special Meeting between SEANF and AICHR on 25 November 2020 at 08.30 am.
  2. The second day meeting started at 09.45 am.

- **Adoption of the Report of the 2nd Technical Working Group 2020**
  3. SEANF members adopted the report of the 2nd Technical Working Group (TWG) Meeting held on 25-27 August 2020 virtually in Jakarta Indonesia using Cisco Webex platform, as amended by SUHAKAM and CHRP.

- **Sharing of Major Developments and Activities since the 16th Annual Conference**
  4. SEANF members shared major developments and activities undertaken since the 16th Annual Conference on a wide range of issues and any impacts of COVID-19 pandemic into the human rights works area, including the rights to freedom of movement, protection of the rights of stateless persons, indigenous peoples, women and children. Other issues are: abolishment of the death penalty, promotion of human rights education and public awareness raising, the promotion and protection of human rights in the issue on problem and systematic solving of sexual violence against school children by teachers or educational personnel, advocacy activities relating to business and human rights, LGBTIQ, monitoring of the human rights situation in prisons and detention centres, accreditation

review, the Commissioner structural shifting, and capacity assessment. Mostly, the SEANF Member's works have shifted into digitalization during the COVID-19 pandemic time.

- **Side Event: Webinar on National and International Initiatives in Torture Prevention**

5. Komnas HAM as part of its prevention of torture initiatives together with four other state institutions, The Ombudsman of Republic Indonesia, Witness and Victim Protection Agency, The National Commission on Violence against Women and National Commission on Child Protection organized a Webinar on Torture Prevention. The objectives of this Webinar were to strengthen SEANF commitment in developing regional model for prevention mechanism and have comparative initiatives in torture prevention; to promote the ratification of OPCAT and to share knowledge and experiences regarding to torture prevention.

**Day 2 (Wednesday, 25 November 2020)**

- **Special Meeting between SEANF and AICHR**

6. This meeting has been proposed by SEANF member since 16th Annual Conference in Dili, Timor-Leste. Komnas HAM as SEANF Chairperson facilitated through a dialogue with AICHR Representatives in Indonesia and sent an official letter on behalf of SEANF dated 16th November 2020 addressed to AICHR Chair. The AICHR Secretariat responded on 18th November 2020 by email. AICHR conducted the closed virtual meeting on 25 November 2020. This meeting was off the record. During the meeting, the SEANF Members shared proposals on future cooperation with AICHR including collaboration on human rights issues of common concern such as migrant workers, business and human rights, international human rights instruments and rights of vulnerable communities.

The AICHR Chair informed the Meeting that the AICHR Five-Year Work Plan 2021-2025 and the Priority Programmes/ Activities 2021 has been finalized and is now ready for implementation.

The Meeting agreed that COVID-19 and public health was among the key common areas of interest and both AICHR and SEANF reiterated their commitment to working closely together in future.

- **Discussion and approval of guidelines for use of SEANF social media platform**

7. The SEANF members have adopted the guidelines with amendments from SUHAKAM, CHRP, and PDHJ.

- **The progress of SEANF website**

8. Komnas HAM has been developing SEANF's Website and inserted some materials from the web archives into the website https://seanf.asia. There were some inputs on SEANF logo design. SUHAKAM suggested that Komnas HAM provides some background information to explain the meaning of the symbols and the images within the logo. SUHAKAM also suggested that the background color of SEANF members' logos on the main page of SEANF's website should be white instead of yellow and supported to have 11 persons in the logo as it represents South East Asia region. Alternatively, if the forum choose logo with 6 (six) people, SUHAKAM recommended to leave some space for additional people if more NHRIs

from the region were to join SEANF in future. The members proposed the logo with blue background as the main option and changing the red-colored hand into the color that represents SEANF's color.

9. Any inputs or new designs for SEANF website and logo should be finalized by 31 December 2020. It is hoped to launch the final version by the TWG Meeting conducted by SUHAKAM in 2021.

- **NHRCT to share experiences on business and human rights and the advocacy for the NAP in Thailand**

10. NHRCT shared the implementation of strategy to mainstreaming the Business and Human Rights since 2018, and has promoted the respect of human rights in business operations, especially in protecting, respecting, and remedy the framework. They organized pilot project to implement UNGPs and National Action Plan on Business and Human Rights. The presentation has been distributed to all SEANF members.

- **Adoption of SEANF Statement on the situation of Migrants and Members of their Families amid the COVID-19 crisis**

11. Comments and revisions from SUHAKAM, NHRCT and PDHJ have been incorporated. CHRP updated the statement to include a paragraph on the Global Compact for Migration. The SEANF Members have adopted the statement.

- **Other matters**

12. Komnas HAM informed the members that it convened an informal virtual meeting with the Asian NGO Network on NHRIs (ANNI) as a representative of SEANF on 19 November 2020 to discuss the potential areas of cooperation.

- **Side Event: Online Dialogue on Stateless Issues in Sabah**

13. The online dialogue was co-organised by Komnas HAM, SUHAKAM, and CHRP as one of the activities under the tripartite MoU signed in July 2020.

14. The online dialogue was divided into two sessions with the topics namely, "New narratives in statelessness discourse: national security & human dignity – finding the human rights balance" and "Working beyond borders: opportunities for regional collaborations in mitigating statelessness in Sabah".

15. The online dialogue was attended by approximately 118 participants from relevant government agencies, civil society organizations, United Nations agencies and academicians. Among others, the discussions during the online dialogue underlined potential approaches which could be undertaken by the relevant stakeholders in addressing the issue of statelessness in Sabah. It was noted that the issue of statelessness is multi-faceted and requires strong commitment from relevant stakeholders and international engagement.

**Day 3 (Thursday, 26 November 2020)**

- **Discussion on the NHRCT's proposal towards SEANF's Guidelines on Torture Prevention**

16. NHRCT proposed the adoption of a new document, namely the Principles and Guiding Framework for SEANF Cooperation on the Prevention of Torture and Other Forms of Ill Treatment and some editorial amendments to the SEANF's Guidelines on Torture Prevention that has been provisionally adopted at the 16th Annual Conference in Dili, Timor-Leste.

17. 1PDHJ, and CHRP opined that the amendment proposal must be discussed again.

18. SEANF members adopted the SEANF's the Guidelines on Torture Prevention with amendments from NHRCT and agreed to form the Working Group to discuss the new proposal from NHRCT until generating the recommendation on it.

- **Komnas HAM to update the progress on establishment of SEANF Permanent Secretariat**

19. Komnas HAM updated the Meeting on the efforts it had undertaken in drafting the Host Country Agreement of SEANF Permanent Secretariat with MoFA of Indonesia. Based on MoFA consideration, the Rules of Procedures (RoP) must be formalized first as the basic document.

20. The SEANF members agreed to sign the RoP that has been provisionally adopted in 2017. The closing of the document inserted today's date (26 November 2020) without mentioning the place of signing.

21. The SEANF members agreed on the mechanism of RoP's signing and distribution. The signing will be done by e-sign and pen signature. It will be circulated among the six members.

- **Handing over of SEANF Chairmanship from Komnas HAM to SUHAKAM**

22. On the principle of rotation, the SEANF chairmanship was handed over from the Komnas HAM to the SUHAKAM at the conclusion of the 17th Annual Conference.

26 November 2020
Komnas HAM Secretariat

# GUIDELINES FOR THE USE OF SEANF SOCIAL MEDIA PLATFORM

The South East Asia National Human Rights Institutions Forum (SEANF) is a group of six (6) independent national human rights institutions (NHRI) in South East Asia, comprising Komisi Nasional Hak Asasi Manusia (Komnas HAM) of Indonesia, Suruhanjaya Hak Asasi Manusia (SUHAKAM) of Malaysia, Myanmar National Human Rights Commission (MNHRC), Commission on Human Rights of the Philippines (CHRP), National Human Rights Commission of Thailand (NHRCT), and Provedoria dos Direitos Humanos e Justiça (PDHJ) of Timor-Leste. As the network of NHRIs in the region, the SEANF plays a crucial role in the protection and promotion of human rights in South East Asia. Working under a cooperative framework, the SEANF undertakes joint projects or activities to address issues of common concern such as human trafficking, migrant workers, statelessness, business and human rights, corruption, among others.

**1. General Principles**

1.1. The SEANF promotes the right to hold opinion without interference and the right to freedom of expression with specific duties and responsibilities in accordance with Articles 19 and 20 of the International Covenant on Civil and Political Rights.

1.2. The SEANF recognizes the importance of social media such as websites and others as effective tools to communicate the work of the SEANF in the promotion and protection of human rights in the region.

1.3. Subsequently, the SEANF attaches the importance to the use of online platforms to intermediate information and communication flows concerning SEANF activities and issues of advocacy to reach wider stakeholders including regional governments, civil society and the general public.

**2. Management**

2.1. The SEANF Permanent Secretariat shall be the chief administrator of the SEANF website and other social media platforms, if any, with the responsibility to maintain, to regularly check and to update such in compliance with the relevant SEANF policies and these guidelines.

2.2. SEANF constitutes the SEANF Strategic Communications Working Group to give guidance to the administration of the website and the social media platforms, particularly on the approval of the contents to be posted and to monitor the updating of such website and accounts.

**3. Methods of Work**

3.1. SEANF Working Group

(1) The SEANF Strategic Communications Working Group consists of a person of or a unit appointed by each SEANF member. The Working Group will generally give guidance to the administration. It will also review and

approve, generally on the principle of consensus, the proposed website or social media content before posting, or in case of disapproval, to provide comments, and to monitor the resolution of such concerns.

(2) The Working Group will mainly operate and cooperate through online communication such as e-mail or WhatsApp as agreed by the Working Group members.

(3) The SEANF Chair will act in a capacity of the Working Group Convener designating responsibilities including timeframe to make decisions on matters within its responsibilities. In case consensus cannot be reached, contents will be approved for online posting through a majority vote. Majority shall mean fifty percent plus 1 (50%+1) of the total membership of the SEANF member institutions.

(4) The Working Group will report its annual activities during the SEANF Annual Conference.

3.2. SEANF Permanent Secretariat

(1) The SEANF Permanent Secretariat shall be responsible for the regular maintenance of the SEANF website, ensuring that all the SEANF online platforms are accessible and regularly updated.

(2) The SEANF Permanent Secretariat's responsibility includes publishing content as approved by the Working Group with the authority to edit in compliance with these rules.

(3) The SEANF Permanent Secretariat may publicize information on bilateral activities of SEANF members upon the approval of the relevant members.

**4. Published Data Type**

(1) Background of the SEANF and its members
(2) SEANF strategic plan
(3) SEANF declarations and statements
(4) SEANF baseline papers, reports, academic documents and other documents
(5) SEANF meeting reports and concluding statements
(6) SEANF activities
(7) SEANF articles, comments and publications
(8) Important issues that SEANF members request to publish

**5. Release Requirements**

5.1. With respect of SEANF members' national laws, rules and regulations, any content will not unduly challenge such principle. Such content should be relevant to human rights and in compliance with international human rights standards.

5.2. Contents published on the SEANF online platforms will be from credible sources only.

5.3. The officers with responsibilities related to the SEANF website and social media contents must strictly adhere to the Guidelines.

5.4. In case of unsettled dispute in considering and implementing the Guidelines, the meeting of the SEANF will make decisions on the basis of consensus.

**6. Development of Communication Competency**

6.1. All SEANF staff members, including Chairpersons, Commissioners and Senior Executive Officials, are encouraged to enhance the technical competency of their staff relating to social media and strategic communications through training courses

and experience sharing sessions.

6.2. Technical support may be sought from the SEANF partners such as UN agencies and the Asia Pacific Forum of National Human Rights Institutions (APF).

## 7. Transitory Provisions

While the SEANF is establishing its Permanent Secretariat, the activities to develop the SEANF online channel i.e. website will be undertaken as follows:

7.1. The CHRP will provisionally assist in the development of the SEANF website with the cooperation from Komnas HAM. The CHRP and Komnas HAM will jointly develop the draft of website content and report on their progress at the 17th SEANF Annual Conference for its finalization.

7.2. The SEANF member serving as the Chair and the Working Group will carry out the duties and responsibilities of the SEANF Permanent Secretariat set by these Guidelines while awaiting the establishment of the SEANF Permanent Secretariat.



"the Covid-19 pandemic has had severe socio-economic consequences and we hoped that the pandemic will not negatively impact equal access to human rights for all. SEANF delegates were encouraged to continue to collectively strive towards upholding human rights in these challenging times, especially in relation to the rights of minorities, women and children, the indigenous community, and other vulnerable groups."

***the Chairperson of Komnas HAM Indonesia***
***Ahmad Taufan Damanik***
***on TWG2***

"As SUHAKAM assumes the next Chairperson of SEANF, we looking forward to work closely all members in continuing efforts to fulfil the objectives of SEANF as a regional mechanism for the effective promotion, protection, and fulfilment of the human rights in the South East Asia region."

***the Chairperson of SUHAKAM Malaysia***
***Othman bin Hashim***
***on 17th Annual Conference***

"Under the Paris Principles, the MNHRC, like other National Human Rights Institutions (NHRIs), is required to promote human rights through education, outreach programmes, the media, publications, training and advising. To engage with international human rights mechanisms, the Commission participated in SEANF's meetings."

***Chairman of MNHRC Myanmar***
***U Hla Myint***
***on TWG2***



"CHRP has several avenues within the institution as we have the promotion, protection, and advisory clusters. We cannot refrain security sector members to stop violating human rights. What we can do is remind the government that we are bound by a number of international human rights instruments. We can appeal to the conscience of the government and emphasize our commitment to international conventions."

***Commissioner of CHRP Philippines***
***Karen Gomez-Dumpit***
***on TWG2***

"the NHRCT would like to encourage all of us to offer our moral support to officials, health workers and people with COVID-19. We will overcome the crisis together, with respect for human dignity and human rights of all people."

***Acting Chairperson of NHRCT Thailand Prakairatana Thontiravong***
***on TWG2***

"Although Timor-Leste has not yet become a permanent member of ASEAN, the country had a lot of experiences related to human rights, and already participated in SEANF as well as sharing the information about the issue with the country members of all entities."

***The President for Human Rights and Justice (PDHJ) of Timor-Leste***
***Jesuína Maria Ferreira Gomes***
***on 17th SEANF Annual Conference***

