

RULES OF PROCEDURES

THE SOUTH EAST ASIA NATIONAL HUMAN RIGHTS INSTITUTIONS FORUM (SEANF)

(provisionally Approved Nov. 10, 2017 at the 14th Annual SEANF Conference)

PREAMBLE

RECALLING the decision made at the meeting of the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Human Rights Commission of Philippines (CHRP) and the Human Rights Commission of Thailand (NHRCT) in 2004, Bangkok, Thailand on the agreement to carry out jointly and bilaterally the programmes and activities in areas of human rights of common concern and signature of the ASEAN NHRIs Forum (ANF) Declaration of Co-operation in Bali, Indonesia on 28th June 2007;

CONFIRMING the agreement reached at the 6th ANF Annual Meeting held in Yogyakarta, Indonesia on 11-13 November 2009, to rename the consultative body as South East Asia NHRIs Forum (SEANF);

NOTING that the founding members of the SEANF are the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Human Rights Commission of Philippines (CHRP) and the National Human Rights Commission of Thailand (NHRCT).

NOTING FURTHER that Provedoria Dos Direitos Humanos e Justica (PDHJ) joined SEANF in 2010 and Myanmar National Human Rights Commission (MNHRC) joined in 2012.

RECOGNIZING the commitment to effectively promote and protect human rights and fundamental freedom of the peoples in the of South East Asia Region;

We members of the SEANF hereby adopt these rules as amended.

Chapter I

DEFINITIONS

ARTICLE 1

Terms and Definitions

For the purposes of this Rules of Procedure:

1. **“SEANF”** refers to name of consultative body, the South East Asia National Human Rights Institutions Forum (SEANF).
2. **“Members”** refer to the National Human Rights Institutions in Southeast Asia, including National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Myanmar National Human Rights Commission (MNHRC), the Human Rights Commission of Philippines (CHRP), the National Human Rights Commission of Thailand (NHRCT) and Provedoria Dos Direitos Humanos e Justica (PDHJ) Timor-Leste.

3. **“Secretariat”** refer to the physical centre of the SEANF’s activities and is headed by an Executive Director.
4. **“Host Country”** refers the domicile of the Permanent Secretariat.
5. **“Calendar year and Financial year”** is from 1st January to 31st December of the year.

CHAPTER II

THE NAME OF THE ORGANISATION

ARTICLE 2

The Establishment of SEANF

1. The name of this network of National Human Rights Institution in Southeast Asian Region is the South East Asia National Human Rights Institutions Forum (SEANF) as agreed in the 6th ASEAN NHRI Forum (ANF) on 11-13 November 2009.
2. This Rules of Procedures shall be applicable and referred to in all SEANF operations.

CHAPTER III

OBJECTIVES

ARTICLE 3

Objectives of the SEANF

1. The general objective of SEANF is to organise itself as a regional mechanism for the effective promotion, protection and fulfilment of human rights of the peoples of South East Asia region.
2. Specifically, SEANF aims to:
 - a) Strengthen SEANF as an independent and professional institution by conducting capacity building and promoting cooperation and coordination among its members
 - b) Promote the establishment and strengthening of National Human Rights Institutions in the South East Asia Region in accordance with the Paris Principles.
 - c) Strengthen networks with academic institutions, non-government organisations and civil society organisations, South East Asia Governments and international human rights organisations, particularly the Asia Pacific Forum (APF) and the Global Alliance of National Human Rights Institutions (GANHRI).
 - d) Recommend laws, policies, measures and remedies with respect to the protection, promotion, and fulfilment of human rights within the South East Asia region in accordance with international human rights standards.
 - e) Respond collectively and effectively to urgent human rights matters or concerns based on decisions reached through a consensus by all SEANF members.

CHAPTER IV
SCOPE AND FUNCTIONS

ARTICLE 4

Scope and Functions

The scope and functions of SEANF are the following:

1. Formulate policies, strategies and programmes.
2. Make rules in connection with any policy.
3. Promote cooperation and joint activity among members and with intergovernmental and governmental institutions and other relevant organisations.
4. Encourage governments of South East Asia region, other relevant organisations, in particular the Association of South East Asian Nations (ASEAN) Inter-governmental Commission on Human Rights (AICHR), and individuals to participate in meeting of, or project arranged by SEANF.
5. Encourage their respective governments to become parties to international human rights instruments and harmonise domestic laws to these instruments: and on this basis, SEANF will take initiatives in forging regional standards and conventions.
6. Consider and adopt or otherwise deal with the reports of any member on any issue of human rights of common concern.
7. Undertake such activities that are conducive to attaining SEANF's objectives; including taking collective positions on issues of gross human rights violations within and outside the region based on decisions reached through a consensus by all SEANF members.

CHAPTER V

MEMBERSHIP

ARTICLE 5

Membership

SEANF shall be composed 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 Human Rights Commission of Philippines (CHRP), The National Human Rights Commission of Thailand, and Provedoria Dos Direitos Humanos e Justica (PDHJ) Timor-Leste.

Additional National Human Rights Institutions in the South East Asia may be admitted by the SEANF as member following proper admission proceedings as provided under the immediately succeeding article.

ARTICLE 6

Admission of New Members

1. SEANF may admit any National Human Rights Institution in the South East Asia region as its member.
2. Every application for membership must be proposed by one and seconded by another member of SEANF.
3. The applicant must manifest discernible efforts in the direction of compliance with the Paris Principles.
4. SEANF shall consider the incoming application and decide its admission or rejection at the Annual Conference.
5. SEANF may, at its discretion, defer the consideration of an application for membership.

ARTICLE 7

Independence of Members

Notwithstanding what is herein contained, the independence of authority and national status of the members of the SEANF, and their scope of powers, duties and functions, empowered by their relevant laws, shall in no way be affected and influenced by the establishment of SEANF or by any provision contained in the rules of procedures.

ARTICLE 8

Responsibilities of Members

1. To abide by the rules of SEANF and implement its programme and policies within their own national constituency, to the extent possible, taking into consideration the relevant laws of the Members.
2. To positively respond to the request for support from SEANF members when necessary, especially with respect to capacity building and strengthening in compliance with the Paris Principles.
3. If necessary, when a member finds itself unable to carry out its normal function, upon request of the member concerned, SEANF must collectively help and support the member with appropriate measures.

CHAPTER VI

STRUCTURE

ARTICLE 9

Structure of the SEANF

The SEANF shall be composed of:

- a) The Chairperson

- b) The Governing Board.
- c) The Secretariat

ARTICLE 10

Chairperson of the SEANF

1. The Chairperson of the SEANF shall be the chairperson of the National Human Rights Commission that hosts the Annual Conference.
2. The Chairperson shall hold office for a term beginning from date of the conclusion of the last Annual Conference and ending on the date of the conclusion of the following conference.
3. The Chairperson of SEANF may invite or grant the request of any person, representative of other National Institution, governmental and non-governmental organisation, or other relevant organisation to attend and take part in the Annual Conference or any of its other meetings. Such person or representative of such institution or organisation may speak with permission of the Chairperson but not to participate in any decision.

ARTICLE 11

Governing Board

1. The Governing board is hereby established to assume overall responsibility and be accountable for the operations of the SEANF.
2. The Governing Board shall be comprised of the chairpersons of each National Human Rights Institution member of SEANF.

The positions of the Chair of the Governing Board shall be respectively assumed by the representative of the members in alphabetical order.

3. The Governing Board may invite Experts and/or partners as it deems appropriate to attend the meeting of the Governing Board.
4. The meeting of the Governing Board shall be convened at least once a year.
5. Special meetings maybe convened by the Chair of the Governing Board at the request of any of its members, provided that such request is supported by at least three (3) other members.
6. The decisions of the Governing Board shall be by consensus. The decision-making and other procedures of the Governing Board shall be governed by the Rules of Procedure to be drawn up by the Governing Board.

ARTICLE 12

Functions of the Governing Board

The functions of the Governing Board shall be as follows:

1. Undertake the overall supervision of operations by providing policy guidance and give directions to the SEANF.
2. Establish an Organizational structure and staff requirements at the same time identifying their respective duties and functions. For this purpose, an Executive Director shall be appointed by the Governing Board to head the Secretariat and oversee the day-to-day activities of the same.
3. Approve the rules and procedures of the Secretariat, including the administrative and financial operations of the SEANF.
4. Approve the annual work programmes and operationalisation budget of the SEANF and monitor the implementation.
5. Approve the disposal of the property and assets of the SEANF in case of dissolution of the SEANF, and on any other matters concerned with the dissolution.
6. Approve the acceptance of any voluntary contributions or donations for the purposes of the SEANF.

ARTICLE 13

The Secretariat

1. SEANF shall undertake to establish a permanent secretariat with adequate financial and human resources.
2. The permanent secretariat shall be headed by the Executive Director and shall be composed of head of divisions and staff members
3. The seat of the permanent secretariat shall be in Jakarta, Indonesia.
4. Upon establishment of a permanent secretariat, an annual fee shall be collected from SEANF members for purposes of funding operational expenses until external source of funding shall become available.
5. The Secretariat shall perform the following functions:
 - a) Help strengthen the capacity of SEANF members by organising meetings amongst SEANF member and other stakeholders and facilitating networks;
 - b) Manage the day-to-day operations of the SEANF and implements the decisions of the Forum;
 - c) Maintain communication and coordination amongst SEANF members;
 - d) Organise programs and initiatives of SEANF that promote human rights issues as common cooperation;
 - e) Assist in identifying priorities issues, harmonizing activities, improving the utilization and mobilization of resources and support efforts to strengthen capacity of SEANF member to contribute to promotion and protection of human rights in region;
 - f) Compile and disseminate information to SEANF members and stakeholders;
 - g) Manage Forum's website including updates program and activities;

- h) Organize and coordinate SEANF participation on Regional and International Conference, Workshop, Seminar or Sessions in UN Bodies;
- i) Co-operate with other organizations and agencies in matters of common interest;
- j) Provide support to the SEANF Chair;
- k) Organize and coordinate TWG and Annual meetings of SEANF as well as other meeting based on Forum's decisions;
- l) Help secure financial support for the Organization from interested countries, organizations or other sources;
- m) Carry out all other assignments given by the Forum;
- n) Conduct studies on various human rights issues of common concern to Southeast Asian countries;
- o) Prepare SEANF position papers on various human rights issues, which would be submitted to relevant stakeholders such as ASEAN bodies, under the direction of the governing board.

ARTICLE 14

Executive Director

1. The Executive Director shall be appointed by the Governing Board in accordance with the terms and conditions established by it.
2. The Executive Director shall be responsible and accountable for the management of the Secretariat of SEANF and all other functions that may be directed by the Governing Board, thru the Chair of the SEANF.
3. The Executive Director shall be supported by Heads of Divisions and staff to carry out his/her functions and responsibilities effectively and efficiently.
4. The Executive Director shall make recommendations to the Governing Board for the appointment of the Heads of Divisions and staff members in accordance with the terms and conditions established by the Governing Board.
5. The Executive Director shall have a contractual term of office of three (3) years, which term may be renewed at the discretion of the Governing Board.
6. When the office of the Executive Director becomes vacant, the Governing Board shall immediately appoint an Acting Executive Director, until the assumption to the office by a duly appointed Executive Director.
7. The Executive Director shall exercise overall responsibility for effective management of the operational budget of the Secretariat of SEANF. The Executive Director shall prepare semi-annual progress reports to the Governing Board on the financial status of the Secretariat of SEANF.
8. The Executive Director shall be responsible for the preparation of the SEANF's annual reports concerning the progress and accomplishments of the secretariat.

ARTICLE 15

Heads of Divisions

1. The Head of Divisions shall be appointed by the Executive Director in accordance with the terms and conditions as established by the Governing Board.
2. The Heads of Divisions shall be responsible for the management of their respective Divisions and all other functions that may be directed by the Executive Director.
3. The Heads of Divisions shall be supported by members to carry out his/her functions responsibilities effectively and efficiently.

ARTICLE 16

Staff Members

1. The staff members shall be appointed by the Executive Director in accordance with the terms and conditions as established by the Governing Board.
2. The staff members shall perform such tasks in accordance with the terms and conditions of their appointments and any other tasks assigned by the Executive Director and/or the Heads of Divisions and/or the Governing Board.

CHAPTER VII

MODALITIES

ARTICLE 17

Annual Conference

1. SEANF shall convene an Annual Conference composed of all members in each calendar year, the venue of which shall be rotated among the member countries in alphabetical order.
2. The Chairperson of SEANF shall, in consultation with the other members, determine the date of the Annual Conference and preside as chairperson of the said conference. If for any reason the Chairperson is unable to do so, he or she shall nominate any member of its Commission to preside over the conference.
3. The Conference shall address such issues as determined by the Chairperson in consultation with members of SEANF.
4. Decision at the Annual Conference or any meeting of SEANF shall be reached by consensus. Should no consensus be achieved, the relevant motion or resolution shall lapse.
5. SEANF shall hold such other meetings upon request in writing by any member on a date and venue to be determined by the current SEANF Chairperson, to address any issues as requested by such member.
6. All expenses for attending the Annual Conference and meetings of SEANF shall be borne by the respective members.

ARTICLE 18

SEANF's Annual Report

1. The Chair of SEANF shall submit an annual report and other appropriate of its work to members during the Annual Conference.
2. SEANF shall keep the public periodically informed of its work and activities through appropriate public information materials.

ARTICLE 19

Relationship with Other Human Rights Bodies

SEANF shall work with all international and regional human rights bodies. To this end, the SEANF shall closely consult, coordinate and collaborate with such bodies in order to promote synergy and coherence for the promotion and protection of human rights cooperation.

CHAPTER VIII

GENERAL PROVISIONS

ARTICLE 20

Obligations of the Host Country

The Host Country shall provide adequate premises at its own expense, operational facilities and such other facilities needed for the operations of the Secretariat of SEANF in accordance with the Host Country Agreement to be concluded between the SEANF and the Host Country.

ARTICLE 21

Legal Personality

1. Subject to decision reached by consensus by all its members, SEANF shall have, in the territory of its Host Country, the legal capacity to do the following:
 - a) To enter into contracts;
 - b) To acquire and dispose of movable and immovable properties; and
 - c) To institute and defend itself in legal proceeding.
2. In the exercise of these capacities, SEANF shall be represented by member of Governing Board from its Host Country who shall comply with the relevant rules and procedures approved by the Governing Board.

ARTICLE 22

Funding Arrangements

1. SEANF Fund (here in after referred to as the "Fund") is here by established to support the operationalisation budget of Secretariat of SEANF and other activities. The members shall make annual and equal contributions to the Fund, which shall be remitted in a timely manner, based on reached agreement by consensus as to the agreed contributions for any specific year.

2. SEANF may, when necessary, mobilise additional resources from the international donor community which includes international organisations, regional financial institutions and partners.
3. The Fund is to be utilised to meet the expenses necessary to implement the activities required to fulfil the purposes of the SEANF, as approved by the Governing Board.
4. All funds shall be administered in accordance with the rules and procedures for the management of such funds established.

ARTICLE 23

Adoption and Amendments

These Rules of Procedures shall come into force on adoption by members of SEANF and shall remain in force for one year or until subsequently amended.

ARTICLE 24

Settlement of Disputes

Any dispute between members concerning the interpretation or application of, or compliance with this Rules of Procedures shall be settled amicably by consultation or negotiation.

CHAPTER IX

ADMINISTRATION

ARTICLE 25

Working Language of SEANF

The working language of SEANF shall be English.

ARTICLE 26

Matters not Covered by the Rules

Any matter which is not covered by these Rules of Procedures may be determined by SEANF members.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective members that have signed this Rules of Procedures.

Done in (city), (country), this (date) Day of (month) in the Year Two Thousand and Seventeen, in a single original copy in the English Language.

