



Committee on Economic, Social
and Cultural Rights



20th SEANF Annual Conference
“Regional Consultation on the General Comment on
Human Rights Impacts of Drug Policies”
24 November 2023
The Sukosol Hotel, Bangkok, Thailand

Co-organized by

National Human Rights Commission of Thailand (NHRCT),
Southeast Asia National Human Rights Institutions Forum (SEANF), and
UN Committee on Economic, Social and Cultural Rights (CESCR)

Concept Note

National human rights institutions (NHRIs), are independent state bodies with a constitutional or legislative mandate to protect and promote human rights. In terms of protection, NHRIs address a full range of human rights, including civil, political, economic, social and cultural rights. They also play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level.

To ensure effectiveness and promote wider range of human rights protection and promotion, NHRIs cooperate with partners at the national level and engage with other NHRIs, as well as the international human rights system. In South East Asia, a sub-regional network of NHRIs, called the South East Asia National Human Rights Institution Forum (SEANF), was established through the signing of the Declaration of Cooperation in Bali, Indonesia, on 28 June 2007.

At present, SEANF members consists of six national human rights institutions, namely; the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Commission on Human Rights of the Philippines (CHRP), the Myanmar National Human Rights

Commission (MNHRC), Provedoria dos Direitos Humanos e Justiça (PDHJ) of Timor Leste, and the National Human Rights Commission of Thailand (NHRCT).

SEANF serves as a forum for members to discuss a wide range of human rights issues of common concern and share good practices in promoting and protecting human rights in Southeast Asia. Working under a cooperative framework, SEANF members carry out joint projects or activities under its Strategic Plan. SEANF also collaborates with the Asia Pacific Forum (APF), the Global Alliance of National Human Rights Institution (GANHRI), the Office of the High Commissioner for Human Rights (OHCHR), and other human rights organizations to further promote and protect human rights at the national, regional and international levels.

The United Nations Committee on Economic, Social and Cultural Rights (CESCR) is the treaty body that has most often addressed and engaged with the human rights consequences of drug policies. In recent years the Committee has systematically incorporated issues connected to drug laws in its periodic reviews of State parties, providing a range of recommendations on issues such as the provision of harm reduction, the effective decriminalization of drug use and possession for personal use, access to medical cannabis, and the adoption of human rights-based legislative frameworks on drugs. The issues and recommendations raised by the Committee have revolved around the right to health, but there are other important dimensions that also deserve attention, such as the exclusion of people who use drugs from social services, impacts on access to employment or education, or the prohibition of traditional uses of drugs.

Other aspects of the right to health, such as the impact of compulsory detention and treatment, discrimination against marginalized groups, or the promotion of community-led responses, might also benefit from greater discussion. To bridge this gap, during its 72nd session, the CESCR adopted a decision to develop a General Comment (GC) on the impacts of drug policies on economic, social and cultural rights, which is intended to be a comprehensive and holistic tool and guidance for state parties to the International Covenant on Economic, Social and Cultural Rights (ratified by 171 State Parties) on the human right obligations related to drug policies. In this respect and pursuant to its longstanding practice, the CESCR seeks to engage and consult with stakeholders at national, regional and international levels in order to receive relevant inputs and proposals for the GC. The CESCR has appointed three rapporteurs to develop a draft GC for their further deliberations and final approval. At present the rapporteurs have presented an annotated outline of the GC to the CESCR and will engage with stakeholders to collect and collate inputs and data from stakeholders to develop their first draft.

As an independent body having a mandate to investigate human rights violations and provide a parallel report to CESCR on the progress of State implementation of the ICESCR, NHRIs are a focal point for the consultation of the GC. To strengthen and expand the networking, SEANF has been continuing to work with all stakeholders through their official platform which is the SEANF Annual Conference. The SEANF Annual Conference composes of all members, the venue of which shall be rotated among the member countries in alphabetical order. The Chairperson of SEANF shall, in consultation with the other members, determine the date of the Annual Conference and preside as the Chairperson of the said conference. For 2023, the 20th SEANF Annual Conference will be organized by the NHRCT in Bangkok, Thailand.

The NHRCT and SEANF members agreed to co-organize a side event of its 20th SEANF Annual Conference, titled “**Regional consultation on the general comment on the human rights impact of drug policies**” with the CESCR with a view to bringing to the fore the drug-related issues that are common to all SEANF members and provide inputs to inform the development of the GC. The regional consultation will also serve as a platform for other stakeholders whose participation and views will strengthen the participatory nature of the GC process and foster further cooperation at regional and international levels. The target participants include CESCR members, SEANF members, NHRIs from other regions, civil society organizations, academia, UN agencies, Global Commission on Drug Policy, and representatives of government agencies and embassies.