



**THE ASIA PACIFIC FORUM
OF NATIONAL HUMAN RIGHTS INSTITUTIONS**

...a partnership for human rights in our region

REPORT OF THE TENTH ANNUAL MEETING

**ULAANBAATAR, MONGOLIA
24-26 AUGUST 2005**

The Asia Pacific Forum of National Human Rights Institutions gratefully acknowledges the support provided by donors – see <http://www.asiapacificforum.net/about/donors/index.html>.

TABLE OF CONTENTS

MEETING REPORT	2
ANNEX 1 – MEETING AGENDA	5
ANNEX 2 – CONCLUDING STATEMENT	12
ANNEX 3 – LIST OF PARTICIPANTS	17

MEETING REPORT

The Asia Pacific Forum of National Human Rights Institutions (APF) was established in 1996 following the inaugural Regional Workshop of National Human Rights Institutions which was held in Darwin, Australia. The second Regional Workshop was held in New Delhi, India from 10 to 12 September 1997, the third annual meeting took place in Jakarta, Indonesia from 6 to 9 September 1998, the fourth annual meeting took place in Manila, the Philippines from 6 to 9 September 1999, the fifth annual meeting took place in Rotorua, New Zealand from 7 to 9 August 2000, the sixth annual meeting took place in Colombo, Sri Lanka from 24 to 27 September 2001, the seventh annual meeting took place in New Delhi, India from 11 to 13 November 2002, the eighth annual meeting took place in Kathmandu, Nepal from 16 to 18 February 2004 and the ninth annual meeting took place in Seoul, Republic of Korea, on 13 September 2005.

The Tenth Annual Meeting of the APF was held in Ulaanbaatar, Mongolia from 24 to 26 August 2005. The National Human Rights Commission of Mongolia hosted the meeting. The Secretariat of the APF provided organisational support. Financial assistance was provided by a range of donors but particularly the Office of the United Nations High Commissioner for Human Rights (OHCHR).

The President of Mongolia, Mr Nambaryn Enkhbayar, opened the annual meeting. The three-day meeting included a one-day closed session of the Forum Council and a two-day meeting which was open to observers from governments, non-governmental organisations and other interested organisations and individuals.

The major theme of the meeting was the role of national human rights institutions in the prevention of torture and other forms of ill-treatment. The Advisory Council of Jurists met separately to consider the Forum Council's reference on torture before joining the plenary session on Day Three of the meeting to present its interim report and recommendations. Other topics addressed during the meeting included national human rights institutions and human rights education and the APF-Brookings/Bern Project on Internally Displaced Persons.

The objectives of the Meeting were to consolidate and build on the program of practical, co-operative activities developed by the Forum to strengthen the functioning and assist in the development of regional national human rights institutions.

The major outcomes of the 10th Annual Meeting included:

Forum Council

- The National Human Rights Commission of Mongolia was unanimously elected to the position of Chairperson of the Forum.

- The National Human Rights Commission of the Republic of Korea and the Fiji Human Rights Commission were unanimously elected to the two positions of Deputy Chairpersons.

Membership applications

- The Afghanistan Independent Human Rights Commission was admitted as a full member of the APF.
- The Provedor for Human Rights and Justice of Timor-Leste was admitted as a candidate member of the APF.
- The National Human Rights Committee of Qatar was admitted as an associate member of the APF.

The above three decisions raise the total membership of the APF to 17 institutions.

Advisory Council of Jurists

- The Advisory Council of Jurists presented their interim report on torture.
- The Forum Council also agreed to develop a reference on the legal obligations of States in implementing of economic, social and cultural rights.

Administration

- The Forum Councillors reviewed and endorsed the APF's activities over the past twelve months and provided member commissions with an opportunity to discuss a wide range of issues relating to the administration and future directions of the APF.

International Coordinating Committee

- Forum Members also addressed the work of the International Coordinating Committee of National Human Rights Institutions and the involvement of Asia Pacific national institutions in the international human rights system. Forum members elected the Fiji Human Rights Commission, the National Human Rights Commission of Nepal, the Philippines Commission on Human Rights and the National Human Rights Commission of the Republic of Korea to be the four regional representatives to the International Coordinating Committee of National Human Rights Institutions. The Fiji Human Rights Commission was nominated and selected to represent the Forum on the ICC's accreditation sub-committee.

11th Annual Meeting

- The Forum Council accepted the offer of the Fiji Human Rights Commission to host the Eleventh Annual Meeting of the APF in 2006.

The Meeting adopted a comprehensive Statement of Conclusions that reaffirmed the Forum's commitment to promoting the development of national human rights institutions in conformity with the Paris Principles.

A full set of meeting papers is enclosed with this report.

ANNEX 1 – MEETING AGENDA

TENTH ANNUAL MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

24-26 AUGUST 2005

Chinggis Khaan Hotel
Ulaanbaatar, Mongolia

Day 1 **Wednesday 24 August 2005**

Closed Session - Forum Members and OHCHR

8:15-9:00 Registration (Forum members and ACJ)
Third Floor

9:00–12:00 **Forum Members Meeting – General Business**
Room: Conference Hall

Chair: Mr Young-hoang Cho, National Human Rights
Commission of Korea

1. Adoption of Agenda (Chairperson)
2. Confirmation of Attendance (Chairperson)
3. Report on Forum Operations (Secretariat)
4. Report of APF Finances and Administration (Secretariat)
5. Business Plan (Secretariat)
6. APF Training Needs Analysis (Secretariat)
7. Membership Applications (Chairperson)
8. Discussion re: Tenth Annual Meeting (Secretariat)
 - Agenda
 - Concluding Statement
9. Advisory Council of Jurists (Chairperson)
 - Appointments
 - 2006 Reference
10. International Coordinating Committee (Secretariat)

- Report of the APF representative to the ICC Accreditation Sub-Committee
- Election of four regional representatives to the ICC and one regional representative to the ICC accreditation sub-committee
- Participation of National Human Rights Institutions in the work of the United Nations Commission on Human Rights

11. 13th UN Asia Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human Rights (Chairperson)

12. Disability Rights (Chairperson)

13. Internally Displaced Persons (Secretariat)

14. Senior Executive Officers – Issues for Discussion (Chair, Senior Executive Officers Network)

15. Eleventh Annual Meeting (Secretariat)

- Location
- Proposed Topic: NHRI's and the International Labour Organisation: Protections for Migrant Workers

16. Election of new Chairperson and Deputy Chairpersons

17. General Business

12:00–1:00

Lunch

European Restaurant

1:00–3:00

Meeting of Senior Executive Officers

Room: Conference Hall

Chair: Mr Kedar Poudyal, National Human Rights Commission of Nepal

1. Developments since last SEO Network meeting in Nepal
2. National Action Plans - development, implementation and monitoring
3. Strategic planning processes for NHRIs
4. Operational planning and implementation of strategic plans
5. APF Business Plan
6. Complaint Handling - Key indicators and Processes
 - Presentation: Case Management System, Fiji Human Rights Commission
7. Future information exchange

4:00 **Registration (observers)**
Room: 3rd Floor

Opening Ceremony, Cultural Program and Reception

6:00pm **Opening Ceremony – Celebrating 10 Years of the Asia Pacific Forum**
Room: Conference Hall - please be seated no later than 6:10pm

6:15pm **Keynote Speeches**

Mr Enkhbayar Nambar
President of Mongolia

Mr Tserendorj Suren
Chief Commissioner, National Human Rights Commission of Mongolia, Chairperson, Asia Pacific Forum of National Human Rights Institutions

Ms Pratibha Mehta
Resident Coordinator
United Nations

6:45pm End

6:50pm **Reception and Cultural Program**
Meet in lobby of Chinggis Khaan Hotel for transportation to Hotel Mongolia

7:30pm **Reception**
Hosted by Mr Enkhbayar Nambar
President of Mongolia

9:30pm Transportation back to Chinggis Khaan Hotel

10:00pm Arrive at Chinggis Khaan Hotel

Day 2 Thursday 25 August 2005

Open Session – Forum Members and Registered Observers

8.30 **Registration**
Room: 3rd Floor

9:00 – 10:00 **Asia Pacific Regional Cooperation**
Chair: Mr Tserendorj Suren
National Human Rights Commission of Mongolia

Report from Closed Session Meeting

Mr Kieren Fitzpatrick, Director – Secretariat
Asia Pacific Forum of National Human Rights Institutions

Mr Orest Nowosad, Coordinator
National Institutions Unit
Office of the High Commissioner for Human Rights

Ms Yanine Poc, Officer-in-Charge
Regional Office for Asia-Pacific
Office of the High Commissioner for Human Rights

Reports from representatives of Asia Pacific Governments – (3 minutes each)

Report from Non-Governmental Organisations – (10 minutes)
Representative
Non-Governmental Organisations

10:00 – 10.15 Open Discussion - Question and Answer Session

10.15 Morning Tea

10.45 **Reports from APF Members** (4 minutes)
Chair: Philippines Commission on Human Rights

- Note 1: APF members to submit written report to APF Secretariat by Wednesday 10 August 2005
- Note 2: Speakers will be stopped after 4 minutes

- Afghanistan
- Australia
- Fiji
- India
- Indonesia
- Jordan
- Malaysia
- Mongolia
- Nepal
- New Zealand
- Palestine
- Philippines
- Republic of Korea
- Sri Lanka
- Thailand

11.45 **Reports from other Human Rights Institutions** (4 minutes)

- Iran
- Maldives
- Qatar
- Saudi Arabia
- Timor-Leste
- Uzbekistan

12:10 – 12.30 Open Discussion – Questions and Answer Session

12.30 **Lunch**
European Restaurant

2.00 **National Human Rights Institutions and Human Rights Education**

Chair: Afghan Independent Human Rights Commission

Incorporating human rights education into school curriculum

Dr Shaista Shameem, Director
Fiji Human Rights Commission

Ms Khishigsaikhan Batchuluun, Director
National Human Rights Commission of Mongolia

Public Advocacy and the Role of the Media

Dr Judy McGregor
Equal Employment Opportunity Commissioner
New Zealand Human Rights Commission

2.45 Open Discussion – Question and Answer Session

3.30 Afternoon Tea

4.00 **National Human Rights Institutions and Internally Displaced Persons: Report on the APF-Brookings/Bern Project**

Chair:

Dr Deepika Udagama, Commissioner
Human Rights Commission of Sri Lanka

Dr Purificacion Quisumbing, Chairperson
Philippines Commission on Human Rights

4.30 Open Discussion – Question and Answer Session

5.00 **End of Day 2**

Cultural Evening

5:30 Meet in Chinggis Khaan Hotel Lobby for transportation to Chingisiin Khuree

6:15 Cultural event and performance

8:15 Formal Dinner

10:00 Transportation back to Chinggis Khaan Hotel

10:30 Arrive at Chinggis Khaan Hotel

Day 3 Friday 26 August 2005

National Human Rights Institutions and the Prevention of Torture and other forms of ill-treatment

9:00 **National Human Rights Institutions and the Prevention of Torture and other forms of ill-treatment**

Room: Conference Hall

Chair: Tan Sri Simon Sipaun, Vice-Chairman
Human Rights Commission of Malaysia

Report from the Advisory Council of Jurists

Representatives, Advisory Council of Jurists - Presentation and Panel Discussion

10.00 – 10.30 Open Discussion – Questions and Answers

10:30 Morning tea

11:00 **National Human Rights Institutions and the Prevention of Torture and other forms of ill-treatment**

Chair: Mr Dashdorj Jadamba

National Human Rights Commission of Mongolia

Dr Matthew Pringle, Association for the Prevention of Torture
The Optional Protocol to the United Nations Convention against Torture: a practical tool for preventing torture

Mr Dashdorj Jadamba, Commissioner
National Human Rights Commission of Mongolia

Representative
National Human Rights Commission of Nepal

12.00 Open Discussion – Questions and Answers

1:00 **Lunch**

European Restaurant

2:00 **Advisory Council of Jurists - 2006 Reference and Report from APF Members**

Chair:

a) Decision on the 2006 Reference to the Advisory Council

b) Report from APF Members on Standing Issues

- Terrorism
- Trafficking
- Death Penalty
- Child Pornography

3.00 – 3.30 Open Discussion – Questions and Answers

3:30 **Afternoon tea**

4:00

CLOSED SESSION (Forum Members and OHCHR)

Final Drafting of the Concluding Statement

Room: Meeting Room 1

4:00

The Work of the National Human Rights Commission of Mongolia

Representative, National Human Rights Commission of Mongolia

5:00

FINAL CONFERENCE STATEMENT

Adoption of Statement of Conclusions and Recommendations

Room: Conference Hall

Mr Tserendorj Suren

Chief Commissioner, National Human Rights Commission of Mongolia, Chairperson, Asia Pacific Forum of National Human Rights Institutions

6.00pm

End of Tenth Annual Meeting

Note: **The Advisory Council of Jurists will meet separately before joining the proceedings of the last day.**

ANNEX 2 – CONCLUDING STATEMENT

TENTH ANNUAL MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

24 to 26 August 2005, Ulaanbaatar, Mongolia

CONCLUDING STATEMENT

Introduction

1. The Asia Pacific Forum of National Human Rights Institutions (the Forum), consisting of the National Human Rights Institutions of Mongolia, Afghanistan, Australia, Fiji, India, Indonesia, Jordan, Malaysia, Nepal, New Zealand, Palestine, Philippines, Qatar, Republic of Korea, Sri Lanka, Thailand and Timor-Leste, held this Tenth Annual Meeting in Ulaanbaatar, Mongolia from 24 to 26 August 2005.
2. The Forum Councillors expressed their gratitude to the National Human Rights Commission of Mongolia for hosting the meeting, to the Office of the High Commissioner for Human Rights (OHCHR) for its co-sponsorship and to all the Forum's donors for their financial support. The Forum Councillors expressed their appreciation for the efforts of the Commissioners and staff of the National Human Rights Commission of Mongolia and the secretariat of the Forum for their work in the organisation of the meeting.
3. The Forum particularly welcomed the participation of the Advisory Council of Jurists, appreciated and thanked them for their work. The Forum also welcomed representatives, as observers, from the institutions of the Maldives, Iran, Uzbekistan and Saudi Arabia, thirty five international, regional and national non-governmental organizations, the representatives of Australia, Canada, France, Mongolia, New Zealand and Taiwan, and the OHCHR, UNHCR, UNESCO, UNICEF and ILO.
4. Mr Enkhbayar Nambar, President of Mongolia, Mr Tserendorj Suren, Chief Commissioner, National Human Rights Commission of Mongolia and the Chairperson of the Forum and Ms Pratibha Mehta, United Nations Resident Coordinator (Mongolia) who participated in her capacity as Resident Coordinator and on behalf of Mrs Louise Arbour, High Commissioner for Human Rights, addressed the inaugural session. In their opening statements the distinguished speakers congratulated the Forum on its 10th anniversary.

Conclusions

The Forum, during its closed business session:

5. Discussed the issue of ‘observers’ at the closed session of the Forum and requested the secretariat to develop guidelines on this issue and submit it to Forum Councillors for their consideration and decision.
6. Noted the activity report of the Forum since its last annual meeting and expressed their appreciation for the work of the secretariat. Forum Councillors considered the secretariat’s report of the Forum’s finances and administration and adopted the Directors, Financial and Audit report of the Forum for the period ending 31 March 2005. Forum Councillors highly appreciated the financial contributions made by (i) member institutions; (ii) the governments of Australia, India, New Zealand, Republic of Korea, Thailand, United Kingdom and the United States; (iii) donor institutions, including the British Council, Brookings Institution, MacArthur Foundation and the National Endowment for Democracy; and (iv) intergovernmental agencies, including the Commonwealth Secretariat, and United Nations agencies (OHCHR, UNDP, UNESCO, UNICEF).
7. Agreed to form a working group of the Forum to develop draft guidelines to strengthen the application of the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (Resolution 49/134) commonly referred to as the ‘Paris Principles’ on the method of appointment of members of national human rights institutions and the security of their tenure for consideration and decision by Forum Councillors at the 11th Annual Meeting.
8. Approved the Forum’s annual plan for 2006 and agreed to form a working group of the Forum to develop a new three year strategic plan for the period 2007 to 2009 for the consideration of Forum Councillors at a full day ‘closed session’ at the 11th Annual Meeting.
9. Considered the training needs of national human rights institutions and welcomed the outcomes of the training needs analysis. Forum Councillors requested that the secretariat develop a training plan based on these outcomes for the consideration and approval of Forum Councillors and seek donor funding for its implementation.
10. Reaffirmed that the structure and responsibilities of national institutions should be consistent with the ‘Paris Principles.’ After considering formal applications for membership and their compliance with the Paris Principles they revised the associate membership status of the Afghanistan Independent Human Rights Commission to become a full member, and admitted the Provedor for Human Rights and Justice of Timor-Leste as a candidate member and the National Human Rights Committee of Qatar as an associate member of the Forum. This increased the Forum’s overall membership to 17 institutions.
11. Forum Councillors called upon States in the Asia Pacific region to establish and strengthen national human rights institutions to ensure their full compliance with the Paris Principles.

12. Decided to make a reference to the Advisory Council of Jurists on the legal obligations of States for the implementation of economic, social and cultural rights and requested that the secretariat develop a draft reference for the consideration and approval of Forum Councillors.
13. Welcomed the report of the Fiji Human Rights Commission, the Forum's representative to the accreditation sub-committee of the International Coordinating Committee of National Institutions (ICC), and thanked the Forum's representative for her work. Forum Councillors re-nominated the current Forum representatives to the ICC.
14. Agreed to advocate a joint approach at the 13th Annual UN Workshop of the Framework on Regional Cooperation and Protection of Human Rights in the Asia-Pacific Region, to be held in Beijing, China, from 30 August to 2 September 2005 based on a "sustainable partnership" between the Forum and the OHCHR.
15. Welcomed the United Nations Commission on Human Rights (CHR) resolution at its 61st session (2005/74) deciding to develop modalities for the further enhancement of the participation of national human rights institutions in CHR deliberations. Forum Councillors endorsed the need for a periodic review of compliance with the Paris Principles. Forum Councillors noted the ongoing debate regarding UN reform, including reform of the CHR, and agreed to monitor and discuss developments. Forum Councillors agreed to work with governments and the OHCHR to ensure that the important role of national human rights institutions is incorporated in these reform deliberations and that outcomes regarding any successor body to the CHR maintain and further enhance, as appropriate, the participation and engagement of national human rights institutions.
16. Welcomed the continued role of APF member institutions in the negotiations to develop a new United Nations Convention on Disability and agreed on the need to ensure that national human rights institutions play a formal role in both the implementation and monitoring of the proposed Convention. Forum Councillors agreed to raise with their national governments the possible role that national human rights institutions could play in this regard and encourage their governments to support such proposals at the 7th session of the Ad Hoc Committee of the UN General Assembly, to be held in January 2006. Forum Councillors also requested their disability working group to work in partnership with Disability Rights Promotion International to develop a tool to collect and categorise disability rights cases.
17. Commended the efforts of the Senior Executive Officers to assist in the effective and efficient functioning of national institutions. The Forum requested that the Senior Executive Officers continue to increase their cooperation and requested that they provide a report to the 11th Annual Meeting of the Forum on their activities and cooperation projects.

18. Unanimously elected the National Human Rights Commission of Mongolia (as the current host institution of the annual meeting) to the position of Chairperson of the Forum. The National Human Rights Commission of the Republic of Korea (as the host institution for the last annual meeting) and the Fiji Human Rights Commission (as the host institution for the next annual meeting) were also elected unanimously to the two positions of Deputy Chairpersons.

The Forum, during its open plenary sessions:

19. Expressed appreciation and commended the OHCHR for its continuing commitment to strengthen sustainable partnerships with the Forum and requested the OHCHR and the secretariat to jointly explore how this may be realised in the context of the Forum's strategic plan and the UN framework on regional cooperation for the promotion and protection of human rights in the Asia Pacific region and to report back to the Forum's 11th Annual Meeting. The Forum also called upon Member States to increase their support, including financial support, for the important work of the OHCHR, particularly with regard to national human rights institutions.

20. Appreciated the constructive contribution of non-governmental organisations to the work of the Forum. The Forum thanked non-governmental organisations for their submissions, collective participation and advocacy in the meeting. The proposals put forward by non-governmental organisations will be carefully considered by Forum Councillors in the development of the Forum's new three year strategic plan. The Forum requested non-governmental organisations to continue to work in partnership in the implementation of the Forum's activities

21. Welcomed the reports of Forum members, relevant institutions and governments which shared measures to protect and promote human rights. The Forum stressed the need for constructive and practical engagement with governments and thanked them for their active participation and constructive contributions to the meeting. The Forum agreed that future reports of Forum members should have a thematic, best practice or 'major challenge' focus.

22. Discussed and encouraged national human rights institutions to establish effective partnerships with their educational authorities when developing and implementing formal human rights education programs. The full realisation of the right to education should include the provision of human rights education for all, including for the disadvantaged sectors of society and those living in remote or rural areas.

23. Affirmed that it is the responsibility of national human rights institutions, in accordance with the Paris Principles, to promote human rights and combat discrimination. National institutions should use the media as a powerful tool for human rights education and, in that regard, congratulated the secretariat for the development and implementation of a training program on this issue. Forum Councillors also requested that the secretariat explore the use of the Senior Executive

Officers intranet to network on media and communication strategies and share best practice strategies on human rights education.

24. Expressed deep concern over the increasing phenomenon of internally displaced persons (IDPs) in the region and called on all Forum members to take effective steps to protect and promote the rights of IDPs in line with the UN Guiding Principles on IDPs. Forum Councillors therefore expressed their appreciation of the Forum and the Brookings Institution's project on internally displaced persons (IDPs) and requested that the Forum continue its efforts on this issue. In particular the Forum welcomed the development of draft guidelines on protecting the rights of IDPs in situations of natural disasters.
25. Reported on their implementation of the recommendations of the Advisory Council of Jurists' reports on the death penalty, trafficking and terrorism. A number of Forum Councillors specifically cited the successful implementation of the Advisory Council's recommendations.
26. Called on governments of Forum member institutions to continue to ensure their independence, adequate resourcing and institutional capacity so as to enable them to carry out their mandates more effectively.
27. Considered the issue of torture, including the views of international experts and non-governmental organisations, and the interim report of the Advisory Council of Jurists. The Forum warmly thanked the jurists of the Advisory Council for their expertise and the comprehensive scope of their report. Forum member institutions would carefully consider the potential role of national human rights institutions under the Optional Protocol to the Convention Against Torture and Other Forms of Cruel, Inhumane and Degrading Treatment or Punishment and recommend that their governments sign and ratify both the Convention and its Optional Protocol.
28. Noting the special challenges they are facing, Forum Councillors expressed their commitment to supporting the institutions in Iran and the Maldives in the protection and promotion of human rights.
29. Gratefully accepted the kind offer of the Fiji Human Rights Commission to host the Eleventh Annual Meeting in 2006.

ANNEX 3 – LIST OF PARTICIPANTS

ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

Tenth Annual Meeting

24 – 26 August 2005

(Last updated 26.08.05 – please email all corrections/changes to the APF Secretariat at: apf@asiapacificforum.net)

1. MEMBERS OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

Institution	Delegate Name	E-mail address	Tel No:	Fax No:
AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION www.aihrc.org.af	Dr Sima Samar Chairperson	Sima_samar@yahoo.com aihrc@aihrc.org.af	+93 20 2500 676	
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