

Asia Pacific Forum of National Human Rights Institutions

Second Regional Workshop

**New Delhi, India
10 – 12 September 1997**

Concluding Statement

The Second Asia Pacific Regional Workshop of National Human Rights Institutions, consisting of representatives of the National Human Rights Commissions of India, Australia, Indonesia, New Zealand, the Philippines and Sri Lanka, met in New Delhi, India, from 10 to 12 September 1997. The Prime Minister of India, Mr Inder Kumar Gujral, delivered the inaugural address and opened the Workshop.

The Workshop welcomed the establishment of the Sri Lankan Human Rights Commission and its membership of the Asia Pacific Forum.

The Workshop reaffirmed the principles, conclusions, recommendations and decisions set out in the Larrakia Declaration of the First Asia Pacific Workshop held in Darwin in July, 1997, which established the Asia Pacific Forum of National Human Rights Institutions. In particular, the Workshop reaffirmed the commitment of participants to the universal, indivisible, interdependent and interrelated nature of human rights contained in the Universal Declaration of Human Rights and other international instruments. In reaffirming the indivisible character of human rights, the Workshop also emphasised that no category of rights takes priority over another and that national institutions should take a broad approach to their work, giving attention to economic, social and cultural and civil and political rights.

The Workshop emphasised that, to ensure their effectiveness and credibility, the status and responsibilities of national institutions should be consistent with the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (Resolution 48/134) commonly referred to as the 'Paris Principles'. The Workshop stressed that national institutions should be independent and pluralistic and conform to the Principles.

The Workshop called upon governments to display the requisite political will and to provide all necessary support and an appropriate legal framework to ensure that national institutions are able to discharge their mandated responsibilities effectively.

The Workshop welcomed the participation as observers of representatives of governments with national institutions or that are considering the establishment of national institutions in conformity with the Paris Principles. It particularly welcomed the announcement by many governments at the Workshop that they would establish national institutions in conformity with the Paris Principles and exhorted governments which have not already done so to establish national institutions.

The Workshop welcomed the participation as observers of a number of non-government organisations and stressed the vital role of civil society in the promotion and protection of human rights. The Workshop emphasised the importance of national institutions working in partnership with non-government organisations, within the framework of their different roles and structures. The Workshop considered that the Forum should give attention to ways in which it could further enhance co-operation with non-government organisations.

The Workshop considered that the Asia Pacific Forum of National Human Rights Institutions should increase its efforts as a focus of regional, multilateral and bilateral programs of practical technical assistance. The Workshop noted continuing and planned activities in this field. The Workshop welcomed the statements by the representatives of Bangladesh, Nepal and Mongolia that they are in the process of establishing national human rights institutions and hoped that other states in the region would also take such steps. It encouraged national institutions, governments considering the establishment of national institutions and non-

government organisations to consider technical co-operation as a means of institutional strengthening. It urged those involved in technical co-operation activity to give attention to effective co-ordination.

The Workshop gave special emphasis to the need to develop a culture of human rights through grass-roots work and wide dissemination of information about human rights and the role of national institutions.

While affirming the importance of thorough investigation of allegations of human rights abuse and effective redress, the Workshop expressed concern about the rapidly increasing caseload of complaints experienced by many national institutions. The Workshop noted the serious implications for the resources of national institutions and the constraint this placed on the ability of national institutions to pursue promotional activities, particularly in the area of education. The Workshop:

1. recognised that national institutions are working to improve management practices and systems, including computerisation, for the efficient and effective management of complaints caseloads;
2. suggested that national institutions consider addressing this issue in staff exchanges, training and technical co-operation, both within the framework of the Forum and in other external co-operative activities;
3. recommended that governments currently considering the establishment of national institutions take account of the phenomenon of these increasing caseloads in the legislative and administrative measures they adopt and provide flexibility to national institutions so that they may devise ways of dealing with such increasing workloads
4. requested the Forum Secretariat to prepare a paper that would gather information on the various models of national institutions of receiving, investigating and resolving complaints.

The Workshop stressed the importance of collating, disseminating and developing human rights jurisprudence. The Workshop requested the Forum Secretariat to establish and initiate as soon as practicable a mechanism which would collate and disseminate human rights jurisprudence and to initiate early contacts with the national institutions for this purpose. In addition, the Workshop noted the proposal submitted by the Human Rights and Equal Opportunity Commission of Australia for an International Human Rights Law advisory panel to the Forum and agreed in principle to set up such a panel. In order to address the various considerations relevant to the operations of such a panel, the Workshop decided to establish a sub-committee comprising representatives of the National Institutions of India and Australia to consider all relevant aspects of the matter, taking into account the proposal submitted by the Australian Commission, the comments made at this Workshop and any other views that might be expressed by national institutions that are members of the Forum. The Workshop requested that a paper be submitted by the sub-committee two months prior to the Third Workshop of the Asia Pacific Forum of National Human Rights Institutions so that national institutions may consider this matter further at its next meeting.

The Workshop condemned the practice of child sexual exploitation as a gross abuse of human rights. The Workshop called upon all governments in the region to take a range of measures to combat child sexual exploitation, including improved law enforcement, changes in social policy, public education campaigns and measures to assist affected individuals and communities. The Workshop therefore resolved that:

1. the Forum Secretariat collate and disseminate information on relevant laws and practices,
2. the proposed Optional Protocol to the Convention on the Rights of the Child should be supported and should focus on child sexual exploitation,
3. the members of the Forum transmit their views on the Optional Protocol to their respective governments.

The Workshop requested the Secretariat to develop a proposal for a video program addressing the promotion of human rights in the region, with particular emphasis on the issue of universality, and to submit the proposal for consideration to members of the Forum with a view to finalising the project in 1998. The Workshop also requested the Secretariat to give prominence to the Universal Declaration of Human Rights in technical co-operation and information activities, including a website focusing on the work of national human rights institutions, that may be developed in the period up until the end of 1998. The Workshop considered that the anniversary of the Universal Declaration was also an appropriate opportunity to emphasise the rights of all members of society, especially women and children.

The Workshop requested the United Nations High Commissioner for Human Rights to facilitate close co-operation between and periodic meetings of national institutions in the Asia Pacific region, including by ensuring the necessary resources are available for the work related to national institutions. The Workshop reiterated their recommendation that the United Nations formally recognise the unique status and character of independent national institutions and take further steps to ensure that they are able to participate in their own right in the work of United Nations human rights bodies.

The Workshop thanked the United Nations High Commissioner for Human Rights and the National Human Rights Commission of India for their financial and other support for the Workshop.

The Workshop accepted with thanks the preparedness of the Indonesian Human Rights Commission to host the Third Regional Workshop of National Human Rights Institutions in approximately 12 months' time.