

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

**REPORT OF THE THIRD ANNUAL MEETING**

*Jakarta, Indonesia, 7 – 9 September 1998*

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## 1. SUMMARY

The Third Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions was held in Jakarta, Indonesia, from 7 to 9 September 1998. The Asia Pacific Forum was established in 1996 following the inaugural Regional Workshop of National Human Rights Institutions which was held in Darwin, Australia from 8 - 10 July 1996. The second Regional Workshop was held in New Delhi, India from 10 to 12 September 1997.

The Indonesian National Commission on Human Rights hosted the Meeting. The Secretariat of the Asia Pacific Forum of National Human Rights Institutions provided organisational support. Financial assistance was provided by the Office of the United Nations High Commissioner for Human Rights and the Government of Australia, through its international aid agency, AusAID.

The President of Indonesia, H.E. Mr B J Habibie, opened the Meeting. Participants included senior representatives of the six national human rights commissions that comprise the Asia Pacific Forum (Australia, India, Indonesia, New Zealand, the Philippines and Sri Lanka) and the Special Adviser to the United Nations High Commissioner for Human Rights. The keynote address was delivered by Mr Mar'ie Muhammed, former Finance Minister of Indonesia. Observers at the Meeting included representatives of regional governments, national human rights commissions from outside the region, inter-governmental organisations and a large number of non-governmental organisations from the region and beyond.

The special theme for the Meeting was *Human Rights and the Economic Crisis in the Asia Pacific*. The Forum expressed its deep concern at the effect of the economic crisis on the realisation of economic, social and cultural rights and cautioned that the crisis should not be used for the further restriction of civil and political rights. The Forum requested the United Nations High Commissioner for Human Rights to work with intergovernmental organisations and the international financial institutions to raise their awareness of the human rights impacts of their activities. The Forum also called on governments to give explicit effect to their commitment to the indivisibility of human rights in their individual capacity and through their membership of organisations such as APEC and the WTO.

The objectives of the Meeting were to advance a program of practical, co-operative activities agreed to by the Second Regional Workshop and, in so doing, to strengthen the functioning, and assist in the development of, regional national human rights institutions. The Meeting reviewed the Forum's activities over the past twelve months, and provided member commissions and participants with an opportunity to discuss a wide range of issues related to the protection and promotion of human rights in the Asia Pacific region. The Meeting was informed of progress towards the establishment of national human rights commissions by a number of regional countries.

The Meeting saw a number of important outcomes: the establishment of an Advisory Council of Jurists to assist in developing regional human rights jurisprudence; the establishment of a Forum web site; and agreement to hold a workshop in 1998/99 on the theme of *National Institutions and Non-Government Organisations: Working in Partnership*.

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.

The Fourth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions will be held in the Philippines in 1999.

## **2. BACKGROUND TO THE MEETING**

The Asia Pacific Forum of National Human Rights Institutions (the Forum) was established in July 1996 following a Regional Workshop held in Darwin, Australia. That Workshop involved four of the five national human rights commissions that had been established in the Asia Pacific region at that time, as well as representatives of regional governments and non-governmental organisations. The four national human rights commissions were those of Australia, India, Indonesia and New Zealand.

The inaugural Workshop adopted the *Larrakia Declaration*, which set out some basic principles to guide the work of the Forum in promoting the development and strengthening of regional human rights commissions. Two key elements underpinning the Forum's activities are a commitment to the United Nations *Principles Relating to the Status of National Institutions* (the Paris Principles) and a commitment to the universality and indivisibility of human rights. The Larrakia Declaration also set out an agreed basis on which regional human rights commissions would co-operate to promote the observance of human rights within the Asia Pacific region.

The four inaugural member commissions of the Forum were subsequently joined by the Philippines Commission on Human Rights and the Sri Lankan Human Rights Commission, and this group of six comprises the current membership of the Forum. The Australian Human Rights and Equal Opportunity Commission hosts the Secretariat of the Forum, while the New Zealand Commission is Co-ordinator.

The Indian National Commission on Human Rights hosted the second Regional Workshop in New Delhi from 10 –12 September 1997. That Workshop laid the groundwork for a practical work program for the Forum and charged the Secretariat with the task of preparing a number of proposals for future Forum activities in the area of technical assistance and human rights jurisprudence. In preparation for the Third Annual Meeting, the Forum Secretariat produced a substantive body of background papers and other documentation designed to assist discussions during the Meeting and to propose concrete courses of action in a number of priority areas.

The evolution of the Forum, both in terms of membership/participation and the development of a substantive work program, was reflected by the change of name from “Regional Workshop” to “Annual Meeting”. The Forum's development also prompted the decision to hold its Fourth Annual Meeting over three full days with an informal session for member institutions only.

## **3. PARTICIPATION**

The Indonesian National Commission on Human Rights (Komnas HAM) hosted the Third Annual Meeting. Both Vice-Chairpersons and a number of Commissioners represented Komnas HAM. Chief Commissioners, Commission Presidents and senior Commissioners represented the national human rights commissions of Australia, India,

New Zealand, the Philippines and Sri Lanka. The Director and staff represented the Forum Secretariat.

Mr Brian Burdekin, Special Adviser to the United Nations High Commissioner for Human Rights, represented the Office of the High Commissioner together with other staff from the Office. The United Nations High Commissioner for Refugees was represented by the Regional Representative.

A large number of observers attended the Meeting. The following regional governments were represented: Australia, Bangladesh, Cambodia, China, Iran, Jordan, Laos, Mongolia, Nepal, New Zealand, Papua New Guinea, Republic of Korea, Singapore, Sri Lanka and Thailand. In addition, representatives of the governments of Canada, Norway and the United Kingdom attended. The Forum heard reports on progress towards the establishment of national institutions by the governments of Bangladesh, Fiji, Mongolia, Nepal, Papua New Guinea, the Republic of Korea and Thailand.

Observer representatives of the following institutions also attended: Canadian Human Rights Commission, Fiji Human Rights Commission, Hong Kong Equal Opportunities Commission, the Islamic Human Rights Commission of Iran and the South African Human Rights Commission.

Non-governmental organisations were represented by international, regional and national organisations. International NGOs participating in the Meeting were: Amnesty International, Human Rights Watch and the International Commission of Jurists. Regional organisations at the Meeting were: the Asia Foundation, the Asian Cultural Forum on Development, the Asia Pacific Human Rights Information Centre, the Asia Pacific Human Rights NGOs Facilitating Team, the Friedrich Naumann Stiftung, and the South Asia Human Rights Documentation Centre. National NGOs representing Australia, Bangladesh, Cambodia, Canada, Indonesia, Republic of Korea, New Zealand and Thailand also participated. The full list of participants is contained in Annex 6.

#### **4. OPENING CEREMONY**

The President of Indonesia, H E Mr B J Habibie opened the Meeting. President Habibie gave a comprehensive address in both English and Bahasa Indonesia. The President gave a clear commitment to the universality of human rights, rejecting arguments that human rights were a Western concept out of character with “Asian values”. The President also reaffirmed Indonesia’s commitment to ratify, according to the timetable set out in the Indonesian National Plan of Action for Human Rights, the four human rights treaties not yet ratified by Indonesia.

President Habibie also focussed his comments on the challenge of *implementing* the human rights obligations entered into after ratification. He argued that the best course for Indonesia was a process of “accelerated evolution” which avoids the extremes of inertia witnessed under the previous government and the rapid “revolutionary” changes being

advocated by some proponents of reform. President Habibie stressed that the changes which would accompany the process of ratifying and implementing international human rights standards would have far-reaching effects and that their ultimate goal was the entrenchment of the rule of law and the strengthening of civil society. The President said that Komnas HAM would continue to play an important role in this process and that the Indonesian Government would continue to support the Indonesian National Commission on Human Rights' work.

Professor Miriam Budiardjo, Vice-Chairperson I of the Indonesian National Commission on Human Rights and Mr Brian Burdekin, Special Adviser to the UN High Commissioner for Human Rights also addressed the opening ceremony.

## **5. THEME OF THE MEETING**

The decision to adopt a theme for the Meeting reflected the desire of the host institution to give a practical focus to the discussions and to highlight the intrinsic linkages between human rights and broader economic, social and political developments. The special theme for the Meeting was *Human Rights and the Economic Crisis in the Asia Pacific*.

A background paper was prepared by the Forum Secretariat for the Meeting in order to assist participants in discussing the issue. The paper provided an overview of the economic crisis, focussing on the effects in East Asia, and an analysis of the consequences of the crisis for the enjoyment of economic, social, cultural, civil and political rights. The paper's conclusions focused on the role that national human rights institutions could play in shaping political and economic decision-making in the wake of the crisis, both at a domestic (national) level and in relation to the policies and programs of the international financial institutions.

A summary of the discussions on the theme appears in Annex 2.

## **6. OBJECTIVES OF THE MEETING**

The Larrakia Declaration recognised that periodic meetings would be one of the means by which the Forum could promote closer co-operation, information exchange and the development of joint programs of technical assistance.

The Jakarta Meeting had two main objectives:

- (a) to secure agreement on a number of proposals which would constitute a program of work for the Forum on the basis of preparatory work undertaken by the Forum Secretariat as mandated by the New Delhi Workshop;
- (b) to encourage and assist those states which are engaged in the process of establishing national human rights institutions.

## **7. MEETING AGENDA**

The agenda provided for two and half days of discussion in plenary sessions as well as opportunities for informal meetings and a cultural program.

The key issues addressed by the Meeting were:

- The effects of the economic crisis on the enjoyment of human rights;
- A review of Forum activities and follow-up to the issues mandated by the New Delhi Workshop;
- A review of regional human rights issues;
- Developments in those states engaged in establishing national human rights institutions;
- Developments at the international level relating to the strengthening of national human rights institutions.

Each agenda item was chaired by a different Forum member Commission. The Forum Secretariat introduced each agenda item. Forum member commissions, government and non-government observers contributed to the discussions. Non-governmental organisations co-ordinated their comments and presented joint statements to each plenary session.

The agenda for the Meeting is as Annex 1 and a summary of the discussions is at Annex 2.

## **8. OUTCOMES OF THE MEETING**

The Meeting adopted a comprehensive Statement of Conclusions and issued a Concluding Statement to the media. During the course of the Meeting there were several important announcements. The full text of the Statement of Conclusions is at Annex 3 and the media release at Annex 4. In summary, the Meeting:

- Reaffirmed the Larrakia Declaration and reiterated that the status and responsibilities of national institutions should be consistent with the Paris Principles, i.e. that institutions should be independent, pluralistic and based on universal human rights standards;
- Expressed its deep concern at the effect of the economic crisis on the observance of

economic, social and cultural rights and requested the United Nations High Commissioner for Human Rights and regional governments to work towards promoting the integration of human rights into the policies and programs of the international financial institutions;

- Welcomed the increasing level of technical co-operation aimed at strengthening existing, and assisting the establishment of new, national institutions;
- Noted the statements by the representatives of governments engaged in the establishment of national institutions and stressed the importance of doing so in conformity with the Paris Principles;
- Agreed to establish an Advisory Council of Jurists to assist in developing regional human rights jurisprudence;
- Condemned again the sexual exploitation of children and suggested that the issue be the subject of one of the regional workshops mandated by the Sixth United Nations Asia Pacific Workshop on Regional Human Rights Arrangements held in Tehran in February 1998;
- Endorsed the vital role played by civil society in promoting and protecting human rights, recognising in particular the work of the non-government sector;
- Agreed to hold a workshop in 1998/99 on the theme of *National Institutions and Non-governmental Organisations: Working in Partnership*;
- Indicated that Forum members would accord high priority to the human rights of women and requested the Secretariat to prepare a paper setting out options for Forum activity and asked that a full session be set aside at the next annual Meeting to discuss the paper;
- Launched the Forum web site (*www.apf.hreoc.gov.au*) and requested the Forum Secretariat to assist member commissions wishing to establish their own web sites;
- Decided to continue working on compiling a resource document on the practices of national institutions for dealing with complaints, based on a draft paper prepared by the Secretariat and incorporating feedback and amendments received from Forum members;
- Welcomed the suggestion that the Forum and the UN High Commissioner for Human Rights should enter into a Memorandum of Understanding as a basis for cooperation and requested the High Commissioner to continue assisting the strengthening and development of national institutions in the Asia Pacific region;
- Recognised the need for governments to address more effectively the needs of

refugees and asylum seekers;

- Looked forward to the adoption by the United Nations General Assembly at its 53<sup>rd</sup> session of the draft Declaration on Human Rights Defenders;
- Welcomed the proposal to develop a video commemorating the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights;
- Recognised the growth of the Forum both in terms of activity and participation in its annual meetings and decided that its next Meeting should be for three full days, including an informal session for member institutions only.

The Meeting reviewed the Forum's activities over the past twelve months, and provided member commissions and participants with an opportunity to discuss a wide range of issues related to the protection and promotion of human rights in the Asia Pacific region. In addition to the Statement of Conclusions, the Meeting produced a substantial collection of papers prepared by the Forum Secretariat. These provide valuable background information and analysis of the main agenda items and are available on the Forum web site [www.apf.hreoc.gov.au](http://www.apf.hreoc.gov.au).

The next Meeting of the Asia Pacific Forum of National Human Rights Institutions will be held in the Philippines in 1999.