

BACKGROUND PAPER

THIRD MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

7th to 9th SEPTEMBER 1998, JAKARTA

**ITEM: ISSUES MANDATED BY THE SECOND REGIONAL
WORKSHOP
MECHANISM FOR COLLATION AND DISSEMINATION OF
HUMAN RIGHTS JURISPRUDENCE TO FORUM MEMBERS**

BACKGROUND

The Second Workshop of the Asia-Pacific Forum of National Human Rights Institutions, held in New Delhi in September 1997, “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 national institutions for this purpose”.

PURPOSE

The purpose of this paper is to recommend to Forum members a mechanism for the collation and dissemination of human rights jurisprudence.

RECOMMENDATIONS

It is recommended that:

- Each Forum member is responsible for the selection of significant human rights jurisprudence within their jurisdiction for broader distribution. Human rights jurisprudence includes judicial decisions by national superior courts as well as determinations and resolutions of Forum members.
- Where a Forum member has a web site, this information is to be placed on the web site with a short summary or commentary explaining the significance of the information. (Note - If the recommendations in the background paper on the Forum web site are approved by the Third Meeting then the Secretariat will also assist those members who do not have a web site to develop one).
- The Forum Secretariat will create a central link on the Forum web site to the human rights jurisprudence provided by Forum members. In addition the Forum Secretariat will link the Forum web site to other providers of human rights jurisprudential information.

MECHANISM FOR THE COLLATION AND DISSEMINATION OF HUMAN RIGHTS JURISPRUDENCE

BACKGROUND

The Second Workshop of the Asia-Pacific Forum of National Human Rights Institutions, held in New Delhi in September 1997, “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 national institutions for this purpose.

This task is related to another outcome of the Second Workshop, which involved the consideration of an International Human Rights Law Advisory Panel to be established for the region.

Both these outcomes reflect the Forum objective of increasing awareness within the region of international human rights law standards which can guide national institutions.

Human rights jurisprudence includes judicial decisions by national superior courts as well as determinations and resolutions of Forum members and other bodies such as the United Nations. Such jurisprudence will not only provide national institutions with comparative examples of how rights are being developed and interpreted elsewhere, but will also keep national institutions aware of cutting edge human rights advances.

Collating and disseminating such diverse and plentiful legal material is a monumental and ongoing process. The Secretariat considers the most efficient method of carrying out this task would be through the Forum Web Page (<http://www.apf.hreoc.gov.au>). This Web Page has recently been developed by the Secretariat. It incorporates valuable information and links regarding the members of the Forum, the activities of the Forum and related human rights information, including for example, information on the United Nations.

The Web page is the most current and up to date method of keeping all members of the Forum - and those interested in human rights developments in the region – up to date with judicial developments. While the Secretariat would have the predominant responsibility for maintaining human rights jurisprudence on the Forum Web Page, it is anticipated that individual national institutions would be assisted to develop their own Web Pages, with a section for new judicial decisions from their own country. It is recommended that each Forum member take on the responsibility for the selection of significant human rights jurisprudence within their jurisdiction for broader distribution.

The Forum Secretariat will create a central link on the Forum web site to the human rights jurisprudence provided by Forum members. In addition the Forum Secretariat will link the Forum web site to other providers of human rights jurisprudential

information. In this way all national institutions' Web Sites could be linked through the main Forum page and there would be up to date, broad access to human rights jurisprudence.

A separate background paper on the Forum web site recommends to Forum members that the Secretariat be allocated responsibility for assisting national institutions who do not already have a web site linked to the Forum site to develop their own. It is proposed that individual national institutions would then have responsibility for the maintenance and development of their own site.

The Secretariat considers this to be the most practical and efficient means of fulfilling the Workshop's request to establish and initiate a mechanism for the collation and dissemination of human rights jurisprudence, and invites any discussion and suggestions on this proposal.

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