

BACKGROUND PAPER

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

7th to 9th SEPTEMBER, 1998, JAKARTA

**ITEM: REGIONAL ISSUES
CO-OPERATION BETWEEN NATIONAL INSTITUTIONS
AND NON-GOVERNMENT ORGANISATIONS**

BACKGROUND

The Asia Pacific Forum has referred to the issue of co-operation between national human rights institutions and non-government organisations in each of its two previous meetings. Non-government organisations have participated in each of those meetings as observers.

PURPOSE

This paper is intended to facilitate consideration by Forum members of ways in which the relationship between national institutions and non-government organisations could be strengthened.

RECOMMENDATIONS

It is recommended that the Third Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions:

- Note the paper.
- Consider mechanisms for strengthening their relationship with NGOs, at the national, regional and international levels.
- Note the Secretariat's intention to seek to arrange a workshop in 1998 – 99 on the theme of 'National Institutions and Non-government Organisations: Working in Partnership'.

CO-OPERATION BETWEEN NATIONAL INSTITUTIONS AND NON-GOVERNMENT ORGANISATIONS

BACKGROUND

While governments have the primary responsibility to ensure the observance of international human rights standards, concern for human rights is widespread at all levels of society in most countries around the world. Within any country, the promotion and protection of human rights is the business of national institutions and non-governmental organisations as well as governments.

Non-government organisations (NGOs) are extremely important actors for the protection and promotion of human rights. At the national level, the pressure NGOs have been able to bring on States has often been critical in securing better observance of human rights. At the international level, many aspects of United Nations activity on human rights were developed with the active involvement of NGOs, including the drafting of the Universal Declaration on Human Rights.

National human rights institutions are a relatively recent development among mechanisms for the promotion and protection of human rights. Along with NGOs, national institutions play an important role in ensuring the protection and promotion of human rights. A close, collaborative and effective working relationship between national institutions and NGOs is likely to lead to better observance and greater respect for human rights.

NON GOVERNMENT ORGANISATIONS

Non-government organisations have a well-established role, both domestically and internationally, in the promotion and protection of human rights. They are independent of government and they represent diverse opinions in society. They are able to draw on the voluntary effort of large numbers of people. Many of them have a strong record of grass-roots work and enjoy the confidence of ordinary people. Very often they have excellent information-gathering capacities.

NGOs have a recognised role in engendering public policy debates on human rights issues. They are able to highlight issues and can promote responsive action from governments.

They also play a special role in standard setting through specialist input into the development of international human rights instruments and mechanisms. For example, the role played by NGOs in the drafting of the Convention on the Rights of the Child has been recognised internationally. More recently, their role in securing an agreement for an international criminal court was crucial in the eyes of many commentators.

The approach of NGOs varies considerably. Some organisations, for example Amnesty International, work on an international level exclusively on specific human rights issues. Others, such as trade union groups, aid agencies or the World Council of Churches, have broader interests, which inevitably encompass human rights. Many

NGOs at the national level work on very specific issues, pursuing concerns in relation to individual disadvantaged groups or communities, on specific issues or countries.

The fundamental role of NGOs has been recognised by the international community on various occasions - most significantly in the text of the Vienna Declaration.

Article 38 of the Vienna Declaration states:

The World Conference on Human Rights recognises the important role of non-governmental organisations in the promotion of all human rights and in humanitarian activities at national, regional and international levels. The World Conference on Human Rights appreciates their contribution to increasing public awareness of human rights issues, to the conduct of education, training and research in this field, and to the promotion and protection of all human rights and fundamental freedoms. While recognising that the primary responsibility for standard-setting lies with States, the conference also appreciates the contribution of non-governmental organisations to this process. In this respect, the World Conference on Human Rights emphasises the importance of continued dialogue and cooperation between governments and non-governmental organisations. Non-governmental organisations and their members genuinely involved in the field of human rights should enjoy the rights and freedoms recognised in the Universal Declaration of Human Rights, and the protection of the national law. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. Non-governmental organisations should be free to carry out their human rights activities, without interference, within the framework of national law and the Universal Declaration of Human Rights.

The crucial role of NGOs has most recently been recognised in the United Nations draft Declaration on Human Rights Defenders. After many years of considering the draft, this year the United Nations Commission on Human Rights finalised a text. On the basis of the Commission's recommendation, it is expected that the UN General Assembly will adopt the Declaration at its forthcoming session.

NATIONAL INSTITUTIONS

National human rights institutions are a relatively recent development among mechanisms for the promotion and protection of human rights. They represent a recognised means whereby States can more effectively work to guarantee human rights within their own jurisdiction. As independent authorities established by law to protect the human rights of the people within their country, national human rights institutions play an important and complementary role in the activities of the State, NGOs and civil society.

National human rights institutions generally have functions or power to:

- submit recommendations, proposals and reports on any matter relating to human rights to the government, parliament or any other competent body;
- promote conformity of national laws and practices with international standards;
- receive and act upon individual complaints of human rights violations;
- encourage ratification and implementation of international human rights standards and contribute to the reporting procedures under international human rights instruments;
- promote awareness of human rights through information & education and carry out research; and
- co-operate with the United Nations, regional institutions and national institutions of other countries and non-government organisations.

The important role of national institutions was also recognised by the international community at the 1993 World Conference on Human Rights.

Article 36 of the Vienna Declaration states:

The World Conference on Human Rights reaffirms the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information and education in human rights.

The World Conference on Human Rights encourages the establishment and strengthening of national institutions, having regard to the “Principles relating to the status of national institutions” and recognising that it is the right of each State to choose the framework which is best suited to its particular needs at the national level.

It is noteworthy that many NGOs observers who initially responded to the establishment of national institutions with some scepticism now recognise their valuable contribution and look forward to the institutions playing an even stronger role in the protection and promotion of human rights.

RELATIONSHIP BETWEEN NGOS AND NATIONAL INSTITUTIONS

Relations with non-government organisations and national institutions are of great importance in any effort to work more effectively to promote and protect human rights. Bringing together the human rights expertise, the energy, commitment, moral authority and information gathering of both NGOs and national institutions, while taking account of their different roles and structures, will have a multiplying effect on their ability to address human rights issues. The exchange of information will be of benefit to both parties. Interaction with NGOs will ensure that the work programs of national institutions are of continuing relevance to the community. Interaction with national institutions can empower NGOs to give voice to issues of concern.

There are already many examples of effective co-operation around the world. It is suggested that member commissions could consider further measures to promote more effective co-operation. Such action could include:

- Encouraging governments to appoint persons with NGO backgrounds as members of national institutions;
- Establishment of formally constituted advisory bodies to national institutions that would include representatives of the community or of community organisations;
- Establishment of regular consultative processes, both formal and informal between national institutions and governments;
- Extension of training activities to include personnel of NGOs as well as of national institutions;
- The commissioning of NGOs to carry out activities, such as research on behalf of national institutions;

THE ASIA-PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS AND NON GOVERNMENT ORGANISATIONS

The Asia-Pacific Forum of National Human Rights Institutions has recognised the need for close and collaborative working relationships with NGOs.

The Forum believes that the relationship between NGOs and national institutions is one based on mutual benefit and respect. NGOs benefit from their interaction with national institutions because national institutions often have an institutionalised role in the decision-making mechanisms of the State that is beyond the reach of NGOs acting independently.

In turn, the role of national human rights institutions is reinforced by the ongoing relationship that exists with human rights based NGOs. NGOs are invaluable in offering national institutions direct evidence of human rights situations as well as providing a mirror of public concern about such situations. NGOs inevitably have a major role to play in setting the agenda of the human rights debate, both domestically and internationally.

While the views and methodologies of NGOs do not always coincide with those of national institutions, the input which NGOs bring to both the domestic and international human rights debate is both legitimate and an important source of positive dialogue.

At the First Regional meeting of the Forum in Darwin, 1996 the institutions stated:

That national institutions should work in close cooperation with NGOs and wherever possible governments to ensure that human rights principles are fully implemented in effective and material ways.

They went on to encourage NGOs to participate in Forum meetings.

At the Second meeting of the Forum in New Delhi in 1997 the Member institutions:

Welcomed the participation as observers of a number of NGOs 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 NGOs 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 cooperation with NGOs.

In the light of these positions, the Forum Secretariat will seek to arrange a workshop during 1998 – 99 on the theme of 'National Institutions and Non-government Organisations: Working in Partnership'.