

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



**“a partnership for human rights in our region”**

**REPORT OF THE FIFTH ANNUAL MEETING**

*Rotorua, New Zealand 7-9 August 2000*

REPORT OF THE FIFTH ANNUAL MEETING OF THE  
ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

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## 1. SUMMARY

The Asia Pacific Forum 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 and the fourth annual meeting took place in Manila, the Philippines from 6 to 9 September 1999.

The Fifth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions was held in Rotorua from 7 to 9 August 2000. The New Zealand Human Rights Commission 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, the Government of New Zealand through its Overseas Development Assistance program and the Government of Australia, through its international aid agency, AusAID.

The National Human Rights Commission of Nepal was formally accepted into the Forum, increasing the Forum's membership to eight.

In accordance with the practice of its Fourth Annual Meeting, the Meeting took place over three full days, beginning with a one day private meeting of its member institutions and the United Nations High Commissioner for Human Rights which provided an opportunity for extended discussion of the Forum's management, its functioning and future needs.

The Attorney General and Associate Minister of Justice of New Zealand, the Hon Margaret Wilson opened the Meeting on behalf of the Prime Minister of New Zealand, the Rt Hon Ms Helen Clark. The New Zealand Minister of Foreign Affairs, the Hon Phil Goff, addressed the meeting at its Closing Ceremony.

Participants included senior representatives of the eight national human rights commissions that comprise the Asia Pacific Forum, the Regional Representative of the United Nations High Commissioner for Human Rights, the Rapporteur to the United Nations Committee on Economic, Social and Cultural Rights and the Special Adviser to the United Nations High Commissioner for Human Rights. Observers at the Meeting included representatives of regional governments, relevant institutions, national human rights commissions from outside the region, inter-governmental organisations and numerous representatives of non-governmental organisations from the region and beyond.

The special theme for the Meeting was *National Human Rights Institutions and the Protection and Promotion of Economic and Social Rights – International, regional and National Strategies*. The keynote speakers were the Hon Margaret Wilson, Attorney General and Associate Minister of Justice of New Zealand, Justice P N Bhagwati, Regional Representative of United Nations High Commissioner for Human Rights and

Deputy Chairperson of the United Nations Human Rights Committee and Professor Paul Hunt, Rapporteur of the United Nations Committee on Economic, Social and Cultural Rights. The Forum agreed to explore further means of promoting and protecting economic, social and cultural rights, including, inter alia, by holding a regional workshop on the practical measures States, national institutions and non-government organisations could take to protect and promote economic, social and cultural rights.

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 Fifth Annual Meeting also enabled Members to provide 'in principle' approval of resolutions recommended by the Working Group for the legal incorporation of the Forum, the establishment of an interim Board of Management/Governance and an implementation Working Group. The Working Group was established by Members at the Fourth Annual Meeting in 1999.

The Meeting reviewed and endorsed 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 reviewed the outcomes of the Forum's Regional Workshop on *The Role of National Human Rights Institutions in Advancing the Human Rights of Women* held in Suva, Fiji in May 2000. 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 agreed on action on a number of important matters including: a commitment to supporting the involvement of national human rights institutions at the World Conference Against Racism in South Africa in 2001 and a commitment to developing a coordinated position to maximize the input of the Forum into the Conference; agreement to hold a workshop on the practical measures that States, national institutions and non-government organisations could adopt for the protection and promotion of economic, social and cultural rights; agreement to develop guidelines for Forum members to use in response to civil and political crises; a commitment to report at the next Annual Meeting on action taken on the recommendations from the *Workshop on the Role of National Human Rights Institutions in Advancing the Human Rights of Women*; a request that the Secretariat forward the final reports from the Advisory Council of Jurists to Forum members for their consideration and adoption; and a request to the Secretariat to develop, in consultation with the High Commissioner for Human Rights, UNTAET and relevant governments and non-government organisations, a proposal responding to the request from the representative of the people of East Timor for the Forum to undertake a human rights capacity building project in that country.

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 Forum accepted with gratitude the offer of Sri Lanka to host the Sixth Annual Meeting in 2001.

## **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, the Sri Lankan Human Rights Commission, the Fiji Human Rights Commission and the National Human Rights Commission of Nepal. This group of eight currently comprises the membership of the Forum. The Australian Human Rights and Equal Opportunity Commission currently hosts the Secretariat of the Asia Pacific Forum and the New Zealand Commission is Co-ordinator of the Forum.

The Philippines Commission on Human Rights hosted the Fourth Annual Meeting in Manila from 6 to 8 September 1999. That Meeting saw a number of important outcomes, notably: the endorsement of the membership of the inaugural panel of the Advisory Council of Jurists and the request for the Secretariat to develop references on the death penalty and child pornography to the Council; the establishment of a working group to examine and resolve issues related to the Forum's legal and management structures; and agreement to hold a workshop in 1999/2000 on the theme of the role of national institutions in the protection and promotion of the human rights of women.

In accordance with the practice of past meetings, the Fifth Annual Meeting took place over three full days, beginning with a one day closed business session of its member institutions which provided an opportunity for extended discussion of the Forum's management, its functioning and future needs. The Forum Secretariat produced a

substantial number 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.

### **3. OBJECTIVES OF THE MEETING**

Annual Meetings of the Forum have become a key regional human rights initiative in bringing together national institutions, non-government organisations, United Nations agencies and governments. Representation at this Annual Meeting encompassed participants from Pakistan in South Asia to Fiji, the Cook Islands and French Polynesia in the South Pacific and from Mongolia in the North to New Zealand in the South. Representatives from outside the region including Morocco and South Africa also attended.

The Meeting had two main objectives:

- (a) To promote cooperation among, and strengthening of, national human rights institutions in the Asia Pacific region through (a) enabling discussion, (b) facilitating joint activity in areas of mutual interest and commitment, and (c) encouraging the development of joint projects, training programs and staff exchanges;
- (b) to encourage and assist those states which are engaged in the process of establishing national human rights institutions or have taken concrete steps to initiate this process through, *inter alia*, the provision of practical assistance and support.

In addition to meeting these objectives, the Fifth Annual Meeting provided an invaluable opportunity for the exchange of ideas and experiences among the diverse group of participants.

### **4. MEETING AGENDA**

The agenda for the open meeting provided for two full 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 role of national human rights institutions in developing international, regional and national strategies in the protection and promotion of economic, social and cultural rights;
- The role of national human rights institutions in the World Conference Against Racism, Xenophobia and Related Intolerance to be held in South Africa in 2001;
- The role of national human rights institutions and the Forum in the promotion of democracy;

- Regional human rights issues including the activities of the High Commissioner for Human Rights and recent developments in regional States considering the establishment of national human rights institutions;
- Workshops on the establishment of new national human rights institutions and the role of national human rights institutions in public inquiries;
- A joint session of the Forum Meeting and the Advisory Council of Jurists;
- A review of the Forum's Regional Workshop *The Role of National Human Rights Institutions in Advancing the Human Rights of Women* held in Suva, Fiji in May 2000;
- A review of the Forum's operations over the past year focusing on its technical cooperation activities, information dissemination and administrative support to members and other institutions, regional activities, country based projects and participation in international meetings.

In addition, the host Commission provided participants with a briefing on the role, functions and activities of the New Zealand Human Rights Commission. As in previous meetings, each agenda item was chaired by a different Forum member institution. The Forum Secretariat introduced each item before general discussion. A feature of the Meeting was the contribution of non-governmental organisations which co-ordinated their comments and presented joint statements to each plenary session.

The agenda for the Meeting is at Annex 1.

## **5. PARTICIPATION**

Reflecting the strong development of the Forum as a key regional human rights institution, the number and geographic diversity of participants at annual meetings continues to grow. The New Zealand Human Rights Commission hosted the Fifth Annual Meeting and was represented by all of its Commissioners and senior staff. Commissioner Areta Koopu from the host city, Rotorua and her fellow Commissioners represented the New Zealand Human Rights Commission. Chief Commissioners and Commission Presidents as well as senior Commissioners and Directors represented the national human rights commissions of Australia, Fiji, India, Indonesia, Nepal, the Philippines, Sri Lanka and Fiji. The Forum Secretariat was represented by its Director, staff and consultants.

Justice P N Bhagwati, Regional Representative of United Nations High Commissioner for Human Rights and Deputy Chairperson of the United Nations Human Rights Committee, represented Mrs Mary Robinson, United Nations High Commissioner for Human Rights and was one of three keynote speakers. Mr Brian Burdekin, Special Adviser to the United Nations High Commissioner for Human Rights represented the

Office of the High Commissioner. Professor Paul Hunt, Rapporteur for the United Nations Committee on Economic, Social and Cultural Rights was also a keynote speaker. The Hon Margaret Wilson, Attorney General and Associate Minister of Justice in New Zealand opened the meeting on behalf of the Prime Minister of New Zealand and also addressed the opening session of the meeting. The New Zealand Minister of Foreign Affairs the Hon Phil Goff addressed the meeting at its Closing Ceremony.

A large number of observers attended the Meeting. The following twenty-one regional governments were represented: Australia, China, Cook Islands, India, Indonesia, Japan, the Republic of Korea, Laos, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Papua New Guinea, the Philippines, Samoa, Singapore, Solomon Islands, South Africa, Thailand and Vanuatu. A representative of the people of East Timor also attended the meeting. The Forum heard statements from representatives of observer delegations from Australia, China, East Timor, Japan, Korea, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Solomon Islands, Thailand and Vanuatu. It welcomed commitments by many to establish national human rights institutions in accordance with the Paris Principles and to strengthen existing institutions. Progress reports on the development and implementation of National Action Plans were also received.

Representatives of the Human Rights Advisory Council of Morocco and the South African Human Rights Commission attended as observers representing national institutions from outside the region.

Observer representatives also attended from the Hong Kong Equal Opportunities Commission and the Human Rights Commission of Malaysia.

Representatives of the United Nations High Commissioner for Refugees, the United Nations Development Program and global resources company Rio Tinto attended the meeting.

Non-governmental organisations were represented by international, regional and national organisations. International NGOs participating in the Meeting were: Amnesty International and the International Commission of Jurists. Regional organisations at the Meeting were: the Asia Pacific NGO Facilitating Team, the Asian Cultural Forum on Human Development, the Asian Human Rights Commission, the Pacific Island Association of NGOs and the South Asia Human Rights Documentation Centre. As in previous years the Secretariat of the Forum worked with the Asia Pacific Human Rights NGO Facilitating Team concerning the participation of national NGOs. NGOs representing Australia, Burma (Myanmar), Cambodia, French Polynesia, Japan, Korea, New Zealand and Sri Lanka also participated. The full list of participants is contained in Annex 3.

## **6. OPENING CEREMONY**

Delegates to the Fifth Annual Meeting were given a traditional welcome (powhiri) by Te Arawa Federation of Tribes and the Mayor of Rotorua at the Rotowhio marae at

Whakarewarewa. The Attorney General and Associate Minister of Justice of New Zealand, the Hon Margaret Wilson opened the Meeting on behalf of the Prime Minister the Rt Hon Helen Clark. The opening ceremony was accompanied by an impressive cultural program featuring traditional dance and music performed by young people. The Regional Representative of the United Nations High Commissioner for Human Rights, Justice P N Bhagwati, and the host Commissioner Areta Koopu of the New Zealand Human Rights Commission delivered brief messages.

Prime Minister Helen Clark's message expressed support for the work of the Asia Pacific Forum and its important role in providing a framework for cooperation at a regional level between national human rights institutions, governments, the United Nations, NGOs and other organisations. The Prime Minister's message emphasized the importance of national human rights institutions "establishing bonds of loyalty and cooperation with the wider public" through working with NGOs and stressed that effectiveness will be achieved by complementing and strengthening other official institutions. The statement noted the importance of the international human rights instruments in providing a foundation for the work of national human rights institutions. The Prime Minister's statement also acknowledged the significance of the inaugural meeting of the Forum's Advisory Council of Jurists in Rotorua and the important contribution that the members of the Council would make on issues such as the death penalty and child pornography on the internet as well as other human rights issues in the future. The statement also noted the evolving role of national human rights institutions in the protection and promotion of economic, social and cultural rights, highlighting the potential for assistance with corporate governance and developing human rights education as a comprehensive and life-long process.

Justice Bhagwati, speaking on behalf of the High Commissioner for Human Rights, Mrs Mary Robinson noted that the Forum is a model for other groups of national human rights to emulate. He said that the establishment and the strengthening of genuinely independent national human rights institutions "remains one of the highest priorities of the High Commissioner." Justice Bhagwati noted that the recent events in the region underlined the importance of independent and effective national institutions to "act as a check against repression and provide a voice for those who might otherwise be silenced."

## **7. PRIVATE MEETING OF FORUM MEMBERS AND THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

The Fifth Annual Meeting began with a one-day business session of its member institutions and the Office of the High Commissioner for Human Rights, a practice initiated at the Fourth Annual Meeting in Manila. Issues of business addressed included: the consideration and acceptance of the application for membership from the National Human Rights Commission of Nepal; a report from the 5<sup>th</sup> International workshop on National Institutions for the Promotion and Protection of Human Rights held in Rabat, Morocco; a report from the April 2000 meeting of the International Coordinating

Committee of National Institutions; extensive discussion on the recommendations from the Working Group on Legal and Governance Options for the Forum; the development of staff exchanges between member institutions; the acceptance of the invitation of the Human Rights Commission of Sri Lanka to host the Sixth Annual Meeting in 2001; and discussion regarding the process and timeframe for the drafting and developing of the Statement of Conclusions for this meeting.

Extensive discussions between Forum members about the report of the Working Group on Legal and Governance Options resulted in members providing support for the report's recommendations, including:

- The legal incorporation of the Forum
- The establishment of an interim Board of Management/Governance and an implementation Working Group

Forum members undertook to provide any additional contributions to the Working Group's report within six weeks. Forum members also agreed to develop guidelines for the selection of four regional representatives to the International Coordinating Committee and in the meantime to continue with the current four representatives from Australia, India, New Zealand and the Philippines.

## **8. THEME OF THE MEETING**

The Fifth Annual Meeting focused on the theme, *National Human Rights Institutions and the Protection and Promotion of Economic, Social and Cultural Rights: international, regional and national strategies*. This built on the concern expressed by the Forum at its Manila Meeting of the detrimental impact that some policies and practices of international financial institutions and multinational corporations have upon the enjoyment of human rights. At the Manila meeting the Forum agreed to further explore means of promoting economic, social and cultural rights, including fostering closer engagement with relevant organisations.

A background paper was prepared by the Forum Secretariat in order to assist discussion of the issue, focusing on a series of initiatives that have attempted to bring a human face to globalisation including: the Global Compact; the ILO Tripartite Declaration of Principles; and the OECD Guidelines for Multinational Enterprises. The paper - *The Business of Human Rights* – also looked at more general initiatives such as codes of conduct adopted by the business community. Trade related approaches and the outcomes of meetings including the Social Summit +5 and the World Bank Development Forum were also reviewed. The paper finished with an exploration of issues including standard setting; mandatory vs voluntary standards; legislation vs persuasion; citizens vs consumers; corporate responsibility vs state responsibility; and the development of better policy approaches by governments.

The theme was addressed by the three keynote speakers, the Hon Margaret Wilson, Attorney General and Associate Minister of Justice of New Zealand; Justice PN Bhagwati, Regional Representative of United Nations High Commissioner for Human Rights and Deputy Chairperson of the United Nations Human Rights Committee, and Professor Paul Hunt, Rapporteur, United Nations Committee on Economic, Social and Cultural Rights.

The keynote speakers, and the discussion which followed, drew attention to the concept of the international Covenant on Economic, Social and Cultural Rights (ICESCR) as a 'shield' against the implementation of structural adjustment measures that violate the provisions of the Covenant. The idea of the justiciability of economic, social and cultural rights, like civil and political rights, was underlined as an important development that has progressed in some jurisdictions such as India, but has yet to be realized across the region. Widespread ignorance of the international human rights instruments across all areas of government and the need for specific education programs was also identified as a priority. In the working group sessions which followed, meeting participants identified the following issues as important to the protection and promotion of economic, social and cultural rights: the need for an improved dialogue between the business sector and the human rights community; encouragement of the business community to adopt voluntary and compulsory codes of practice; improved education programs; and the need for national human rights institutions to further the protection and promotion of economic, social and cultural rights through established mechanisms such as the Global Compact.

NGO participants made a joint statement in which they welcomed the focus on the theme of the role of national institutions in the protection and promotion of economic, social and cultural rights. In the joint statement NGOs: emphasized the role of national human rights institutions in ensuring the support of governments for the International Covenant on Economic, Social and Cultural Rights; encouraged national human rights institutions to foster dialogue between government, business and NGOs to develop codes of conduct as a basis for future national regulation of corporate activities; and called upon national human rights institutions to monitor and comment upon the business activities which impinge upon human rights, drawing attention to existing codes of conduct such as OECD guidelines and the WHO Code on Infant Formula.

The Forum agreed to further explore means of promoting and protecting economic, social and cultural rights, including, inter alia, by holding a regional workshop on the practical measures States, national institutions and non-government organisations could take to protect and promote economic, social and cultural rights.

## **9. ADVISORY COUNCIL OF JURISTS**

The inaugural session of the Advisory Council of Jurists was held in Rotorua, New Zealand 8-9 August 2000 alongside the Fifth Annual Meeting of the Forum.

The members of the Council in attendance at the inaugural session in Rotorua were Sir Ronald Wilson, Mr JE Sahetapy, Justice Silvia Cartwright and Mr Sedfrey Ordonez. The

member from Sri Lanka, Mr RKW Goonesekere and the member from India, Mr Fali S Nariman, were unable to attend the meeting due to prior commitments. The member from Fiji (who had been nominated by the Fiji Human Rights Commission following the meeting in Manila in 1999), Justice Joni Madraiwiwi, was unable to attend due to difficulties arising from the civil and political crisis occurring in Fiji at the time.

The inaugural session was sponsored by the Australian Agency for International Development and hosted by the New Zealand Human Rights Commission. The Council was serviced by a Secretariat including staff from the New Zealand Human Rights Commission and the Forum Secretariat.

The inaugural session of the Council had three objectives:

- a) the development of operating procedures for the Council (including the selection of a President);
- b) the presentation of reports on the two references (death penalty and child pornography on the internet) from the Forum and the presentation of the Council's views on these references in a joint session with Forum members; and
- c) providing direction to the Forum Secretariat for any follow-up work after the inaugural session.

#### *Administrative Issues*

Justice Silvia Cartwright was nominated by other members of the Council as the inaugural President of the Council. Justice Cartwright accepted this nomination and chaired the inaugural session.

#### *Inauguration Ceremony*

A formal ceremony was held to mark the inaugural session of the Advisory Council of Jurists. The ceremony was held in the council chambers of the City of Rotorua. After a traditional rawira rangitaurira (welcome) the ceremony was addressed by a number of guest speakers including Commissioner Chris Lawrence of the New Zealand Human Rights Commission, representing the Regional Coordinator of the Forum, the Rt Hon Dame Sian Elias, Chief Justice of New Zealand and Mr Justice PN Bhagwati, Regional Representative of the United Nations High Commissioner for Human Rights, Deputy Chairperson of the United Nations Human Rights Committee and former Chief Justice, Supreme Court of India. The Hon Justice Silvia Cartwright, in her role as President of the Advisory Council of Jurists also addressed the audience.

#### *Deliberations and Reports*

The deliberations of the Council on the two references from the Forum were informed by the background papers which had been prepared by the Forum Secretariat. At the conclusion of its discussions, the Council held a joint session with Forum members during the Fifth Annual Meeting. At this joint session, the Council presented interim

reports on each of the references. Interim reports were presented to allow the other members of the Council who were unable to attend the session an opportunity to contribute their comments and proposed amendments.

After consultation with all members of the Council and consideration of a submission from the Asian Legal Resource Centre (at the Asian Human Rights Commission) the President of the Council, in December 2000, submitted to the Secretariat the final reports from the Council's inaugural session in New Zealand.

The final reports represent the Council's response to the two references from the Forum. The death penalty report provides advice to Forum members about international human rights law and standards and also provides recommendations to Forum members concerning the application of the death penalty in their respective countries. The child pornography report provides advice to Forum members on the adoption of effective regulatory measures. These reports can be located on the Forum's website at <http://www.apf.hreoc.gov.au>

#### *Matters for the attention of the Forum and the Forum Secretariat*

The Council raised a number of matters for attention of the Forum and the Forum Secretariat:

- a) Interim reports will be distributed to all members of the Council (including those members that were not present) for comments and proposed amendments to be sent back to the Forum Secretariat. The comments will then be forwarded to the President of the Council by the Secretariat.
- b) The Council requested that the Forum consider an open dialogue session with non-government organisations (NGOs) and other interested groups or individuals before the commencement of future deliberations.
- c) Members of the Council will be provided with the background papers on the references ninety days before the meeting.
- d) All feedback from NGOs regarding the current references will be collated by the Secretariat for forwarding to the President of the Council.

The full report of the inaugural session of the Advisory Council of Jurists (including the final reports) are attached at Annex 5.

## **10. OUTCOMES OF THE MEETING**

The Meeting addressed a diverse agenda of specific human rights issues and reviewed the Forum's activities over the past twelve months. The Meeting provided member commissions and participants with an opportunity to discuss, and exchange information on practical means for improving the protection and promotion of human rights in the Asia Pacific region.

During the Meeting Forum members also made decisions on specific actions which the Forum and member institutions will undertake in the coming year. The Meeting formalised its deliberations and decisions by adopting a comprehensive Statement of Conclusions. The full text of the Statement of Conclusions is at Annex 2.

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 at <http://www.apf.hreoc.gov.au>

The following information summarises the decisions made by the Forum at its Fifth Annual Meeting:

#### *New members*

- The National Human Rights Commission of Nepal was formally accepted into the Forum, increasing the Forum's membership to eight.

#### *The Forum's operations*

##### The Forum

- *considered* the report of the Working Group appointed at the Fourth Annual Meeting to examine issues associated with the legal structure and governance of the Forum;
- *approved* in principle resolutions recommended by the Working Group for the legal incorporation of the Forum, the establishment of an interim Board of Management/Governance and an implementation Working Group;
- *agreed* to develop guidelines for the selection of four regional representatives to the International Coordinating Committee and in the meantime to continue with the current four representatives;

#### *National Human Rights Institutions and the protection and promotion of Economic, Social and Cultural Rights: international, regional and national strategies*

##### The Forum

- *noted* that the International Covenant on Economic, Social and Cultural Rights can be used as a 'shield' against the implementation of structural adjustment measures that violate the provisions of the Covenant;
- *agreed* to explore further means of promoting and protecting economic, social and cultural rights, including, inter alia, by holding a regional workshop on the practical measures States, national institutions and non-government organisations could take to protect and promote economic, social and cultural rights;

*National Institutions and the World Conference Against Racism, Xenophobia and Related Intolerance*

The Forum

- *agreed* that racism is found in every form in every nation and every society throughout the world;
- *expressed* the view that overcoming racism remained one of the most significant human rights challenges confronting national institutions and civil society;
- *emphasized* the importance of the World Conference Against Racism, Xenophobia and Related Intolerance, *stressed* the importance of ensuring that Asia Pacific input to the Conference be maximized and *agreed* to develop a coordinated position for it;
- *agreed* that the Secretariat should invite reports from individual members on their planned activities in relation to the World Conference and on the position to be jointly advocated by the Forum;
- *requested* the Secretariat prepare a draft position for endorsement by members;

*Promoting Democracy: the role of National Institutions and the Asia Pacific Forum of National Human Rights Institutions*

The Forum

- *noted* that democracy and the rule of law are necessary but not, in themselves, sufficient to guarantee human rights;
- *considered* that the Forum, in cooperation with the United Nations, in particular the High Commissioner for Human Rights, could play an important role in facilitating a regional response to crises affecting the work of national institutions, individual Forum members and human rights generally;
- *requested* that the Secretariat develop guidelines for responding to these types of situations at the request of the relevant member institution;

*Guidelines for the establishment of new national human rights institutions*

The Forum

- *invited* comments on the draft guidelines developed by the Secretariat within six weeks and requested the Secretariat to distribute a revised draft to all members for their consideration and approval;

## *The Use of Children as Soldiers*

### The Forum

- *considered* the report from its representative at the Asia Pacific Conference on the Use of Children as Soldiers, Kathmandu, Nepal, 15-18 May 2000;
- *noted* the recommendations addressed to national institutions in the report from the workshop. The report recommended that the Forum:
  - *note* the Kathmandu Declaration and the outcomes of the Asia Pacific conference on the use of children as soldiers;
  - *join* governments and NGOs from across the region in condemning the use of children under 18 in hostilities by either governmental armed forces or armed opposition groups and calling for the immediate demobilisation of children under 18 within their ranks;
  - *welcome* the adoption of the Optional Protocol to the Convention on the Rights of the Child and encourage states in the Asia-Pacific region to sign and ratify it as soon as possible, without reservations and setting 18 as the minimum age for all forms of military recruitment;
  - *disseminate* the Optional Protocol to all national human rights institutions, asking them to encourage governments to adopt this standard and implement it in national legislation and practice;
  - *encourage* national human rights institutions to monitor, investigate and report upon the use of child soldiers, and make practical recommendations for prevention and redress;
  - *encourage* national human rights institutions to establish child protection officers or units and include children's rights in staff training and development.

## *Internally displaced persons in the Asia Pacific*

### The Forum

- *considered* the report from its representative at the Regional Conference on Internal Displacement in Asia, Bangkok, Thailand, 22-24 February 2000;
- *noted* the recommendations addressed to national institutions in the report from the workshop. The report recommended that the Forum:
  - *endorse* the Guiding Principles on Internal Displacement and promote their use in the Asia Pacific region;
  - *note* the outcomes of the Regional Conference on Internal Displacement in Asia;
  - *hold* a workshop on the role of national human rights institutions in protecting the rights of internally displaced peoples.

## *Advisory Council of Jurists*

## The Forum

- welcomed the inaugural meeting of the Advisory Council of Jurists and expressed its thanks to Council members for accepting appointment;
- *thanked* the Council for its interim reports on the death penalty and child pornography on the internet and asked the Secretariat to forward the final reports to Forum members for their consideration and adoption.

## *The human rights of women*

### The Forum

- *endorsed* the concluding statement of the Workshop on the Role of National Human Rights Institutions in Advancing the Human Rights of Women, Suva, Fiji 5-7 May 2000;
- *noted* the recommendations addressed to national institutions and referred the recommendations to the Secretariat for implementation;
- *agreed* to receive a report from Forum members on action taken on the recommendations at the next annual meeting.

## **11. NEXT MEETING**

The Forum accepted with gratitude the offer of the New Zealand Commission to host the next Meeting of the Asia Pacific Forum of National Human Rights Institutions in 2000 and of the Sri Lankan Commission to host the subsequent meeting in 2001.

**ANNEX 1 – Meeting Agenda**

[http://www.asiapacificforum.net/annual\\_meetings/fifth/agenda.doc](http://www.asiapacificforum.net/annual_meetings/fifth/agenda.doc)

[http://www.asiapacificforum.net/annual\\_meetings/fifth/agenda.pdf](http://www.asiapacificforum.net/annual_meetings/fifth/agenda.pdf)

## **ANNEX 2 – Statement of Conclusions**

[http://www.asiapacificforum.net/annual\\_meetings/fifth/concluding.htm](http://www.asiapacificforum.net/annual_meetings/fifth/concluding.htm)

### **ANNEX 3 – List of Participants**

[http://www.asiapacificforum.net/annual\\_meetings/fifth/participants.htm](http://www.asiapacificforum.net/annual_meetings/fifth/participants.htm)

## **ANNEX 4 – NGO Final Statement**

[http://www.asiapacificforum.net/annual\\_meetings/fifth/ngo.doc](http://www.asiapacificforum.net/annual_meetings/fifth/ngo.doc)

[http://www.asiapacificforum.net/annual\\_meetings/fifth/ngo.pdf](http://www.asiapacificforum.net/annual_meetings/fifth/ngo.pdf)

**ANNEX 5 - Report of the Inaugural Session of the Advisory Council of Jurists**

[http://www.asiapacificforum.net/jurists/references/death\\_penalty/final.doc](http://www.asiapacificforum.net/jurists/references/death_penalty/final.doc)

[http://www.asiapacificforum.net/jurists/references/death\\_penalty/final.pdf](http://www.asiapacificforum.net/jurists/references/death_penalty/final.pdf)