

**Statement from NGOs attending the 5th Annual Meeting of the
Asia-Pacific Forum of National Human Rights Institutions**

FINAL STATEMENT

*24 non-governmental organisations from nine countries were represented by 25
representatives at the Fifth Asia Pacific Forum of National Human Rights Institutions*

Participating NGOs welcome:

1. the consolidation of the structure of the Asia Pacific Forum
2. the inauguration of the Advisory Council of Jurists
3. the Forum's willingness to engage with NGOs in the region

Noting the recognised and indispensable role of NGOs in the promotion and protection of human rights, we urge APF members to strengthen their collaboration with NGOs representing the full range of economic, social, cultural, civil and political rights.

We welcome comments made by Forum members that the priority in human rights work is to protect the human rights of the most marginalised and vulnerable in society. In that context, we urge that greater attention be given to the human rights of such groups of people as those with disabilities, or those victimised for their sexual orientation.

We welcome the increasing effectiveness the Forum but call for more systematic review of progress made in meeting international human rights legal obligations and in fulfilling commitments made by governments in Forum member countries. We urge, for example, improved tracking of treaty body recommendations in relation to particular countries.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reaffirming the indivisibility of human rights, NGOs welcome the focus on economic, social and cultural rights at this meeting. NGOs urge Forum members to

1. interpret their mandate to address the Social and Economical and Cultural Rights in a proactive fashion;
2. give clear advice to their governments, and facilitate training if necessary, on international standards on economic, social and cultural rights, and encourage consistency of government policies with these standards.
3. point out, when necessary, where the requirements of trading regimes and international financial institutions breach the international human rights legal obligations of the government;
4. encourage ratification of the ICESCR and core ILO conventions;
5. contribute to the development of the optional protocol to the ICESCR;
6. monitor application of current codes of corporate conduct, and foster dialogue between government, business and NGOs to develop more stringent codes of conduct as a basis for regulation of corporate activities;
7. monitor, comment on and make recommendations to government upon the impact of business activities within their own countries on human rights, including the impact of environmental degradation on the human rights of current and future generations

RACISM

NGOs welcome the acknowledgment in this Forum that racism exists in all societies in the region. NGOs welcome the forthcoming World Conference Against Racism, Xenophobia and Related Intolerance but are concerned to ensure that the voice of the NHRIs and NGOs is heard at all stages of the preparatory process and during the conference itself, and that key issues relating to racism are addressed.

Prior to the conference we request that APF

1. Identify a specific role for the Forum Secretariat in preparing for the World Conference
2. Work to ensure that NHRIs and NGOs are represented and fully involved at prep work meetings, regional meetings and the conference itself
3. Encourage governments to ensure the representation and participation by minorities and indigenous groups, in both preparatory meetings and at the conference itself

We ask that the conference:

4. Identify specific forms of racism in the Asia Pacific region in order to advise the governments of the region about these issues (for example, discrimination against the dalits - the former "untouchables" - of India and Nepal; the Aborigines and refugees in Australia; the ethnic minorities in Burma; the non Han minorities in China)
5. Review the adequacy or otherwise of various forms of redress used in the past - e.g. affirmative action -and make recommendations for further improvements
6. Move to create anti-racism education programmes for schools and make every endeavour to ensure that these programmes become an integral part of all school curricula, so that children receive this education from a young age, when their values and beliefs are most vulnerable to impression.

RIGHTS OF WOMEN

The NGOs present at this meeting express their serious concern that the human rights of women - at least 50% of the region's population - are once again being placed on the "back-burner". We believe that enhancement of women's human rights would have a significant impact on addressing broader human rights problems in the region.

We request that APF consider the promotion and protection of women's rights as a core component of its work, and use its resources and influence to target the specific problems faced by women. Specifically, we urge APF members and the Secretariat to:

1. research and monitor progress on the realisation of human rights for women
2. ensure that the human rights of women are a major component of national action plans and include programmes addressing violence against women and Inc. violence against women life-long conflict resolution programmes (from pre-school up)
3. adjust the structure and functioning of NHRIs and the APF by, for example, having at least one-third women delegates in the APF; providing internships for young women; conducting EEO and gender awareness training, etc.

and, in addition to the above, assist neighbouring countries by providing

4. technical assistance (including translations)
5. funding (where necessary and appropriate)

Forum members should

1. Promote awareness and ratification of the Optional Protocol to the CEDAW Convention
2. Critically examine the reports submitted by member states to the CEDAW Committee, so as to offer support and advice, or, when no report has been submitted, encourage and assist the submission of a report
3. Advise and support countries whose laws are not in accordance with the provisions of the Convention
4. Critically examine the action plans developed after the original Beijing Conference, so as to offer support and advice

We further request that the rights of women remain on the agenda for APF6 and be a major theme of APF7.

DEMOCRACY AND HUMAN RIGHTS

The participating NGOs welcome the discussion of democracy and human rights. We believe that realisation of the human right to participate in government is an essential part of the environment necessary to achieve a society which guarantees all the human rights of its citizens. NGOs urge Forum members to work to ensure

1. The promotion of inclusive democracy and the just rule of law, i.e. recognising the human rights of all;
2. Remind their governments when necessary that human rights are indivisible and cannot be curtailed or limited for domestic political reasons;
3. Work to ensure that governments meet their obligation to provide the human rights education needed to promote inclusive democracy.

ESTABLISHMENT OF NHRIs

NGOs welcome the draft procedures for the establishment of NHRIs stressing that the establishment process must itself model human rights principles and must include

1. Education of key personnel in the international human rights framework
2. A preliminary analysis of the major human rights challenges facing the society in order to develop interest and commitment to the establishment process amongst parts of civil society
3. Broad-based participation of civil society, including genuine NGOs and the involvement of vulnerable groups in society which may not be represented by NGOs facilitated by a public information campaign.

NGOs caution that the existence of an NHRI does not adequately protect human rights in the absence of critical protections such as freedom of expression and assembly, an independent judiciary, and free media.

ADVISORY COUNCIL OF JURISTS

Participating NGOs welcome the contribution made by the Council to the work of the Forum. We appreciate the Chairperson's commitment to open and transparent functioning including collaboration with NGOs. We urge the Forum to adopt ways in which consideration can be given to NGO requests for references to the Council.

DEATH PENALTY

The NGOs present commend the decision of that Forum to refer the issue of the death penalty to the Advisory Council of Jurists, and welcomed the comprehensive background paper. We note the paper's statement that "the high number of states in the region that retain the death penalty, and the number that impose it regularly, coincides with a general lack of commitment to recognizing and ensuring international human rights standards." Participating NGOs

1. Believe that the abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights;
2. Welcome the announcement in March of a moratorium on executions in the Philippines for the rest of 2000 and trust that this will lead to the abolition of the death penalty, in line with recommendations of the UN Commission on Human Rights for a worldwide move towards abolition;
3. Endorse the global Moratorium 2000 initiative;

We welcome the views of the Advisory Council of Jurists and its recommendations on death penalty measures and urge NHRIs to promote its report and work to make these recommendations a reality.

CHILD PORNOGRAPHY ON THE INTERNET

NGOs welcome the work done so far by the Advisory Council of Jurists on child pornography and the internet. Such child pornography, a significant problem in our region, viciously destroys the dignity and human rights of the child to a childhood. NGOs urge Forum members to remind their governments of their obligations to protect the child from all forms of abuse, as a paramount human right. It is accepted that the remedies are complex and difficult, but the NGOs regard it as essential that the concluding statement of this Forum include a clear and unequivocal statement that pornographic activities including children are completely unacceptable.

STATEMENTS BY REGIONAL GOVERNMENTS

NGOs welcome the participation of those government observers who were active at the Forum. After consideration of statements made by government observers at the Forum, NGOs noted the discrepancy between the openness of most NHRIs in reporting the human rights challenges in their countries, and the statements of most government representatives. For example, NGOs:

1. Welcome the Australian Government's support for the APF but express dismay at current government questioning of the legitimacy of international scrutiny of Australia's human rights record;
2. Welcome the greater preparedness of the Chinese Government to examine and discuss human rights issues but express regret that this apparent openness was so dramatically contradicted by unwillingness to allow scrutiny at the Commission on Human Rights of China's human rights record;
3. Note moves to establish a NHRI in Myanmar but question how the consultation with civil society, and political groups committed to democracy including ethnic groups, which are necessary to enable the development of a credible NHRI can occur when government policies prevent the establishment and functioning of independent NGOs.

9 August 2000
Rotorua, New Zealand

