

**Asia Pacific Forum of National Human Rights Institutions
Seventh Annual Meeting
New Delhi, India
11 November 2002**

**Statement of
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to the United Nations High Commissioner for Human Rights**

Honorable Prime Minister, my dear friend Justice Verma, Excellencies, and colleagues – both from the United Nations and National Institutions.

It is a pleasure for me to return to this great democracy to participate in the Asia Pacific Forum's Seventh Annual Meeting. On behalf of the High Commissioner I would like to thank your Government, Prime Minister, and the National Human Rights Commission of India for hosting this meeting and for the very warm welcome you have already extended to us. I would also like to acknowledge the dedication and hard work of the Secretariat of the Forum in organizing in this meeting.

Prime Minister, your country has been a pioneer in the establishment of national institutions. The National Human Rights Commission of India was one of the five founding members of the Asia Pacific Forum (APF) established in 1996. The Commission has been in the vanguard of National Institutions' consideration of economic, social and cultural rights, including health and education, the promotion of the rights of minority groups, such as the Dalits, bonded labour, child labour, and in many other areas related to the most vulnerable and disadvantaged groups in society. Your Commission also played the central role in steering and steadying the International Coordinating Committee of National Institutions during its formative years.

Since 1996 we have seen the Forum Membership grow from five National Institutions to what it is today – twelve National Human Rights Commissions covering much of this vast and complex region; from India in South Asia to Fiji in the South Pacific. With the support of the United Nations the Forum has developed into a mature organization which not only facilitates sharing of information and best practices but also provides support to new members.

One excellent example is the investigation techniques programme which is now commencing its first training activity; others include: the staff exchange programme between Forum Members, the work undertaken on economic, social and cultural rights, HIV/AIDS and the work on media and human rights.

One particularly important programme is the work that has been initiated on trafficking in human beings. The bilateral initiative between the national human rights commissions of India and Nepal regarding trafficking is an important one. Its success, I

believe, will provide a precedent for future initiatives between other institutions. This is practical work that the High Commissioner for Human Rights very much supports.

The work of the Advisory Council of Jurists relating to trafficking highlights the importance of this work. I'm delighted Members of the Council are meeting concurrently with us and we look forward to benefiting from their advice. We also welcome the contribution by non-government organizations, which highlights the constructive approach this Forum can play in bringing together civil society, government and national institution representatives.

Such examples clearly demonstrate that the APF is implementing its decisions, including those calling for the Forum to provide further support to its member institutions. This is being done with vigor and conviction by the Members and a small but very dedicated Secretariat. Yesterday's meeting of Senior Executive Officers is further evidence of implementation of an initiative called for by the Forum Members – and one which we hope will continue.

Prime Minister, distinguished colleagues, the success of the APF has been emulated in other regions. In November 2000, the Network of the Americas was established in Mexico City. Just three months ago the African Secretariat of National Institutions was initiated and is at present, with our support, being established in South Africa. These new regional fora are consciously modelled on the APF – and we hope they will play a similar role – both in supporting their members and ensuring compliance with the international standards concerning independence, autonomy, effectiveness and accessibility.

Prime Minister, in his report of 9 September 2002, concerning the future of the United Nations, the Secretary General, Kofi Annan, stated:

“The capacity of the United Nations to help individual countries to build strong human rights institutions will be strengthened...Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner. The emplacement or enhancement of a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the (United Nations). These activities are especially important in countries emerging from conflict.”

We have come a long way in a few short years! With that endorsement from the Secretary-General the Office of the High Commissioner for Human Rights is well placed to continue building on a strong foundation of commitment to the establishment and strengthening of national human rights institutions. I reaffirm that this commitment remains with the Office under the new High Commissioner, Mr. Sergio Vieira de Mello. We will, of course, need the continued support of United Nations Member States in this work.

There have been many developments since some of us met at the World Conference on Human Rights in Vienna in 1993. National institutions distinguished themselves in their proactive and constructive approach to the difficult and controversial World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban last year – racism and intolerance which have so often been the genesis of conflicts which Justice Verma has so appropriately just referred to.

In the past few years, national institutions have been able to participate in the work of the United Nations Commission on Human Rights. The principles concerning their establishment were adopted by that Commission in 1992, prior to their unanimous adoption by the General Assembly in 1993. The United Nations is therefore entirely justified in attempting to ensure that all National Institutions comply with these standards. This is a continuing challenge to national institutions - to ensure that their independence is demonstrated through action – as well as in their constitutional and legislative mandates. We rely on national institutions in this region to set an example to others.

The work of international treaty bodies and the relationship with national human rights institutions has been greatly enhanced in recent years. There are now three General Comments relating to national institutions from the treaty bodies – from the Committee on the Elimination of Racial Discrimination (1993), the Committee on Economic, Social and Cultural Rights (1998); and the Committee on the Rights of the Child (2002). The High Commissioner will continue to encourage national institutions to more effectively interact with the international treaty machinery.

Article 18 of the Optional Protocol to the Convention against Torture opens the possibility for Governments, which ratify the Optional Protocol (assuming it is adopted by this year's General Assembly) to use national institutions as the national protection mechanism. This is an important recognition by the international community of the effective work of national institutions at the national level. This initiative is, of course, consistent with the mandate already given to many national institutions.

Finally I want to mention the invitation to national institutions to participate in drafting a new International Convention to Protect the Rights of Persons with Disabilities. This is the first time national institutions have formally been invited to participate in their own right in the preparation of a new international treaty. I welcome the fact that this meeting will focus on this important issue and am pleased to inform you that we have allocated resources to assist in this process next year.

Work at the national level within the Office of the High Commissioner for Human Rights encompasses two main areas: advisory services and technical co-operation. Through the provision of expert legal advice on draft legislation our Office has been able to influence the mandate of many national institutions, to ensure their compliance with the United Nations standards. Increasingly our efforts are being complemented by the work of the Asia Pacific Forum, through the development of effective communication strategies and the sharing of best practices. Other areas of our work relate to assisting

national institutions in specific areas – including complaints handling, investigation techniques, monitoring, and mediation and conciliation. Again, as the Forum develops its capacities, such support can be provided from within and between existing institutions.

We are currently supporting the development and capacity of a number of recently established national institutions, including those in Mongolia and Nepal. To the extent of our Office's resources we are ready to provide further assistance working in co-operation with our partner organisation, the United Nations Development Programme.

Prime Minister, distinguished colleagues, and friends I will shortly retire as the Special Advisor on National Institutions. It has been an honour and a privilege to have worked closely with many of you in the past seven years and in some cases, prior to that when I had the privilege to be the Federal Human Rights Commissioner of Australia. The work has been both challenging and fulfilling. I will maintain my interest in human rights and continue to focus on assisting the national institutions movement in whatever way I can.

National institutions are ultimately about implementation – about giving reality to international human rights instruments at the national level. That is a goal we are all privileged to pursue.

Thank you for your courtesy and attention – and for your friendship and support.