

**EIGHTH ANNUAL MEETING OF THE ASIA PACIFIC FORUM OF
NATIONAL HUMAN RIGHTS INSTITUTIONS**

16th – 18th February 2004, Kathmandu, Nepal

CONCLUDING STATEMENT

Introduction

1. The Asia Pacific Forum of National Human Rights Institutions (the Forum), consisting of the National Human Rights Commissions of Nepal, Afghanistan, Australia, Fiji, India, Indonesia, Malaysia, Mongolia, New Zealand, Palestine, Philippines, Republic of Korea, Sri Lanka and Thailand, held this Eighth Annual Meeting in Kathmandu, Nepal from 16th to 18th February 2004.
2. The Forum expressed its gratitude to the National Human Rights Commission of Nepal for hosting the meeting, to the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its co-sponsorship and to all its donors for their financial support. The Forum expressed its appreciation for the efforts of the Commissioners and staff of the National Human Rights Commission of Nepal and the secretariat of the Forum for their work in the organisation of the meeting.
3. The Forum welcomed the participation of the Advisory Council of Jurists and the representatives, as observers, from the ILO, UNDP and UNESCO, the governments of Australia, India, Indonesia, Nepal, New Zealand, Republic of Korea, Solomon Islands, Thailand, Timor-Leste, United Kingdom and the United States of America, the institutions from Iran, Jordan and the Maldives, the regional Network of National Human Rights Institutions of the Americas, and thirty eight international, regional and national non-governmental organizations.
4. The Rt. Hon. Surya Bahadur Thapa, Prime Minister of Nepal, Rt. Hon. Nayan Bahadur Khatri, Chairman of the National Human Rights Commission of Nepal and the Chairperson of the Asia Pacific Forum of National Human Rights Institutions and Mr Matthew Kahane, United Nations Resident Coordinator (Nepal), on behalf of Mr Bertrand Ramcharan, Acting High Commissioner for Human Rights, addressed the inaugural session. In the opening statements the distinguished speakers recognised the need to protect and promote human rights and ensure the rule of law in combating terrorism.

Conclusions

The Forum, during its closed business session:

5. Noted the activity report of the Forum over the last twelve months and adopted the Forum's Business Plan for 2004 to 2006. Forum Councillors expressed their appreciation for the work of the secretariat and requested the secretariat to report back on the implementation of the Business Plan to the annual meetings of the Forum.
6. Reaffirmed that the structure and responsibilities of national institutions should be consistent with the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (Resolution 48/134) commonly referred to as the 'Paris Principles.' On this basis it reaffirmed the full membership of the New Zealand Human Rights Commission and admitted the Afghanistan Independent Human Rights Commission and the Palestinian Independent Commission for Citizens Rights as associate members of the Forum. This increased the Forum's overall membership to 14 institutions. The Forum will assist the new associate members, where possible, to become fully compliant with the Paris Principles.
7. Decided to formulate a new reference to the Advisory Council of Jurists on the issue of the prevention of torture during detention and requested the secretariat to prepare draft terms of reference for the consideration and approval of the Forum. The Forum also requested the secretariat to seek financial support to strengthen the work of the Advisory Council of Jurists.
8. Considered the proposals of the National Consultative Commission of Human Rights of France to amend the rules of procedure of the International Coordinating Committee of National Human Rights Institutions and decided to reject the proposed regulation regarding the activities of 'regional groupings' of national human rights institutions. The Forum also elected the national human rights institutions from Fiji, Nepal, Philippines and the Republic of Korea to be the four regional representatives to the International Coordinating Committee of National Institutions. The Fiji Human Rights Commission will serve on the International Coordinating Committee accreditation sub-committee.
9. Welcomed the second meeting of Senior Executive Officers of Forum member institutions and commended their efforts to assist the effective and efficient functioning of national human rights institutions. The Forum also requested that the secretariat continue to assist the Senior Executive Officers in the implementation of their activities.
10. Considered the secretariat's report of the Forum's finances and administration and adopted the Directors and Financial reports, and auditors report, for the period ending 31 March 2003. Forum Councillors expressed their appreciation for the financial contributions made to the Forum by its member institutions and the Australian Agency for International Development, British Council, Brookings Institution, Government of India, Government of the Republic of Korea, MacArthur Foundation, National Endowment for Democracy, New Zealand Agency for International Development, OHCHR, UNICEF and the US Department of State.

11. Considered the need to adopt alternative mechanisms to ensure that the Forum's annual general meetings are held within statutory requirements and accepted the kind offer of the Australian Human Rights and Equal Opportunity Commission to develop a proposal for the consideration of Forum Councillors to amend the Forum's Constitution to address this issue.
12. Considered, for the first time, the issue of Forum membership fees and agreed to adopt a flat fee of \$3000 USD per full member institution per annum and \$1500 USD per candidate and associate member institution per annum with the possibility that these fees could also be paid by the provision of services to the Forum of an equivalent value 'in kind'.
13. Unanimously elected the National Human Rights Commission of Nepal (as the current host institution of the annual meeting) to the position of Chairperson of the Forum. The National Human Rights Commission of India (as the host institution for the last annual meeting) and the National Human Rights Commission of the Republic of Korea (as the host institution for the next annual meeting) were also elected unanimously to the two positions of Deputy Chairpersons.

The Forum, during its open plenary sessions:

14. Expressed appreciation to the OHCHR for its continuing commitment to strengthen partnerships with the Forum across all relevant thematic and geographical activities. In turn, the Forum requested that the national institutions team of the OHCHR be strengthened.
15. Requested the support of the OHCHR and Member States for the implementation of the activities contained in both its Business Plan and the UN framework for regional human rights arrangements in the Asia Pacific. The Forum welcomed the participation of the coordinator of the Asia Pacific geographic team and recommended that this practice continue.
16. Appreciated the constructive contribution of non-governmental organisations to the work of the Forum. The Forum thanked non-governmental organisations for their substantive written submissions and their collective participation and advocacy in the meeting through the Asia Pacific Human Rights Network. The Forum reaffirmed the importance of undertaking joint practical collaborative activities with non-governmental organisations for the protection and promotion of human rights and welcomed their continued participation in annual meetings of the Forum.
17. Welcomed the reports of Forum members, relevant institutions and regional governments to protect and promote human rights. The Forum stressed the need for constructive and practical engagement with governments and thanked them for their active participation and constructive contributions to the meeting. In particular, the Forum congratulated the governments of the Maldives, Solomon Islands and Timor-Leste for their decision to establish national human rights institutions in full

compliance with the Paris Principles and requested that the secretariat provide assistance, within available resources, to assist in this process.

18. Reported on their implementation of the recommendations of the Advisory Council of Jurists' reports on the death penalty, child pornography on the internet and trafficking. A number of Forum Councillors specifically cited the successful implementation of the Advisory Council's recommendations.
19. Called on governments of Forum member institutions to strengthen the independence and institutional capacity of national institutions to enable them to carry out their mandates more effectively. In particular, national institutions should be provided with a wide and unrestricted mandate to conduct investigations of human rights violations. Governments should also give serious consideration to the determinations and recommendations of national human rights institutions and ensure their effective implementation.
20. Welcomed progress to develop a new international convention on the rights of people with disabilities, as advocated by national institutions at the workshop held in New Delhi, India in 2003. Forum institutions agreed to establish a working group to assist in the development of the proposed convention. The Forum welcomed the offer of the OHCHR to continue to support the Forum in these activities.
21. Considered the potential role of national human rights institutions under the Optional Protocol to the Convention Against Torture and Other Forms of Cruel, Inhumane and Degrading Treatment. Forum member institutions recommend that their governments sign and ratify both the Convention and its Optional Protocol.
22. Considered the issue of terrorism and the rule of law, including the views of international experts and non-governmental organisations, and the interim report of the Advisory Council of Jurists. The Forum warmly thanked the jurists of the Advisory Council for their expertise and the comprehensive scope of their report. Forum member institutions would carefully consider the final recommendations of the Advisory Council and report back to the next annual meeting.
23. Was gravely concerned about the violations of human rights in Nepal and appreciates the efforts of the National Human Rights Commission of Nepal to promote the signing of the Human Rights Accord between the conflicting parties with a view to promoting peace.
24. Gratefully accepted the kind offer of the National Human Rights Commission of the Republic of Korea to host the Ninth Annual Meeting of the Forum and the International Conference of national institutions in September 2004.
25. Gratefully accepted the kind offer of the National Human Rights Commission of Mongolia to host the Tenth Annual Meeting in 2005.

26. Gratefully accepted the kind offer of the Fiji Human Rights Commission to host the Eleventh Annual Meeting in 2006.

A report on the meeting will soon be available on the Forum website.

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