

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

7 - 9 August 2000, Rotorua, New Zealand

## STATEMENT OF CONCLUSIONS

### Introduction

1. The Fifth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions, consisting of representatives of the National Human Rights Commissions of New Zealand, Australia, Fiji, India, Indonesia, Nepal, the Philippines and Sri Lanka, met in Rotorua, New Zealand, from 7 to 9 August 2000.
2. The Forum expressed its gratitude to the New Zealand Human Rights Commission for hosting the meeting, to the Office of the High Commissioner for Human Rights for its co-sponsorship and financial support of the Annual Meeting and inter-sessional workshops, to the New Zealand Government for funding from Official Development Assistance and to the Australian Agency for International Development for its financial assistance. The Forum expressed its particular appreciation for the efforts of the Secretariat of the Forum and the staff of the New Zealand Human Rights Commission for their work in the organisation of the Meeting.
3. The Forum welcomed the participation, as observers, of over 100 representatives from regional governments, other relevant institutions, international, regional and national non-government organisations and the business sector. Participants included government representatives from Australia, China, the Cook Islands, India, Indonesia, Japan, the Republic of Korea, Laos, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Papua New Guinea, Samoa, Singapore, Solomon Islands, Thailand and Vanuatu as well as a representative of the people of East Timor. They also included representatives from 24 non-government organisations including, in particular, from Cambodia and Tahiti.
4. 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 Helen Clark. The Prime Minister's message noted the strong support of the New Zealand Government for the work of national human rights institutions and the role of the Asia Pacific Forum. New Zealand's Minister of Foreign Affairs, the Hon Phil Goff spoke at the closing ceremony about the challenge of promoting *Democracy and Institutional Strengthening*.
5. The special theme for the Meeting was *National Human Rights Institutions and the Protection and Promotion of Economic, Cultural and Social Rights – International, Regional and National Strategies*. The Forum welcomed the participation, as keynote speakers on this issue, of Justice P N Bhagwati, Regional Representative of the 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 keynote speakers, and the discussion which followed, drew attention to the fact that the International Covenant on Economic, Social and Cultural Rights could be used as a 'shield' against the implementation of structural adjustment measures that violate the provisions of the Covenant.

### Conclusions

6. The Forum affirmed that the status 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'. The Forum stressed that national institutions should conform to the Principles

and be independent, pluralist and based on universal human rights standards and should be established following an appropriate and inclusive process of consultation which provides for the participation of non-government organisations and civil society. On that basis it admitted the National Human Rights Commission of Nepal into the Forum, increasing the Forum's membership to eight.

7. Forum members 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. They 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. Forum members will provide any additional contributions to the Working Group's report within six weeks. Forum members agreed to develop guidelines for the selection of four regional representatives to the International Coordinating Committee and in the meantime to continue the current four representatives.
8. 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.
9. Forum members discussed the contemporary experience of racism and agreed that racism is found in some form in every nation and every society throughout the world. They exchanged their own experiences of addressing racism and expressed the view that overcoming racism remained one of the most significant human rights challenges confronting national institutions and civil society. Forum members emphasised 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 maximised and agreed to develop a coordinated position for it. They endorsed the recommendations of the Secretariat's background paper. They 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. The Secretariat will prepare a draft position for endorsement by members.
10. The topic *Promoting Democracy: the Role of National Institutions and the Asia Pacific Forum of National Institutions* was discussed in frank and constructive terms by Forum members and representatives of regional non-government organisations. They were addressed by representatives of the Human Rights Commissions of Fiji and Indonesia who described in detail the difficulties and challenges faced by their organisations in dealing with civil and political crises. The representative of Sri Lanka drew attention to the particular challenges faced by national institutions in developing countries, having regard to the prevailing economic and social conditions and also in times of grave national crises. These representatives, in particular the representative of Fiji, described the importance of promoting the understanding of the ideal of inclusive democracy in terms of protection of the human rights of minorities and vulnerable groups, and their representation in economic and political processes. In the discussion which followed, Forum members agreed that these were issues not only of newer democratic societies but also of societies with older democratic institutions. They also noted that democracy and the rule of law are necessary but not, in themselves, sufficient to guarantee human rights. They 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. Forum members requested that the Secretariat develop guidelines for responding to these types of situations at the request of the relevant member institution.
11. The High Commissioner's Special Adviser on National Institutions and the Director of the Forum Secretariat emphasised the necessity of a coordinated approach to the promotion and protection of human rights in the Asia Pacific region based on the major elements agreed in Beijing in March 2000 and taking particular account of the needs of recently

established national institutions and requests from countries considering their establishment. Forum members reaffirmed the importance of cooperation with all sectors of society and the need to continue to strengthen regional cooperation, including with non-government organisations, so that the best possible use is made of the skills, knowledge, experience and resources that are available.

12. 12. In addition, Forum members addressed a number of issues on which the Secretariat had prepared background papers and endorsed the recommendations put forward in those papers. These issues were: the role of national institutions in the United Nations Global Compact; the activities and responsibilities of national institutions vis a vis national governments; women and human rights; and the conduct of public inquiries by national institutions. The Forum also considered reports from its representatives at recent workshops on the use of child soldiers and the situation of internally displaced persons in the Asia Pacific region and noted the recommendations addressed to national institutions in the reports and the concluding statements of those workshops.
13. 13. The Forum discussed proposed guidelines for establishing new national institutions. It decided to invite 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.
14. 14. The Forum received and endorsed the concluding statement of the Workshop on the Role of National Human Rights Institutions in Advancing the Human Rights of Women held in Suva from 5 –7 May, in particular the action recommendations in paragraph 17. It also noted the recommendations addressed to national institutions. It referred the recommendations to the Secretariat for implementation. The next Annual Meeting of the Forum should receive a report from Forum members on action taken on those recommendations.
15. 15. The Forum welcomed the inaugural meeting of the Advisory Council of Jurists and expressed its thanks to Council members for accepting appointment. The Council presented an interim report on issues in relation to the death penalty and child pornography on the Internet which the Forum had referred to the Council following the Fourth Annual Meeting. The Special Adviser on National Institutions to the High Commissioner for Human Rights noted the importance of the Council in advancing the cause of human rights in the region. The Forum thanked the Council for its interim report and asked the Secretariat to forward the final report to Forum members for their consideration and adoption.
16. 16. The Forum received a request from the representative of the people of East Timor for the Forum to undertake a human rights capacity building program in that country. The Forum requested 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.
17. The Sri Lankan Human Rights Commission kindly accepted the nomination to host the Sixth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in approximately twelve months' time.

A report on the meeting, the key note speeches, background papers and other useful resources and links will soon be available on the Forum website: <http://www.apf.hreoc.gov.au>