

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

**7 - 9 September 1998, Jakarta**

### **STATEMENT OF CONCLUSIONS**

The Third Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions, consisting of representatives of the National Human Rights Commissions of Indonesia, Australia, India, New Zealand, the Philippines and Sri Lanka, met in Jakarta, Indonesia, from 7 to 9 September 1998. The President of Indonesia, HE Mr B J Habibie, opened the Meeting at an inaugural ceremony that was also addressed by Professor Miriam Budiardjo, Vice Chairperson I of the Indonesian National Commission on Human Rights, and Mr Brian Burdekin, Special Adviser on National Institutions to the United Nations High Commissioner for Human Rights.

The Forum expressed its appreciation to the Indonesian National Commission on Human Rights for hosting the meeting. The Forum also thanked the Office of the High Commissioner for Human Rights for its co-sponsorship and financial support, the Australian Agency for International Development for its financial assistance and the Secretariat of the Forum for its work in the organisation of the Meeting.

The Forum welcomed the participation as observers of representatives of governments with national institutions or considering the establishment of national institutions in conformity with the Paris Principles. The Forum also welcomed the participation as observers of representatives of other relevant institutions and of a large number of international, regional and national non-government organisations.

The Forum recognised that both the level of interest in its activities and the number of participants at its meetings had grown significantly since it was established in 1996. To ensure opportunities for the effective participation of all participants in its Annual Meetings, including observers from governments and non-government organisations, and to retain the original character of the meetings as informal gatherings of the national human rights institutions of the region, the Forum decided that its Meeting in 1999 should be for three full days, including an informal session of its member institutions only, with draft papers circulated in advance.

The Forum reaffirmed the Larrakia Declaration of the First Asia Pacific Workshop held in Darwin in July 1996 and the Concluding Statement of the New Delhi Workshop in September 1997. The Forum reiterated 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, pluralistic and based on universal human rights standards.

The special theme for the Meeting was *Human Rights and the Economic Crisis in the Asia Pacific*. The Forum welcomed the participation, as keynote speaker on this issue, of Mr Mar'ie Muhammad, former Finance Minister of Indonesia. The Forum expressed its deep concern at the effect of the economic crisis on the observance of economic, social and cultural rights. It also expressed concern that the economic crisis should not be used as the occasion for the further restriction of civil and political rights in the region. The Forum requested the United Nations High Commissioner for Human Rights to encourage the development and strengthening of mechanisms by which intergovernmental and transnational organisations are made conscious of the human rights consequences of their policies, programs and activities. In this connection, it drew the High Commissioner's attention to the need for international financial institutions to consider how best they could conduct their activities in a manner that furthered international standards contained in the International Bill of Rights. They could also consider preparing human rights impact statements on their policies and actions.

The Forum called on governments, both in the region and outside, to give explicit effect to their commitment to the indivisibility of human rights, including through their input into the policies and actions of international financial institutions and of international and regional economic forums such as the WTO and APEC. The Forum members also decided to convey their concerns to their respective governments and to the High Commissioner for Human Rights. Member commissions resolved to give high priority to addressing the human rights consequences of the economic crisis. The Forum decided to seek to arrange a workshop addressing the issue of the observance in the region of economic, social and cultural rights. The Forum agreed to circulate the Secretariat's background paper widely.

The Forum noted the report of the Secretariat on the Forum's activities since the Second Annual Meeting in New Delhi in September 1997. The Forum welcomed the increasing level of technical cooperation activity aimed at the strengthening and establishment of national institutions. It encouraged member commissions to propose programs of technical cooperation and noted the Secretariat's recommendation that Forum members consider hosting technical cooperation needs assessment missions as a basis for effective programs, in consultation and cooperation with the High Commissioner for Human Rights.

Forum members welcomed the preparation of the various background papers. In relation to these papers:

- The Forum agreed to establish an Advisory Council of Jurists to assist in developing regional human rights jurisprudence and agreed on terms of reference for the membership and functioning of the Council. Forum members will nominate appropriate persons as members of the Council by the end of the year and asked the Secretariat to take the necessary steps to ensure that the Council is in a position to begin its work as soon as possible. The Forum also approved mechanisms for the collation and dissemination of national and international human rights jurisprudence.

- The Forum again condemned the practice of child sexual exploitation as a gross abuse of human rights. The Forum called upon all governments in the region to take a range of measures to combat child sexual exploitation, including improved law enforcement, changes in social policy, public education campaigns and measures to assist affected individuals and communities. The Forum requested the Secretariat to examine the issue of child pornography on the internet and to report its findings to the next Annual Meeting. The Forum resolved to continue to develop its links with other organisations active in this field and to collect information on relevant law and practice. The Forum also suggested to the High Commissioner that the issue of the sexual exploitation of children should be a major theme of one of the four workshops mandated by the Sixth United Nations Asia Pacific Workshop on Regional Human Rights Arrangements held in Tehran in February 1998.
- The Forum considered the draft paper prepared by the Secretariat on the practices of national institutions for receiving, investigating and resolving complaints and noted that it should be considered as a work in progress. The Forum decided to review the paper's content and to provide feedback and recommend amendments to the Secretariat to ensure it becomes a useful, up-to-date resource for both national institutions and for countries proposing to establish such institutions and to submit a revised version of the paper to the next Annual Meeting. The Forum considered that national institutions, when dealing with individual complaints, should recognise the importance of developing a systemic, preventive and educational approach.
- The Forum welcomed the establishment of the Forum web site and its linkage to other web sites of human rights relevance, including the web site of the Office of the High Commissioner for Human Rights. They encouraged Forum members, governments, NGOs and members of the public to use the site as a resource for the promotion of human rights in the region. The Forum asked the Secretariat to ensure that the site is regularly updated and to include documentation of Forum meetings. Member commissions that do not have web sites resolved to consider moving toward their establishment and requested the Secretariat to provide all necessary assistance to this end.
- The Forum welcomed the proposal to develop a video commemorating the 50th anniversary of the Universal Declaration of Human Rights and requested that the Secretariat liaise closely with Forum members in its development.

The Forum endorsed the vital role of civil society in the promotion and protection of human rights. It expressed its appreciation for the contribution of NGOs to the Forum, in particular at this meeting and for the constructive approach of NGO participants toward facilitating the management of the meeting's work. The Forum agreed to hold a workshop in 1998-99 on the theme of *National Institutions and Non-Government Organisations: Working in Partnership* and requested the Secretariat to take appropriate steps to prepare for the workshop, including through consultation with the NGO community. The Forum requested the Secretariat to prepare a paper for the consideration of member commissions, as a basis for the workshop.

The Forum looked forward to the adoption by the United Nations General Assembly at its 53rd session of the draft Declaration on Human Rights Defenders and drew it to the attention of national institutions and governments as a basis for NGO activity in the region.

Forum members indicated they would accord high priority to identifying the human rights problems of women and addressing and eliminating discrimination. They condemned violence against women in all its forms as a serious and pervasive human rights problem and requested governments to work towards protecting women by providing legal assistance, refuge and rehabilitation. While noting with satisfaction that governments of Forum member countries were each party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Forum urged other countries of the region to ratify the Convention and urged all parties to take steps to eliminate reservations to it. The Forum requested the Secretariat to prepare a paper that would set out options for activity of the Forum and its member commissions aimed at further promoting and protecting the rights of women and to set aside a full session at the next meeting to discuss it. The paper should identify and, where relevant, collate relevant resource materials.

The Forum believes that all these steps will create an atmosphere more conducive to the promotion and protection of human rights in the Asia Pacific region and enhance the capacities of governments, national institutions and NGOs.

The Forum noted the statements by the representatives of Bangladesh, Fiji, Mongolia, Nepal, Papua New Guinea, the Republic of Korea and Thailand that their governments are in the process of establishing national human rights institutions and urged other governments in the region to take such steps. Where the issue has been under consideration for some time, the Forum urged relevant governments to accelerate their processes. The Forum stressed the importance of establishing new national institutions in conformity with the Paris Principles. It offered its assistance to governments in the region in doing this and encouraged them to consider technical cooperation with the Forum as a means of facilitating their activity.

The Forum noted with interest the reports of the Islamic Human Rights Commission of Iran, of the Second African Regional Meeting of National Human Rights Institutions and of the Conference on the Collective Human Rights of Pacific Peoples.

The Forum heard comments of the Regional Representative of the United Nations High Commissioner for Refugees concerning asylum-seekers in the region. It discussed the problems facing refugees, internally displaced persons and migrant workers and the role of national institutions. It recognised the need for governments to address these issues more effectively.

The Forum requested the United Nations High Commissioner for Human Rights to facilitate close co-operation between national institutions in the Asia Pacific region and periodic meetings of the Forum, including by ensuring the necessary resources are available for work related to national institutions. The Forum welcomed the suggestion that it and the UN High Commissioner for Human Rights should enter into a Memorandum of Understanding as a basis for their cooperation and requested the

Secretariat to pursue this matter with the Office of the High Commissioner on this. In this connection, the Forum also requested the High Commissioner to consider a more equitable allocation of funds for technical assistance to the Asia Pacific region. The Forum welcomed the attention given in the Sixth United Nations Asia Pacific Workshop on Regional Human Rights Arrangements held in Tehran in February 1998 to the development and strengthening of national human rights institutions. The Forum reiterated its recommendation that the United Nations formally recognise the unique status and character of independent national institutions and take further steps to ensure that they are able to participate in their own right in the work of United Nations human rights bodies.

The Philippines Commission on Human Rights accepted the nomination to host the Fourth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in approximately 12 months' time.