

FOURTH ANNUAL MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

6 - 8 September 1999, Manila

STATEMENT OF CONCLUSIONS

The Fourth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions, consisting of representatives of the National Human Rights Commissions of the Philippines, Indonesia, Australia, India, New Zealand, Sri Lanka and Fiji, met in Manila, the Philippines, from 6 to 8 September 1999.

The Forum expressed its gratitude to the Philippines 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 of the Annual Meeting and inter-sessional workshops, 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 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, pluralistic and based on universal human rights standards and should be established following an appropriate and inclusive process of consultation.

In accordance with the decision of its Third Annual Meeting, the Meeting took place over three full days, beginning with a one day closed business session of its member institutions which provided an opportunity for extended discussion of Forum management, functioning and future needs.

The Fiji Human Rights Commission was formally accepted into the Forum, increasing the Forum's membership to seven. The Forum welcomed the participation as observers of representatives of governments, including those 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 international, regional and national non-government organisations.

The Secretary of Justice of the Republic of the Philippines, Mr Serafin Cuevas, opened the Meeting on behalf of the President of the Philippines, HE Joseph Ejercito Estrada. The President's message noted that there remains an unresolved tension between the pursuit of economic development and the promotion and protection of human rights. It identified the need for governments to forge a broad consensus between the various sectors of society which have

traditionally been divided into pro-development or pro-human rights groups. The President's message suggested that the Asia Pacific Forum was well-placed to devise a practical program of action to assist regional governments, civil society and the corporate sector in coming to grips with the challenges of globalisation and unequal economic development.

The special theme for the Meeting was *National Human Rights Institutions and Economic and Social Rights*. The Forum welcomed the participation, as keynote speakers on this issue, of Justice P C Bhagwati, Regional Representative of United Nations High Commissioner for Human Rights and Deputy Chairperson of the United Nations Human Rights Committee, and Professor Virginia Dandan, Chairperson of the United Nations Committee on Economic, Social and Cultural Rights. The keynote speakers, and the discussion which followed, drew attention to the need to maintain a holistic approach to all human rights. It was noted that economic, social and cultural rights continue to be accorded a lower level of priority than civil and political rights by many governments. The Forum called on governments, both in the region and outside, to give explicit effect to their commitment to the realisation of economic, social and cultural rights through all feasible means, including through their input into the policies and actions of international financial institutions and of international and regional economic forums.

The Forum agreed to further explore means of promoting and protecting economic, social and cultural rights, including, inter alia, by acting on the suggestions for action proposed in the Secretariat's background paper on that subject. To facilitate this work, the Forum resolved to explore closer engagement with relevant organisations. It asked the Secretariat to continue research and analysis on this matter and to make this and other relevant material available, including through the Forum's website.

The Forum considered a background paper prepared by the Secretariat on *The role of national human rights institutions in advancing the human rights of women*. Forum members committed themselves to continue to give a high priority to addressing violations of the human rights of women. Special attention was given at the meeting to the trafficking in women and girls, which was the subject of a case-study prepared for the Forum by the Office of the High Commissioner for Human Rights. The Forum agreed to recommend to its members the establishment of focal points on the human rights of women, including the issue of trafficking, within each Forum Member institution and the coordination by the Forum Secretariat of a network among them. Attention was also drawn to the need for a coordinated regional approach that would facilitate practical responses to entrenched forms of discrimination against women in the law, in economic activity, in the political system and in prevailing cultural attitudes which deny women's human rights. The Forum once again urged all countries of the region to ratify the Convention on the Elimination of All Forms of Discrimination Against Women and urged all parties to take steps to eliminate reservations to it. The Forum agreed to hold a workshop in 2000 on the advancement of women's human rights and asked the Secretariat to take appropriate steps to prepare for the workshop, in 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 Program of Action developed at the Regional Workshop on the theme of *National Institutions and Non-Government Organisations: Working in Partnership* was discussed in frank and constructive terms by Forum members and representatives of regional non-government

organisations. They saw the Program of Action as a useful checklist of possible areas for cooperation and partnership. A number of priority areas were mentioned: the development of strategic plans and work programs; investigations and inquiries; evaluation of performance; development of National Action Plans; training of staff; ratification of human rights treaties and protecting human rights defenders.

As recommended in the Program of Action, the Forum supported a discussion on the theme of *The role of public inquiries in promoting and protecting human rights* and asked the Secretariat to take appropriate steps for this, in consultation with the Office of the High Commissioner for Human Rights and the NGO community. The Forum requested the Secretariat to work with national institutions and non-government organisations to mobilise funds through technical cooperation programs to give effect to the activities arising from the Program of Action. The Forum also requested the Secretariat to prepare, in consultation with non-government organisations and the Office of the High Commissioner for Human Rights, guidelines for the process of establishing national institutions in accordance with the Paris Principles for consideration at the Fifth Annual Meeting of the Forum. The Forum agreed to include discussion of cooperation and joint activities as a regular item at its annual meetings.

Forum members exchanged views and experiences on the death penalty and on the approaches which national institutions and the governments of the region have taken in the application of capital punishment. They agreed to consider a reference on this issue to the Advisory Council of Jurists. The Secretariat was requested to develop a proposal for such a reference for consideration by Forum members between meetings.

Forum members noted the convening of the United Nations World Conference on Racism and stressed the importance of national institutions' full participation, in their own right, during the preparatory phase and the Conference itself.

The Forum heard statements from representatives of observer delegations from Australia, Bangladesh, China, Indonesia, Iran, Japan, Jordan, Mongolia, Nepal, New Zealand, Pakistan, the Philippines, the Republic of Korea, Thailand, Vietnam and Yemen. It welcomed commitments by many to establish national human rights institutions in accordance with the Paris Principles and to strengthen existing institutions. Progress reports on the development and implementation of National Action Plans were also received.

The Forum affirmed that there is a clear legal obligation under international human rights law to take all necessary measures against child pornography, including on the internet. Forum members took the interim view that relevant international treaties permit reasonable restrictions on the exercise of the freedom of expression and that these restrictions justify action to combat child pornography. They agreed to make a reference on this issue to the Advisory Council of Jurists for its considered opinion. The Secretariat was requested to develop a draft reference for Forum members between meetings.

The Forum noted with appreciation the report of the Secretariat on the Forum's activities since the Third Annual Meeting in Jakarta in September 1998.

The Forum agreed to continue to pursue the proposal, agreed to at the Third Annual Meeting held in 1998, to produce a short documentary video on the role of national human rights institutions in promoting human rights education within their own countries. Forum members requested the Secretariat to continue to seek donor funding for this project.

The Secretariat provided a report on the Advisory Council of Jurists. The Forum endorsed the nomination of the following members of the Council: Mr Fali S Nariman, Mr R K W Goonesekere, Mr Sedfrey Ordonez, Professor J E Sahetapy, the Hon Justice Dame Silvia Cartwright and Sir Ronald Wilson. It expressed its sincere appreciation to them for agreeing to serve on the Council. The Fiji Human Rights Commission will now be invited to make its nomination. The Forum urged that resources be sought to enable the effective functioning of the Council as soon as possible.

The Forum agreed that the Secretariat should continue to be located in Australia for an indefinite period. The Forum asked the New Zealand Commission to continue as Regional Coordinator. It discussed legal and management structures and agreed that a working group of the Regional Coordinator, the Office of the High Commissioner for Human Rights and the host institution of the Secretariat should examine and resolve these issues. The Forum also agreed to a proposal that staff exchanges be promoted and arranged within the framework of a Letter of Intent between the Forum, the Office of the High Commissioner for Human Rights and the United Nations Volunteer Program. The Forum agreed that the Regional Coordinator sign the Letter of Intent on its behalf when the other parties had considered it.

The Forum also decided to establish two working groups on issues presented by the Indonesian National Commission on Human Rights: the development of a handbook on the implementation of human rights values, principles and norms in the Asia Pacific region, and a study of inter-religious tolerance and respect.

Forum Members also addressed the work of the International Coordinating Committee of National Human Rights Institutions and the involvement of Asia Pacific national institutions in the international human rights system.

The New Zealand Human Rights Commission kindly accepted the nomination to host the Fifth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in approximately 12 months' time.