

Kathmandu Meeting of Asia Pacific Forum of National Human Rights Institutions: Some Comments

By BIPIN ADHIKARI

The 8th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (APF) has just been concluded in Nepal. This Meeting was hosted by the National Human Rights Commission (NHRC) of Nepal and co-sponsored by the Office of the United Nations High Commissioner of Human Rights (OHCHR). Holding of this gathering in Kathmandu underscores firm regional support for NHRC's search for a lasting peace in Nepal.

The three-day meeting was inaugurated by Prime Minister Surya Bahadur Thapa in the evening of February 16 at Hyatt Regency Hotel amidst a VIP gathering of prominent representatives from the national human rights institutions in the Asia Pacific region and delegates from the related bodies. The Prime Minister also graced the gathering with a speech on human rights and regional cooperation. The keynote opinions were also delivered on the occasion by Chairperson of the National Human Rights Commission, Mr Nayan Bahadur Khatri and the UNDP Resident Representative Mr Matthew Kahane on behalf of Mr Bertrand Ramcharan, the Acting UN High Commissioner for Human Rights.

The APF comprises of independent national human rights institutions in the Asia Pacific region that have been established in compliance with the fundamental criteria set out in the United Nations (UN) General Assembly endorsed 'Principles relating to the Status of National Institutions.' The Forum was established in 1996 following the first regional meeting of national human rights institutions from the Asia Pacific region. At this meeting the institutions had adopted the *Larrakia Declaration*, which had set out important principles governing the functioning of national human rights institutions. It is to advance these objectives that the national human rights institutions had decided to establish a regional organisation, which they called the Asia Pacific Forum of National Human Rights Institutions. It opens up important new avenues for strengthening human rights observance and advancing human rights protection for the peoples of the region in a constructive and cooperative environment. In only a few years, the Forum has become central to this region's human rights architecture. As of 16 February, the Forum consisted 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.

During the 8th meeting, the delegates, focussing on the Asia Pacific regional cooperation in the area of human rights, reviewed the reports of the national human rights institutions, deliberated on issues like disability rights, the prevention of torture, the rule of law and anti-terrorist measures, and the challenge of balancing human rights protections and security concerns. The meeting also delivered a final conference statement, which dwells on several important matters. The plenary session welcomed the progress in a new international convention on the rights of people with disabilities, and also considered the potential role of national human rights institutions under the Optional Protocol to the Convention against Torture. The Forum strongly endorsed the view of its Advisory Council of jurists that when member states enact and implement anti-terrorism legislation, they must do so consistently with human rights instruments and standards.

The 8th Meeting also reaffirmed that the structure and responsibilities of national institutions should be consistent with 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 has now increased the Forum's overall membership to 14 institutions. The Forum 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. 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.

There was also a discussion in the plenary session on the role of the NHRC in the peace process in Nepal. The concluding statement said that the Forum "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."

The concluding statement said that the Forum "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."

Some members of the Forum

however wanted the following remarks on the concluding statement of the Meeting: "The Forum, during its open plenary sessions, was informed that the Kingdom of Nepal, the host of the Eighth Annual Meeting of the Forum, is plagued with violent armed conflict resulting in gross infringements of fundamental human rights and humanitarian values. The Forum understands that the constitutional process in Nepal is in further jeopardy in the absence of periodic elections and increased political uncertainty and that insurgency and counter-insurgency measures have further aggravated the already fragile human rights environment and humanitarian norms. In this connection, the proposal of a 'Human Rights' Accord by the National Human Rights Commission of Nepal is a significant initiative in enhancing the observance of, and respect for human rights norms both by the Government and the armed opposition. Applauding the efforts of the National Human Rights Commission of Nepal in this regard, the Forum urges His Majesty's Government of Nepal and the armed opposition to sign the Accord and abide by its terms." The Chairperson of the Nepal Commission thought such a statement will drag the Commission into controversy, which was not the purpose of the Commission.

The Meeting has 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.

The best evidence of the Forum's relevance and vibrancy can be seen in the continued expansion of the Forum's membership. The current challenge, however, is to expand the funding base of the Forum in line with its growing membership. ■