

**Statement of the Asian Forum for Human Rights and Development (FORUM-ASIA)
13th Annual Meeting of the Asia Pacific Forum of National Human Rights Institution**

**28-31 July 2008
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This statement is made by the Asian Forum for Human Rights and Development (FORUM-ASIA), and supported by a number of international, regional, and national NGOs participating in the meeting parallel to the 13th APF.

We welcome the inclusion in the Final Conference Statement during the 12th APF in Sydney issues that were raised by the NGOs. We look forward to follow-up on the progress of implementation by the members of the APF on these issues, particularly on the establishment of focal points for human rights defenders in every NHRI and to take up the issue with their respective foreign affairs ministries the human rights violations in Burma.

This year, the Asian NGOs Network on National Human Rights Institutions (ANNI), which is convened by FORUM-ASIA, released its report on the assessment of the performance of national human rights institutions in Asia. Although the report found that there are NHRIs in Asia which have shown independence from government interference and influence, including NHRIs of South Korea and Indonesia, it however reveals a worrying trend that there is a general decline of the independence of national human rights institutions (NHRI) in the region. There are three reasons for this trend. First, some NHRIs in Asia were established under laws which do not make them an independent institution from the government. Second, the appointment processes of the commissioners of some NHRIs are not transparent, consultative and participatory, which allows governments to exercise control or influence on the choice of commissioners. Third, many of the NHRIs in the region do not have fiscal autonomy.

We are further concerned that recently, the NHRI of South Korea has come under threat of losing its independence when its government attempted to put the NHRCK under the office of the president. Moreover, in the light of the government's response to the protests being held following the lifting of the ban of US beef imports into South Korea, the joint fact finding mission of FORUM-ASIA and the Asian Human Rights Commission (AHRC) found that attacks by riot policemen were conducted against human rights defenders, including members of the staff of the NHRCK who were wearing vests clearly indicating that they were from the NHRCK and were merely third-party observers monitoring the protests.

We also note with concern the attitude of many NHRIs, including the National Human Rights Commission of India, of posturing as a government entity instead of an independent human rights institution having its primary concern the protection of human rights defenders in their countries.

We therefore call on NHRIs:

- to proactively advocate to their governments to amend their enabling laws so that they may have institutional and fiscal independence and a transparent, participatory and consultative appointments process of the members of the NHRIs, in accordance with the Paris Principles;

- to proactively advocate to their governments so that their mandate within their enabling laws would include a provision that would ensure the governments' implementation of their recommendations; and
- to take civil society and the media as their partners in their advocacy so that there will be a stronger and louder voice to the government.

We further note the request to the APF secretariat in the Concluding Statement of the 12th Annual Meeting last year to synchronize the standards for accreditation of the APF with that of the ICC's Subcommittee on Accreditation.

It is in this light that we call on the APF:

- to assist urgently its members who have been downgraded and at risk for downgrading by the ICC so that they may be in full compliance with the Paris Principles;
- to come up with measures to assist governments so that their national institutions will regain their independent status and be in full compliance with the Paris Principles; and
- to consider a system of re-accreditation in order to ensure that it maintains a membership in full compliance with the Paris Principles.