

Civil society meets for Asia Pacific Forum annual meeting and biennial conference

16.09.2011

The Right to Development

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In discussions held at the ANNI conference, participants noted that realising the right to development was a process and that State obligations around creating and sustaining an environment that enabled individuals and communities to claim their rights was key. The experiences of human rights defenders working on the right to development were discussed. These discussions recalled the relevant APF Advisory Council of Jurists' (ACJ) [4](#) references to 'corporate accountability and governmental responsibility' and the 'right to environment', issued at the [13th and 11th Annual Meetings](#) respectively.

Human Rights and Sexual Orientation and Gender Identity



The ACJ had been requested to prepare recommendations to NHRIs in the region on how to work towards ensuring the respect of human rights related to sexual orientation and gender identity (SOGI). The recommendations provided are structured in such a way as to enable implementation through stages, acknowledging the challenges faced by NHRIs in some contexts. A panel discussion during the ANNI conference provided detailed discussion on the importance of the ACJ's recommendations and the Yogyakarta Principles which inspired them, to advance human rights for all.

'No violence please, no discrimination please and no criminalisation please'. With these words ANNI ended its statement to the APF in which it provided clear recommendations to NHRIs.[5](#) ISHR also made a statement on sexual orientation and gender identity to the APF, which focused on the implementation of the part of the ACJ's recommendations that relates to the support of SOGI human rights defenders. ISHR highlighted how criminalisation of consensual same sex conduct was a violation of international human rights law, and had a chilling effect on the potential for advocating for SOGI rights. Protecting SOGI human rights defenders, contesting hate crimes, and supporting the formal recognition of SOGI human rights defenders' organisations were recommended by ISHR as key tasks for NHRI.

Whilst several human rights defenders acknowledged the APF's recognition of the need to end discrimination and violence against people based on their sexual orientation and gender identity, concern was expressed at the absence of some NHRIs from the session, and the failure of those NHRIs who were piloting the ACJ recommendations to report back. There appeared to have been procedural confusion over when these reports should have been presented. The APF Chair allowed further time on this agenda item later in the Forum, when NHRIs from Australia, Mongolia and New Zealand outlined their work and experience to date. [6](#)

In addition, ISHR recommended the APF task the ACJ with the development of a reference document on how NHRIs can effectively support the implementation of the UN Declaration on Human Rights Defenders.

Kandy Programme of Action

The ANNI conference dedicated time to assessing the implementation of the 1999 Kandy Programme of Action, which outlines measures to deepen cooperation between NHRIs and non-governmental organisations. Findings were reflected in the [ANNI statement](#) to the APF, which noted what the APF had done to engage with civil society in areas such as training and the accreditation process. Much still had to be done in regard to the original programme of action, including establishing temporary attachments of personnel between NHRIs and NGOs, and coordinated work between NHRIs and NGOs in pressing for the ratification of human rights instruments. In its statement to the APF, ANNI indicated the need for a 'Kandy Plus Programme' to further cooperation between civil society and NHRIs.

Challenges faced by the Pacific region were highlighted at the APF, in particular by the representative from the Regional Rights Resource Team of the Secretariat of the Pacific Community. The commitment of leaders of the region to national and regional human rights mechanisms was cited. The Samoan government representative spoke of developments in regard to a national human rights institution for the island. Whilst the Palau government representative was not present, discussions around the need for a national human rights institution in the country, as highlighted on the [APF website](#), were noted. For more on the challenges of establishing human rights mechanisms in the region, visit <http://bit.ly/nnzUPh>.

During the ANNI conference, the system of establishing the credibility of NHRIs was discussed. Participants debated whether the Paris Principles and the general observations of the International Coordinating Committee of NHRIs' Sub-Committee on Accreditation were sufficient to really establish the effectiveness and credibility of NHRIs. The degree to which civil society was involved and their informed opinion considered in the accreditation process was another issue discussed, particularly in light of the 2011 UN Secretary General's report, which encouraged the Subcommittee on Accreditation 'to develop a more systematic cooperation with civil society organisations'.⁷

Engagement with Civil Society

Amongst the civil society groups present at the APF open sessions were ANNI members, the International Gay and Lesbian Human Rights Commission (IGLHRC), and ISHR.

In its concluding statement, the APF reaffirmed the role of NHRIs as 'defender[s] of the defenders', and noted civil society calls for NHRIs to advocate for 'the formal recognition of human rights defenders by governments through legislation of any other mechanism to ensure their protection'. The statement provides an overview of some key issues considered during the Forum, but is light on commitments by members. The lack of member commitments to implement particular recommendations is a question repeatedly highlighted by civil society. No specific recommendations made by ANNI, for example, were echoed in the APF concluding statement.

As she nears the end of her term as the Chairperson of the International Coordinating Committee, Rosslyn Noonan was acknowledged for her work by NHRIs.

The next (17th) APF Annual Meeting will take place in 2012, and is likely to be held back-to-back with the International Coordinating Committee of NHRIs' International Conference. It was confirmed that the 18th APF Annual Meeting and Conference will be hosted by the Qatar NHRI in 2013.

[1] That is, those compliant with the Paris Principles.

[2] For more details on the national human rights institutions of the region see www.asiapacificforum.net

[3] See APF 16 Concluding Statement: <http://bit.ly/nyuPRC>

[4] The ACJ is a body of eminent jurists that advises the APF on the interpretation and application of international human rights law.

[5] <http://bit.ly/q2qLEP>. IGLHRC also made a statement at the Forum.

[6] For more on 'piloting' of ACJ recommendations on human rights, sexual orientation and gender identity see <http://bit.ly/r8zhMT>

[7] A/HRC/16 /77, February 2011, paragraph 25.

ISHR