

**ANNI STATEMENT ON
REVIEW OF KANDY PROGRAM OF ACTION 1999
TOWARDS A KANDAY PLUS PROGRAM 2011**

**1st Biennial Conference of the Asia Pacific Forum of National Human Rights Institutions
7-8 September 2011, Bangkok, Thailand**

1. Human rights defenders at the Asian NGO Network on National Human Rights Institutions (ANNI) Regional Conference on the Engagement with the Asia-Pacific Forum of National Human Rights Institutions (APF) on 5-6 September 2011, undertook a review of the Kandy Program of Action: Co-operation between National Institutions and Non Governmental Organizations 1999 (KPA) after twelve years of its existence.
2. The review was amidst 45 representatives of civil society organizations drawn from 20 different organizations in the Asia-Pacific region together with representatives of international human rights organizations, including the International Service for Human Rights, and observers from the national human rights institutions (NHRIs) of three countries present throughout.
3. The review commenced with two presentations being made, the first on the KPA and the second on the role of NHRIs in the UN human rights mechanisms. Thereafter the participants spent time discussing the KPA in three sub-regional groups where they were required to study in depth the highlights of the KPA, indicate the areas which were significantly adhered to, the areas of challenges where difficulties were encountered and possible areas for enhancing co-operation between NHRIs and NGOs. It was realized that a re-reading of the KPA in today's context presented itself as a document with significant relevance in spite of the various developments that have taken place globally in the arena of NHRIs and their engagements and the UN Human Rights Council which is today in place.
4. The following are the initial conclusions of the review process that indicate the need for both NHRIs and NGOs to revisit the KPA in today's context and indicate processes to take it forward in 2011.
5. It was categorically stated that the APF and the International Coordinating Committee of NHRIs (ICC-NHRIs) have both been extraordinarily proactive, especially after the 10th Annual Meeting of the APF held in 2005 in Mongolia, when NGO representatives were known to have walked away from the meeting suffocated by the lack of space for interaction and participation, in providing that very same space for the active participation and contributions of civil society in the work of NHRIs, including their accreditation process. It was also indicated that there were several areas of collaboration between individual NHRIs and NGOs, especially at the national level. Very special mention of the appreciation that has been forthcoming to the publication of the ANNI reports (2008, 2009, 2010 and 2011) putting into practice what was envisaged in the KPA as 'brief annual reports to the Forum' was also specifically mentioned. [KPA para. 9.3]
6. The KPA has also not taken off in some areas the participants were soon to realize. The areas identified were the following:
 - i. Nowhere in the region was there an institutionalized temporary personnel attachment between NHRIs and NGOs while it was also clear that in a few countries, especially those with new NHRIs, the staff of NGOs were taken in as staff of the NHRI [KPA para. 2.3];
 - ii. No joint action had been identified that were aimed at promoting changes to NHRIs investigatory mandates or co-operation at the local level in enquiries or involving NGOs in the investigative process [KPA paras. 4.5, 4.7 and 4.8];

- iii. The promotion of 'public enquires' by NHRIs that had been specifically envisaged in the KPA was yet to be implemented in most countries across the region indicating still the relevance of an APF initiative to promote 'Public Enquiries' [KPA paras. 5.1 to 5.7];
 - iv. The relationship of NHRIs with the elected representatives - either in state legislatures or Parliament - was another area identified that needed efforts to be put in through joint meetings, informing Parliamentarians about human rights and NHRIs and strengthening the capacity of NGOs and NHRIs in lobbying Parliamentarians and the establishment of human rights committees in Parliament [KPA paras. 6.1 to 6.5];
 - v. Coordinated efforts between NHRIs and NGOs in the ratification and implementation of international human rights instruments was another area identified for further concrete actions [KPA para. 7.6];
 - vi. Increased action on the part of APF and ICC-NHRIs in dealing with specific NHRIs that were not yet compliant with the Paris Principles was also indicated [KPA para. 8.1];
 - vii. That in several NHRIs very inadequate mechanisms for collaboration between NHRIs and NGOs - termed differently as task forces or core groups - had been put in place which were found to be cosmetic in nature and ineffective with no written rules of procedures, democratic means of constitution and functional transparency;
 - viii. The reluctance of several NHRIs to take up sensitive human rights issues, especially in the difficult area of economic and social rights, in collaboration with NGOs was also witnessed.
7. The participants also proposed therefore that it was necessary to indicate areas of urgent interventions that could be then proposed to the APF leading to a process of consultation between NHRIs and NGOs leading to a 'Kandy Plus Program of Action (KPPA)' relevant to the challenges of today and built upon the foundations that the KPA has already brought about. The suggested areas of concern for the future to be incorporated in this KPPA were as follows:
- i. In order to make 'collaboration' real and relevant, it was proposed that the mechanisms that are put in place are seriously considered and not simply ceremonial. The process of developing such mechanisms has also to be truly participatory respecting principles of democracy, pluralism, diversity, inclusiveness, gender sensitivity and transparency with clearly worked out rules of procedure so that the dignity, expertise and experience of the participating civil society organizations of human rights defenders who are partners in the protection and promotion of human rights is respected;
 - ii. Such collaborations with civil society organizations have to be agenda-setting exercises in their functioning, making such consultations mandatory for NHRIs to engage in before and after they return from regional and international meetings conferences and periodic meetings of the UN Human Rights Council, Treaty Bodies, ICC-NHRIs, APF etc.;
 - iii. In order to make this collaboration really successful in the field of growing human rights concerns with a wide range of concerns demanding targeted interventions, it is important that the NHRIs also constitute focal points for different thematic subjects while ensuring that the process of setting them up adhere to the norms and standards already dealt with earlier;
 - iv. Collaboration is a continuous process and has to be as much regional in nature as it is national. It is therefore time that the APF urgently considers the constitution of a regional 'Core Group' for such collaboration which comprises representatives of the Forum Counselors of the APF as well as selected representatives of civil society organizations representing all sub-regions in the Asia-Pacific, with experience in working with NHRIs as well as human rights experts in the region – almost akin to its Advisory Council of Jurists (ACJ) – to propose concrete, relevant, ongoing and creative methods of collaborative engagements between civil society and NHRIs in the region which also focuses on the problems of human rights defenders in the region;
 - v. It is also important to ensure that in all areas where NHRIs have been encouraged to increase their role and functioning such as within the UN Human Rights Council in its regular and special sessions, UPR

process, Special Procedures and within Treaty Body system, it is important to keep in mind that these are also active areas of collaboration between NHRIs, civil society organizations and human rights defenders. More specifically we would like to reiterate the following:

- a. In relation to the work of NHRIs with Special Procedures, stronger collaboration should take place with civil society on country visits of mandate holders, in urging for visit requests, in preparations for country visits, in drafting recommendations after a country visit, in the follow up to visits, in communications, in thematic studies and in international meetings that follow;
- b. In relation to the work of NHRIs with Treaty bodies, stronger collaboration should take place with civil society in treaty body reporting, petitions and enquiry, follow up procedures, thematic engagement and training. Such collaboration will lead to streamlining and strengthening the treaty body system in order to better promote and protect human rights at the national level in every country. We recognize that recommendations by Treaty Bodies constitute a unique and solid basis for promoting and protecting human rights;
- c. We shall collaborate with NHRIs to ensure that the outputs of Treaty Bodies are highlighted to the attention of concerned sectors of the Executive, the Judiciary and the Parliament jointly. Further, we shall engage in the publicizing of concluding observations, general recommendations, views on any individual complaints as well as enquiries of Treaty Bodies;
- d. We will collaborate with NHRIs in actively promoting the ratification of all core international human rights treaties and their optional protocols, withdrawing reservations and ensuring the participation of our countries in existing procedures for individual complaints and enquiries along with NHRIs;
- e. In the process leading to, during and following up to the UPR of our respective countries, civil society should work in active collaboration with the NHRIs, as is already envisaged in the UPR process, in a manner where our principles of collaboration have been institutionalized are not ad hoc in nature;
- f. In situations where our respective countries wish to contest elections to the UN Human Rights Council, we shall ensure that we actively collaborate in the proposals to be included in the concretely implementable pledges made by our country as well as the periodic and public monitoring of the adherence and implementation to the pledges after they are elected.