

THE KANDY PROGRAM OF ACTION : COOPERATION BETWEEN NATIONAL INSTITUTIONS AND NON- GOVERNMENTAL ORGANISATIONS

Asia Pacific Forum of National Human Rights Institutions

Workshop on National Institutions and Non-Governmental Organisations: Working in Partnership

**Kandy, Sri Lanka
26 - 28 July 1999**

1 Introduction

1.1 Members of the Asia Pacific Forum of National Human Rights Institutions and non-governmental human rights organisations met in Kandy in the presence of observers from United Nations agencies, governments and international non-governmental organisations, to further their cooperation in the promotion and protection of human rights in the region. The Workshop took place in the context of increasing activity on the strengthening of human rights institutions and on the work of NGOs. This work has included the establishment of the Forum itself, the series of United Nations-sponsored workshops on regional arrangements in the Asia Pacific Region and a range of subsidiary meetings aimed at implementing agreed technical cooperation projects. The Workshop was one of the projects identified by regional governments as part of their technical assistance program under the auspices of the United Nations High Commissioner for Human Rights. This reflects the importance of multiparty cooperation for the promotion and protection of human rights.

1.2 Organisations represented at the Workshop expressed their appreciation to the Human Rights Commission of Sri Lanka for hosting the meeting and for their hospitality. The Workshop also expressed its appreciation to the Office of the High Commissioner for Human Rights for cosponsoring the Workshop with the Asia Pacific Forum of National Human Rights Institutions and the Asia Pacific NGO Human Rights Facilitating Team. The Workshop expressed its appreciation to the Office of the High Commissioner and to the Governments of New Zealand and Australia for providing financial support for the Workshop.

1.3 Organisations represented at the Workshop thanked presenters, facilitators and rapporteurs for their contributions.

1.4 Organisations represented at the Workshop expressed satisfaction that it had been organised in a co-operative manner, with full opportunity having been given for input by both national institutions and non-governmental organisations. Organisations urged that this cooperative spirit should be carried forward into work of national institutions and NGOs at the national and international levels.

1.5 The Workshop reaffirmed faith in the crucial importance of cooperation between national human rights institutions and NGOs and recognised they should work together on the basis of their common commitment to the universality and indivisibility of human rights as expressed in the Universal Declaration of Human Rights, international human rights instruments and the Vienna Declaration. The Workshop also recognised that national human rights institutions and NGOs have different roles in the promotion and protection of human rights and that the independence and autonomy of civil society and NGOs and of national human rights institutions must be respected and upheld.

1.6 Given the diversity in the nature and composition of national human rights institutions and NGOs and the common objective of protecting and promoting human rights it was agreed that there should be mutual consultation and cooperation in human rights projects and education.

1.7 Participants from national institutions and organisations represented at the Workshop agreed on the following action strategies they committed themselves to implement as appropriate:

2 Structures and mechanisms of co-operation

2.1 Recognise the importance of, and implement, better consultation processes between national human rights institutions and NGOs, which should be regular, transparent, inclusive and substantive; encourage NGOs to decide on what processes and mechanisms best suit their circumstances and relations with the national human rights institution in their country; encourage national institutions to establish focal points to facilitate relations with NGOs;

2.2 Hold joint training programs;

2.3 Consider temporary personnel attachments between national institutions and NGOs;

2.4 Cooperate where possible when making recommendations to governments or other national bodies;

2.5 Cooperate and seek advice from OHCHR in encouraging the development of national human rights action plans;

2.6 Hold workshops on specific issues of mutual interest, with a particular focus on ensuring a balanced approach to participation and organisation;

2.7 Establish mechanisms for discussion between national institutions and NGOs with a view to maximising possibilities of using information technology to keep each other informed of their activities and issues arising from monitoring of human rights questions as well as relevant recommendations;

3 Education

- 3.1 Recognise that effective human rights education must be based on an analysis of the human rights situation in the particular country and on the Universal Declaration of Human Rights and other international human rights instruments;
- 3.2 Adopt as the goal of human rights education the creation of an environment which enables recognition and respect for the human rights of all people and maximises individuals' and communities' awareness of their own human rights and their capacity to utilise available mechanisms for the enforcement of these rights;
- 3.3 Undertake an evaluation of existing programs at the national and regional level;
- 3.4 Use available tools for planning, e.g. the guidelines for national action plans in the field of human rights prepared within the framework of the International Decade for Human Rights Education;
- 3.5 Consult on human rights education in order to facilitate planning and implementation, to encourage governments to fulfil their obligations to provide human rights education, to identify the organisations best placed to undertake particular programs, to avoid duplication, to coordinate fund raising and to monitor the effectiveness of programs. A potentially fruitful area of cooperation would be for national institutions and NGOs to exchange materials and resources to enable them to carry out human rights education activities;
- 3.6 Consult in the development of curriculum designed for the mainstream education system, whether at the primary, secondary or tertiary levels;
- 3.7 Develop cooperative programs and facilitate joint participation in programs of training for teachers and public officials, including the military, the police and corrective services personnel;
- 3.8 Develop cooperative programs and facilitate joint participation in programs of training for human rights educators, including teachers and parents;
- 3.9 Cooperate with relevant judicial authorities in programs of training for members of the judiciary;
- 3.10 Develop memoranda of agreement with government agencies to facilitate the provision of training to government officials;
- 3.11 Develop panels of speakers from both NGOs and national institutions who would be available for human rights education presentations;
- 3.12 Cooperate in the dissemination of information on international and domestic human rights instruments, including the Paris Principles and the Declaration on Human Rights Defenders;

- 3.13 Where appropriate, promote human rights education through public or media campaigns, to be undertaken individually as well as jointly;
- 3.14 Develop relations with the media, particularly the state-owned media in some countries, to promote informed coverage of human rights issues;
- 3.15 Facilitate joint participation in public meetings, conferences and media events;
- 3.16 Establish mutual links on internet websites;
- 3.17 Develop joint or separate approaches to technical assistance and potential funding agencies, including OHCHR and UNDP, with proposals for human rights education programs;
- 3.18 Cooperate in using reports of national human rights institutions, NGOs, the United Nations human rights mechanisms and treaty monitoring bodies as tools for increasing public awareness and pursuing specific issues;

4 *Complaints and Investigations*

- 4.1 Agreed that it was vital that national institutions should have their own independent investigations capacity;
- 4.2 Arrange information sessions at which NGOs and national institutions would inform each other better about their complaints and investigations systems, to discuss trends, to improve mechanisms, to take into account international materials and to avoid duplication;
- 4.3 Facilitate public awareness of national institution complaints and investigations systems. This could include the preparation of relevant materials, such as a manual, as well as non-written materials targeted at people who are illiterate. Special attention should be given to vulnerable groups;
- 4.5 Consider joint action aimed at promoting changes to national institutions investigatory mandates where those mandates are too narrow or otherwise unsatisfactory in the investigations area;
- 4.6 Facilitate transmission of information from NGOs to national institutions and vice versa on specific cases, where appropriate;
- 4.7 Facilitate cooperation at the local level between NGOs and national institutions when inquiring into specific cases;
- 4.8 Develop transparent and inclusive mechanisms whereby NGOs could be involved in the investigation process;

4.9 Explore means of using information technology to facilitate exchanges of information on specific cases;

4.10 Arrange joint training courses aimed at strengthening the effectiveness of complaints and investigations and reporting systems;

5 Public Inquiries

5.1 Hold joint workshops aimed at promoting awareness of the concept of public inquiries, their objectives and their mechanisms and possible subjects; consult with national institutions and NGOs to ensure that best practice is followed;

5.2 Where consideration is being given to the establishment of a public inquiry, consult in the development of its terms of reference and on a strategic plan for the inquiry;

5.3 Cooperate closely where a national institution is carrying out a public inquiry, particularly in the exchange of information and on-site activities;

5.4 Lobby for legislation to ensure that it is incumbent on legislatures to discuss national human rights institution reports within a specific time frame and that national human rights institutions are empowered in cases of undue delay to make their reports public;

5.5 Cooperate in facilitating media coverage of public inquiries; cooperate in conveying public inquiry reports to relevant UN mechanisms;

5.6 Cooperate in promoting the implementations of any public inquiry's recommendations;

5.7 Organisations represented also recommended that the Asia Pacific Forum should organise a regional workshop on public inquiries as part of the Forum's program of annual thematic workshops;

6 Relations with Legislatures

6.1 Cooperate in promoting constructive relations and joint meetings with legislatures and legislators aimed at promoting and protecting human rights;

6.2 Consider holding workshops aimed at strengthening the capacity of national institutions and NGO personnel to lobby legislatures effectively including through campaigns aimed at promoting specific action by legislatures on human rights issues;

6.3 Consider jointly participating in workshops aimed at better informing legislators about human rights and the role and functions of national institutions and NGOs;

6.4 Encourage legislatures to establish human rights committees; where appropriate, approach the Inter-Parliamentary Union to encourage the national parliament to give greater emphasis to human rights;

6.5 Work jointly in order to bring the protection and promotion of human rights into political party platforms;

7 *Legislation*

7.1 Systematically review existing legislation and other instruments having the force of law to ensure consistency with human rights law, including relevant international humanitarian law standards, in a holistic way, to ensure compliance with the principle of indivisibility of human rights with a view to recommending appropriate changes to ensure consistency with those standards;

7.2 Develop mechanisms for public consultation and discussion on proposed legislation and other instruments having the force of law to ensure consistency with human rights and related standards with a view to recommending appropriate changes to ensure consistency with those standards;

7.3 Cooperate in encouraging governments to develop mechanisms whereby government departments seek NGO and national human rights institution inputs into new legislation, review of legislation and human rights treaty negotiations;

7.4 Establish mechanisms whereby national institutions seek NGO input into national institution recommendations to government about legislation;

7.5 Cooperate in promoting the development of domestic legislation in accordance with international human rights norms;

7.6 Coordinate effort for the ratification and implementation of international human rights instruments and the removal of declarations, derogations and reservations to such instruments;

7.7 Encourage where appropriate the establishment of forums with a broadly based membership that could specialise in the review of the human rights aspects of legislation;

8 *Establishment of new national institutions*

8.1 Recommended that the Asia Pacific Forum, in consultation with NGOs, should adopt by its Annual Meeting in 2000, minimum standards for mechanisms and processes for the establishment of new national human rights institutions in the region in conformity with the Paris Principles. These guidelines should pay particular regard to the need for new institutions to have independence built into their mandates, for processes and mechanisms to be developed in partnership with NGOs, for public hearings and for public review of proposed national human rights institution

legislation and for transparency in the appointment of commission members. Such institutions should have advisory, educational and investigatory functions;

8.2 Agreed that, in cooperation with the Office of the High Commissioner for Human Rights, national institutions and NGOs would provide information and advice to governments and NGOs of other countries, where requested, on models for the establishment of national institutions in conformity with the Paris Principles;

9 Asia Pacific Forum of National Human Rights Institutions

9.1 Requested the Forum Secretariat, in cooperation with NGOs, to disseminate this Program of Action widely to governments, national institutions, non-governmental organisations, the United Nations and other international and regional organisations;

9.2 Requested the Forum Secretariat to collaborate with national institutions and NGOs of the region in the mobilisation of funds through programs of technical cooperation aimed at giving effect to activities proposed in this Program of Action;

9.3 Agreed that national institutions and NGOs would provide brief annual reports to the Forum on measures taken to give effect to this Program of Action;

9.4 Took note of the arrangements for NGO participation at the Third Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions, held in Jakarta in September 1998, and requested that the Forum attempts to ensure that NGO participation continues to improve in future Forum meetings;

10 International activity

10.1 Cooperate in monitoring and encouraging government compliance with international obligations and implementation of recommendations, views or opinions given by international human rights monitoring bodies; cooperate in reporting to treaty monitoring bodies and in disseminating treaty body reports, recommendations, views and opinions;

10.2 Consult and cooperate in support of the participation of national human rights institutions and NGOs in international and regional human rights meetings under the auspices of the United Nations; cooperate for the strengthening of United Nations mechanisms, including, where appropriate, through coordinated approaches to government and parliaments;

10.3 Conduct jointly information sessions on the United Nations protection mechanisms; work cooperatively to ensure that alleged violations of human rights are presented to appropriate United Nations or other intergovernmental mechanisms.