



**29th Regular Session of the UN Human Rights Council
Item 8: Follow up and Implementation of the VDPA**

**Oral Statement Delivered by R. Iniyan Ilango
On behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA)**

Monday, 29 June 2015

Mr. President, the Vienna Declaration and Program of Action (VDPA) makes several references to National Human Rights Institutions (NHRIs), recognises the Paris Principles and provides extensive guidance on the topic.¹ The potential and significance of NHRIs as vital actors at the national level has been underscored several times by UN bodies and human rights mechanisms.² It is in recognition of this importance that FORUM-ASIA expresses its concern at several emerging trends in Asia which threaten to undermine the role and function of NHRIs.

Independence of NHRIs in Asia has been a longstanding concern. Selection and appointment processes of many NHRIs in the region are problematic and often conducted without disclosure of criteria or a transparent screening process, while key stakeholders including civil society are often not included. Recent examples include a case in the Republic of Korea, where a candidate who had openly endorsed discrimination was controversially appointed as commissioner,³ and another in Burma/Myanmar, where the MNHRC's membership was reconstituted last year in secrecy, and several incumbent members removed without their knowledge.⁴ We urge governments to ensure that the independence of NHRIs is guaranteed at all times, and that selection and appointment processes are undertaken in an inclusive and transparent manner, as stipulated in the Paris Principles and the ICC-SCA's General Observations.⁵

We further stress the critical importance of NHRIs carrying out their functions in full compliance with the Paris Principles and addressing human rights violations in a timely manner.⁶

Finally, FORUM-ASIA is gravely concerned over reprisals against NHRIs when implementing their mandates. Recently in Maldives the Supreme Court held HRCM guilty of spreading false information after cooperating with this Council on the UPR of the country.⁷ The threat of libel suits by the National Police in Indonesia against Komnas HAM members is another example.⁸ We call on all Asian governments to ensure an enabling environment conducive for NHRIs, and further implement the Belgrade Principles to ensure legislative oversight, accountability and support to safeguard their independence and functioning.

Thank you, Mr. President.

¹ [Vienna Declaration and Programme of Action](#) (25 June 1993), Section I paragraphs 34 & 36; Section II paragraphs 20, 74, 82, 84, 85 & 86

² General Assembly resolution [A/RES/48/134](#) (20 December 1993); and [A/HRC/22/47](#) (16 January 2013).

³ FORUM-ASIA, [Open Letter to Chairperson of NHRK Regarding ICC-SCA's Recommendations](#), 27 January 2015.

⁴ Burma Partnership, [All The President's Men](#), 25 September 2014; also see FORUM-ASIA, [Stakeholder Submission to the ICC-SCA for the reaccreditation review of the NHRCK](#), 30 June 2014.

⁵ ICC-SCA General Observations 1.8 Selection and Appointment of the decision-making body of NHRIs.

⁶ ICC-SCA General Observations 2.10 The quasi-judicial competency of National Human Rights Institutions (complaints-handling); also see See "Compliance in Practice - Comprehensive and timely responses to human rights violations" from [Speaking Notes](#) of former ICC-SCA Chair to the Asia Pacific Forum Council Meeting, 3 September 2014.

⁷ FORUM-ASIA, [The Maldives: Human Rights Commission of the Maldives \(HRCM\) Latest Victim of Judicial Overreach](#), 19 June 2015

⁸ The Jakarta Post, [Lawyer reports Komnas HAM members to police](#) (10 March 2015)