

NATIONAL HUMAN RIGHTS INSTITUTIONS AND THE YOGYAKARTA PRINCIPLES

By Chris Sidoti

For the first time, national human rights institutions have met to consider their role in the protection and promotion of the human rights of lesbians, gays, bisexuals and transgender people. They adopted a statement of conclusions that set out a program of activities for national institutions. The statement has important implications for the work of national institutions all over the world.

The Asia Pacific Forum of National Human Rights Institutions brought together nine of its member institutions in Yogyakarta, Indonesia, from 5 to 7 May, to discuss the role of national institutions in the implementation and promotion of the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity. The Yogyakarta Principles recommend that '[n]ational human rights institutions promote respect for these Principles by State and non-State actors, and integrate into their work the promotion and protection of the human rights of persons of diverse sexual orientations or gender identities'.

The nine national institutions represented at the workshop reflected the breadth of the Asia Pacific region, with its wide political, economic, religious and cultural diversity. They came from Australia, Indonesia, Jordan, Malaysia, Nepal, New Zealand, Palestine, Republic of Korea and Thailand. On the basis of this diversity, they adopted their statement of conclusions by consensus.

The statement of conclusions affirms the most important principle at the heart of human rights law: 'that all human beings are born free and equal in dignity and rights and that everyone is entitled to the enjoyment of human rights without distinction of any kind'. It also 'deplores all forms of stereotyping, exclusion, stigmatisation, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals on any ground whatsoever, wherever they occur'. It acknowledges that the responsibilities of national human rights institutions extend 'to those who suffer human rights violations based on their actual or perceived sexual orientation or gender identity'. It recognises the widespread violations of human rights that occur in the Asia Pacific region on the basis of sexual orientation and gender identity.

The workshop provides national institutions with a lengthy list of actions they can take to implement and promote the Yogyakarta Principles. The list forms a useful basis for institutions to examine their existing work to protect the rights of LGBT people and to identify necessary measures to take to be more effective in this work.

The workshop also recommends action by the APF itself, including providing a reference to its Advisory Council of Jurists to review and advise whether laws in States whose

national human rights institutions are members of the APF are consistent with international human rights law in their application in relation to sexual orientation and gender identity and what amendments to existing laws or what new laws are required to ensure consistency.

The APF will also establish a webpage on its website for information and exchange on issues and work in relation to human rights and sexual orientation and gender identity. All papers from the Yogyakarta workshop will be included on that website.

The Yogyakarta workshop will be included as an agenda item at the APF's annual meeting in 2010. The report of the ACJ will also be discussed then. The APF and its member institutions are moving forward with work on these important issues. Hopefully, national human rights institutions in other regions and at the international level will follow the APF's lead.