



# APF Membership

## Applications

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Membership of the Asia Pacific Forum of National Human Rights Institutions (APF) is open to all national human rights institutions (NHRIs) in the region that have been established in accordance with the UN General Assembly endorsed *Principles relating to the status and functioning of national institutions for the protection and promotion of Human Rights* (the “Paris Principles”).

## Membership categories

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**Full Membership:** NHRIs that have been established and function in full compliance with the Paris Principles may apply for full membership of the APF. Full Members may nominate a “Forum Councillor” to the APF’s peak decision-making body, the Forum Council.

**Associate Membership:** NHRIs that have been established and function in partial compliance with the Paris Principles may apply for associate membership of the APF. Associate Members are entitled to participate in APF activities but they are not entitled to elect a Forum Councillor.

**Paris Principles Compliance.** The APF accepts the accreditation status granted by the International Coordinating Committee of National Human Rights Institutions (the “ICC”) as evidence of Paris Principles compliance. Associate membership is also available to those NHRIs that have not yet sought accreditation by the ICC.

The APF may undertake an additional assessment of Paris Principles compliance if it considers such an assessment is required. This may involve the Secretariat requesting supplementary information from the applicant. The Secretariat will then prepare an analysis of the application for the consideration of Forum Councillors. The Secretariat provides a copy of this analysis to the applicant for comment prior to its consideration by Forum Councillors. Any comments submitted by the applicant on the draft analysis are also provided to the Forum Councillors.

All decisions on membership are made by the Forum Council (see Annex 2 for the relevant APF Constitution rules relating to membership).

**Documentation.** In applying to become a member of the APF an institution is required to submit the following information:

- A completed ‘APF Membership Application Form’ and relevant supplementary information (see Annex 1); and
- the accreditation application and supporting documents submitted to the International Coordinating Committee of National Human Rights Institutions.

## Membership fees

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Member institutions pay an annual fee which varies according to the membership category. In special circumstances, when the applicant applying has financial difficulties, Forum Councillors may allow for a fee waiver or for payment ‘in kind’ through non-monetary contributions. Institutions applying for special consideration are advised to highlight the reasons for their request in a covering letter to their application. The annual fees for membership are as follows:

- Full Members – US \$3000
- Associate Members – US \$1500

## To Apply

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Please complete and sign the application below, together with the checklist and attach the relevant information. Completed applications should then be sent by email to:

- [kierenfitzpatrick@asiapacificforum.net](mailto:kierenfitzpatrick@asiapacificforum.net)
- [JenniWhelan@asiapacificforum.net](mailto:JenniWhelan@asiapacificforum.net)

### **For more information**

To further discuss the membership application process, please contact Jenni Whelan at the Asia Pacific Forum of National Human Rights Institutions by email at: [JenniWhelan@asiapacificforum.net](mailto:JenniWhelan@asiapacificforum.net)

## Annex 1: APF Application for Membership form

<b>Institution name:</b>	
<b>Institution address:</b>	
<b>Postal address:</b>	
<b>Telephone:</b>	
<b>Fax:</b>	
<b>Website:</b>	
<b>Email address:</b>	
<b>Type of Membership applied for:</b> <i>Tick box</i>	<input type="checkbox"/> Associate Membership (available to NHRIs that have been granted 'B' accreditation by the ICC).
<b>Mandatory information checklist:</b> <i>Tick boxes</i>	<input type="checkbox"/> A completed APF Membership Application form  <input type="checkbox"/> A copy of the documentation submitted to the ICC Sub-Committee on Accreditation.
<b>Declaration</b>	<p>On behalf of .....</p> <p style="text-align: center;"><i>(full legal name of institution)</i></p> <p>We confirm that the institution formally applies to become a member of the Asia Pacific Forum of National Human Rights Institutions (APF). We have read and are cognisant of the requirements of the Constitution of the APF insofar as it applies to matters of membership (see annex 2) and agree to be bound by the rules of membership as set out in the APF Constitution (the full text of which can be obtained at <a href="http://www.asiapacificforum.net/about/governance">www.asiapacificforum.net/about/governance</a>)</p> <p><b>Signed by the Chair or President of the institution:</b></p> <p>Signature: .....</p> <p>Name: (print) .....</p> <p><b>Signed by the Chief Executive Officer:</b></p> <p>Signature: .....</p> <p>Name: (print) .....</p> <p>Date: .....</p>

CRITERIA		COMPLIANCE
<p><b>GENERAL INFORMATION</b></p> <p><b>Type of institution</b></p> <ul style="list-style-type: none"> <li>• Commission <input type="checkbox"/></li> <li>• Ombudsman <input type="checkbox"/></li> <li>• Other (specify) <input type="checkbox"/></li> </ul> <p><b>Jurisdiction</b></p> <ul style="list-style-type: none"> <li>• Domestic: <ul style="list-style-type: none"> <li>• Public Sector <input type="checkbox"/></li> <li>• Private Sector <input type="checkbox"/></li> </ul> </li> <li>• International <input type="checkbox"/></li> </ul> <p><b>Scope of jurisdiction</b></p> <ul style="list-style-type: none"> <li>• General <input type="checkbox"/></li> <li>• Thematic (specify) <input type="checkbox"/></li> </ul>		<p>Specify the provisions</p> <p>Specify the provisions</p>
<p><b>Mandate and structure</b></p> <p>Is the institution established by:</p> <ul style="list-style-type: none"> <li>• Constitution <input type="checkbox"/></li> <li>• Legislation <input type="checkbox"/></li> <li>• Decree <input type="checkbox"/></li> <li>• Other <input type="checkbox"/></li> </ul>		<p>Specify the name of the Act, regulation etc</p>
<p><b>Accountability</b></p> <p>What is the nature of the institution's accountability?</p> <ul style="list-style-type: none"> <li>• Executive (Prime Minister/Head of State/King, etc) <input type="checkbox"/></li> <li>• Legislative <input type="checkbox"/></li> <li>• Other <input type="checkbox"/></li> </ul>		<p>Specify the provisions</p>
<p><b>Protection and promotion functions</b></p> <ul style="list-style-type: none"> <li>• Are these functions of protection and promotion specifically defined in law? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		<p>Specify the provisions</p>
<p><b>Responsibility</b></p> <p>Does the institution have responsibility to:</p> <ul style="list-style-type: none"> <li>• Submit opinions, reports &amp; recommendations to government/parliament on any matter concerning protection/promotion of human rights and without prior authorization? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Promote consistency between domestic legislation and international human rights instruments? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Encourage ratification of such instruments in co-operation with the UN and regional &amp; national institutions? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Contribute independently of government to UN reporting? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Conduct research &amp; education programs on human rights? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Increase public awareness of human rights issues? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		<p>In each of these subcategories of responsibility please specify the provisions</p>
<p><b>Independence</b></p> <p>Is the independence of the institution guaranteed by:</p> <ul style="list-style-type: none"> <li>• Pluralist composition? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		<p>Describe how the independence of the institution is guaranteed &amp; the relationships it has with government. If any of these criteria are not currently</p>

<ul style="list-style-type: none"> <li>• Appointment &amp; dismissal process established by law with fixed term &amp; renewable?</li> <li>• Financial autonomy derived from stable, adequate funding?</li> <li>• Legal &amp; operational autonomy through separate legislation, infrastructure, staff &amp; resources?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No	met, explain why  Or  refer to the relevant sections in your Accreditation documentation
<p><b>Method of operation</b></p> <p>Is the institution free to:</p> <ul style="list-style-type: none"> <li>• Meet regularly &amp; as required?</li> <li>• Review any matter within own jurisdiction on referral from government, by individual complaint or suo moto?</li> <li>• Hear any person &amp; obtain any information related to a matter within jurisdiction?</li> <li>• Make public its findings &amp; recommendations (eg through annual report)?</li> <li>• Establish local &amp; regional sections?</li> <li>• Maintain consultation with other bodies (eg NGOs) when carrying out its functions?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe in detail how the institution operates in relation to its mandate  Or  refer to the relevant sections in your Accreditation documentation
<p><b>Additional criteria – Institutions with quasi-judicial competence</b></p> <p>Is the institution competent to:</p> <ul style="list-style-type: none"> <li>• Potentially hear individual complaints?</li> <li>• Potentially seek settlement through conciliation or binding decisions, with confidentiality?</li> <li>• Inform the complainant of their rights &amp; remedies and ensure the process is accessible?</li> <li>• Potentially make recommendations to competent authorities, make enforceable decisions or refer to specialised tribunal?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No	Explain in detail any complaint handling function of the institution including nature of complaints and methods of resolution  Or  refer to the relevant sections in your Accreditation documentation

## Annex 2: APF Constitution - Membership Rules

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### 11. Membership

#### 11.1 Full members

(a) **Qualifications of full members**

Each full member must be a national human rights institution in the Asia Pacific region which in the opinion of the Forum councillors complies with the Paris Principles. Accreditation by the International Coordinating Committee of National Human Rights Institutions as an 'A' status national human rights institution may be taken as evidence of compliance with the Paris Principles.

(b) **Initial members**

The initial members are:

- (1) Human Rights and Equal Opportunity Commission of Australia;
- (2) National Human Rights Commission of India;
- (3) Indonesian National Commission on Human Rights;
- (4) Human Rights Commission of New Zealand;
- (5) Commission on Human Rights of the Philippines;
- (6) Human Rights Commission of Sri Lanka;
- (7) Fiji Human Rights Commission; and
- (8) Human Rights Commission of Nepal.

(c) **Status**

The initial members are full members.

(d) **Admission of full members**

- (1) The Forum councillors may admit any institution, meeting the qualifications set out in rule 11.1(a), to full membership of the Forum.
- (2) Every application for full membership must be:
  - (A) made in writing and signed by the applicant;
  - (B) in the form prescribed by the Forum councillors, and
  - (C) accompanied by a statement of accreditation status granted by the International Coordinating Committee of National Human Rights Institutions.
- (3) Subject to rule 11.1(d)(4), at the next meeting of the Forum councillors after the receipt of an application for membership, the Forum councillors must consider the application and decide whether to admit or reject the admission of the applicant. The Forum councillors need not give any reason for rejecting an application.
- (4) The Forum councillors may, at their discretion, defer the consideration of an application for full membership.

## **11.2 Associate members**

### **(a) Qualifications of associate members**

Each associate member must be a national human rights institution in the Asia Pacific region which, in the opinion of the Forum councillors, is in partial compliance with the Paris Principles. Accreditation by the International Coordinating Committee of National Human Rights Institutions as a 'B' status national human rights institution may be taken as evidence of partial compliance with the Paris Principles.

### **(b) Admission of associate members**

- (1) The Forum councillors may admit any institution having the characteristic set out in rule 11.2(a) to associate membership of the Forum.
- (2) Every application for associate membership must be:
  - (A) made in writing and signed by the applicant;
  - (B) in the form prescribed by the Forum councillors; and
  - (C) accompanied by a statement of accreditation status granted by the International Coordinating Committee of National Human Rights Institutions.
- (3) Subject to rule 11.2(b)(4), at the next meeting of the Forum councillors after the receipt of an application for associate membership, the Forum councillors must consider the application and decide whether to admit or reject the admission of the applicant. The Forum councillors need not give any reason for rejecting an application.
- (4) The Forum councillors may, at their discretion, defer the consideration of an application for associate membership.

### **(c) Rights of associate members**

Associate members have no voting rights.

## **11.3 Review of member compliance with the Paris Principles**

### **(a) Occasion for review**

- (1) The Forum councillors may, on their own motion and at any time, decide to review the compliance of a full member with the Paris Principles.
- (2) A member must notify the Forum if there has been any change to the constitutional and/or legislative base or administration of the institution which materially impacts upon its compliance with, or ability to comply with, the Paris Principles.

### **(b) Review**

- (1) Following a decision to review under rule 11.3(a)(1) or receipt of a notification under rule 11.3(a)(2), the Forum councillors must meet to consider whether the institution complies with the Paris Principles.
- (2) If the Forum councillors decide that the institution does not so comply, they may, by resolution, downgrade, suspend or expel a member under rule 12.

## 12. Changes to membership status

### 12.1 Downgrading, Suspending or Expelling a Member

- (a) The Forum councillors may, by resolution, suspend or expel a member from the Forum if, in their absolute discretion, they decide it is not in the interests of the Forum for the institution to remain a member.
- (b) The Forum councillors may downgrade the membership status of, or suspend or expel the member in accordance with rule 11.3 if the member no longer complies or no longer partially complies with the Paris Principles.
- (c) If the Forum councillors intend to propose a resolution under rule 12, at least one month before the meeting at which the resolution is to be proposed, they must give the member written notice:
  - (1) stating the date, place and time of the meeting;
  - (2) setting out the intended resolution and the grounds on which it is based; and
  - (3) informing the member that a representative of the member may attend the meeting and may give an oral or written explanation or submission before the resolution is put to the vote.

### 12.2 Cessation of Membership

An institution immediately ceases to be a member if the institution:

- (a) resigns as a member by giving written notice to the Forum; or
- (b) becomes insolvent or makes any arrangement or composition with its creditors or if a liquidator, receiver or other external administrator is appointed in respect of the institution; or
- (c) is expelled under rule 12.1

### 12.3 Suspension of Membership

A suspended member does not have voting rights but may attend and participate in Forum activities at the invitation of the Forum.