



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

APF 15

Forum Councillor Minutes

APF 15

The 15th Annual Meeting of the Asia Pacific
Forum of National Human Rights Institutions

Bali, Indonesia, 3 to 5 August 2010

Contents

1	Participants	2
2	Proceedings	4
	Working Group on Migration.....	4
	Forum Councillor Meeting.....	5
	APF Annual General Meeting.....	7
	Reports from Members and Invited Observers	7
	APF Strategic Plan 2011 to 2015.....	9
	Advisory Council of Jurists	10
	Review of ICC General Observations	10
	Amicus Curiae	11
	Senior Executive Officers Network	11
	Closing Remarks.....	12

Forum Councillor Meeting Minutes

APF15, 3 to 5 August 2010, Bali, Indonesia

1 Participants

Forum Councillors

Present: Afghanistan – Mr Ahmed Zia Langari (alternate),
Australia – Ms Catherine Branson QC,
India – Justice K G Balakrishnan,
Indonesia – Mr Ildhal Kasim,
Jordan – Dr Muhyieddeen Touq (alternate),
Malaysia – Tan Sri Hasmy Agam,
Mongolia – Ms Solongo Daramjav,
Nepal – Hon Kedar Nath Upadhyay,
New Zealand – Ms Rosslyn Noonan,
Palestine – Ms Randa Siniora,
Philippines – Ms Cecilia Quisumbing,
Qatar – Ms Hala Al-Ali,
Republic of Korea – Professor Byung-Chul Hyun,
Thailand – Professor Amara Pongsapich,
Timor-Leste – Dr Sebastiao Dias Ximenes.

The above representatives of the full member national human rights institutions ('**NHRIs**') of the APF comprise the 'board of directors' of the APF and exercise all decision making power under the APF Constitution. Unless otherwise noted, all decisions at the meeting were taken by general consent.

Delegation Representatives: Afghanistan – Mr Mohamad Musa Mahmudi, Australia – Ms Padma Raman, India – Shri Satyabrata Pal, Shri K S Money, Shri B S Nagar, Indonesia – Mr Nur Kholis, Mr Yoseph Adi Prasetyo, Mr Ahmad Baso, Mr Johny Nelson, Mr. Sudibyo Triatmodjo, Mr Johan Effendi, Jordan – Ms Bushra Abu-Shahout, Malaysia – Mr Detta Samen, Mrs. Hashimah Nik Ja'afar, Ms. Pei Hsi Lee, Mrs Eda Mazuin Abdul Rahman, Mongolia – Ms Gerelchuluun Dashdorj, Mr Och Ganbayar, Nepal – Mr Bishal Khanal, Palestine

– Ms Emily Hanna, Philippines – Ms Jacqueline Mejia, Qatar – Mr Naif Al-Shammari, Republic of Korea – Mr Jae-Chun Won, Mr Young-Ho Cho, Mr Hyoung-Seok Cho, Mr Yunkul Jung, Thailand – Dr Tairjing Siriphanich, Dr Choochai Supawongse, Ms Atchara Shayakul, Mr Poowadol Weerawedphisai, Timor-Leste – Dr Silverio Pinto Baptista, Dr Valerio Magno Ximenes, Ms Teresinha Ximenes.

Associate Members

Present: Maldives – Mr Ahmed Shahid,
Sri Lanka – Ms Shirani Rajapakse, Ms Samanthie Paranagama.

Observer Institutions

Present: Bahrain – Mr Salman Kamaluddin,
Bangladesh – Dr Mizanur Rahman, Mr MD Shamsuzzaman Bhuiyan Zaman,
Oman – Mr Saleh Ayil Kamees Al-Amri, Dr Rasheed Alsafi Al-Huraibi.

International Coordinating Committee of National Institutions

Present: Ms Rosslyn Noonan.

United Nations

Present: OHCHR – Mr Vladlen Stefanov, Ms Sabina Lauber,
UNDP – Ms Shireen Said, Mr Sudarshan Ramaswamy, Ms Aparna Basnyat, Ms Mitra Motlagh, Ms Nukila Evanty.

Advisory Council of Jurists

Present: Australia – Associate Professor Andrea Durbach,
Indonesia – Enny Soeprapto,
Jordan – Professor Mohamed Y Olwan,
Malaysia – Dato' Ranita Mohd. Hussein,
Mongolia – Mr Jugnee Amarsanaa,
New Zealand – Hon Justice Susan Glazebrook,
Republic of Korea – Professor Seong-Phil Hong,
Thailand – Professor Vitit Muntarbhorn.

Experts: Alternative Law Forum – Mr Siddarth Narrain, International Gay and Lesbian Human Rights Commission – Ms Grace Poole, ARC International – Mr John Fisher, New Zealand Human Rights Commission – Ms Joy Liddicoat, UNDP – Mr Edmund Settle.

ASEAN Intergovernmental Human Rights Commission

Present: Mr Rafendi Djamin, Mr Malvino Aprialdy.

Asian NGOs Network on National Human Rights Institutions

Present: Ms Emerlynne Gil, Ms Poengky Indarti.

Secretariat

Present: APF – Mr Kieren Fitzpatrick, Ms Pip Dargan, Ms Thuy Doan-Smith, Mr Greg Heesom, Mr Chris Sidoti (consultant), Mr James Iliffe (consultant), Mr Daniel Rowland (consultant),

Komnas HAM – Ms Johana Nunik Widiанти, Mrs Rita Aryani, Ms Solechah, Ms Sri Nur Fathya, Mr Adi Abdillah, Mrs Nanda Meylani, Mr Andri Djailani.

2 Proceedings

Working Group on Migration

The meeting of interested APF member institutions was called to order at 9:30am on Tuesday 3 August 2010 by Chair, Mr Jae-Chun Won, National Human Rights Commission of Republic of Korea.

Decision:

Forum Councillors considered and approved the establishment of focal points within participating NHRIs on the issue of Migrant Workers. Forum Councillors also requested their representatives on the ICC Bureau (India, Jordan, Malaysia and New Zealand) to raise with the Bureau, at its next meeting in Scotland in October 2010, the viability of the ICC establishing a Working Group on Migrant Workers and to report-back on those discussions to Forum Councillors.

Action:

1. The APF secretariat will write to all Forum Councillors inviting them to nominate a focal point to (i) assist in the identification of ‘best practices’

amongst APF member institutions on this issue; (ii) assist in the development of an APF training manual on migrant workers rights; and (iii) facilitate the creation of a pool of potential trainers from amongst NHRI staff to carry out training on the rights of migrant workers.

2. The APF secretariat will write to the APF representatives on the International Coordinating Committee of National Institutions ('**ICC**') Bureau (the NHRIs of India, Jordan, Malaysia and New Zealand) to request that they raise the issue of the viability of the ICC establishing a Working Group on Migrant Workers with the full Bureau at its next meeting in October and to report back to Forum Councillors.

Forum Councillor Meeting

The Forum Councillor meeting was called to order at 11:30am by Chair, Dr Muhyieddeen Touq, Jordan National Centre for Human Rights.

Confirmation of Attendance

Decision:

Forum Councillors confirmed their attendance and noted that the provisions for a quorum were met as per section 13.3(b) of the APF Constitution. Forum Councillors approved the requests for 'observer' status from the representatives of the ICC, the United Nations, the institutions from Bahrain, Bangladesh and Oman, the ASEAN Intergovernmental Commission on Human Rights and the Asian NGO Network on National Human Rights Institutions to attend the meeting.

Adoption of the Agenda

Decision:

Forum Councillors adopted the agenda for the meeting.

APF Membership

Decision:

Forum Councillors considered and approved a proposal to continue to assess the use of ICC accreditation decisions as evidence of Paris Principles compliance in determining membership status for the APF for a further 12 month period prior to considering amendments to the APF Constitution.

Action:

The APF secretariat will draft Constitutional amendments and submit them to Forum Councillors inter-sessionally for their consideration and decision at the 16th Annual Meeting of the APF in 2011.

International Activities

Reports were delivered by the ICC Chairperson, the National Human Rights Commission of Korea as the APF representative on the ICC Sub-Committee on Accreditation, the National Human Rights Commission of Thailand on advocacy at the UN Commission on the Status of Women and the representatives of the Office of the High Commissioner for Human Rights ('**OHCHR**') and the United Nations Development Programme ('**UNDP**') on significant activities undertaken in support of NHRIs.

Forum Councillors noted and discussed issues arising from the reports. In particular Forum Councillors:

1. Welcomed the comprehensive report of the Chairperson of the ICC on the activities of the ICC. They warmly welcomed her appointment as Chairperson and expressed their appreciation for her leadership and determination to enhance the standing of the ICC.
2. Welcomed the report of the National Human Rights Commission of the Republic of Korea, the APF's representative to the accreditation sub-committee of the ICC. Forum Councillors expressed their appreciation to the Korean NHRI for their work on behalf of the APF.
3. Welcomed the report by National Human Rights Commission of Thailand on NHRI activities with regards to the United Nations Commission on the Status of Women. Forum Councillors commended the work of individual NHRIs and the secretariat and requested the secretariat to continue to pursue full participation rights for "A" status NHRIs in the Commission.
4. Welcomed the comprehensive reports from the representatives of the OHCHR and UNDP and expressed appreciation for their support for the work of NHRIs and for their assistance for the establishment and strengthening of NHRIs. In particular Forum Councillors welcomed the partnership between the APF, OHCHR and UNDP in undertaking capacity assessments of NHRIs and thanked the representatives from the NHRIs of Malaysia and the Maldives for providing updates on the implementation of their capacity assessments.

APF Directors and Financial Report

Forum Councillors noted and discussed issues arising from the APF Directors and Financial Report.

APF Annual General Meeting

The Forum Councillor meeting was adjourned and the APF Annual General Meeting was called to order at 4:30pm by Chair, Dr Muhyieddeen Touq, Jordan National Centre for Human Rights.

Decision:

The meeting adopted the Directors and Financial Report and passed the following resolution:

“That on the 3rd August 2010 the full members of the Asia Pacific Forum of National Human Rights Institutions approve the ‘Directors’ Declaration’ as set out in the audited financial report for the year ended 31 March 2010 and authorise the Chairperson to sign the report on their behalf and the associated management letter to the auditors.”

The meeting was adjourned at 4:30pm.

Reports from Members and Invited Observers

The Forum Councillor meeting was called to order at 9:15am on Wednesday 4 August 2010 by Chair, Dr Muhyieddeen Touq, Jordan National Centre for Human Rights.

The meeting considered oral and written reports from:

Full members

- Afghanistan
- Australia
- India
- Indonesia
- Jordan
- Malaysia
- Mongolia
- Nepal
- New Zealand
- Palestine
- Philippines
- Qatar
- Republic of Korea
- Thailand
- Timor-Leste

Associate members

- Maldives
- Sri Lanka

Observer NHRIs

- Bahrain
- Bangladesh
- Oman

Report from ICC Chairperson

Report from OHCHR

Report from UNDP

Report from the ASEAN Inter-Governmental Commission on Human Rights

Report from Asian NGOs Network on National Human Rights Institutions

Report on the review of the Human Rights Council

Forum Councillors noted and discussed issues arising from the reports. In particular Forum Councillors:

1. Welcomed the reports of APF members on their operations over the preceding year and commended them for their work.
2. Welcomed the participation of the observers from the institutions from Bahrain, Bangladesh and Oman, and looked forward to their future membership of the APF.
3. Welcomed the report of the ICC Chairperson and offered their continued support to ensure that the ICC and regional coordinating committees are influential entities in the international human rights system.
4. Welcomed the reports from the representatives of the OHCHR and UNDP and reaffirmed their wish to establish a comprehensive partnership with the OHCHR and UNDP to enhance mutual cooperation and support.
5. Expressed their appreciation to the representatives of the ASEAN Intergovernmental Commission on Human Rights for their report to the meeting and welcomed the opportunity to further explore mutual cooperation and support.
6. Expressed their appreciation to the representatives of Asian NGO Network on National human Rights Institutions ('**ANNI**') for their input and recommendations to the meeting. Forum Councillors requested that the APF Chairperson propose to ANNI the adoption of a process that will provide NHRIs with an opportunity to provide comments, information or clarifications prior to the publication of the ANNI annual report.

Action:

As per point 6 the APF secretariat will draft correspondence for the consideration and approval of the APF Chairperson.

APF Strategic Plan 2011 to 2015

The Forum Councillor meeting was called to order at 2:30pm by Chair, Dr Muhyieddeen Touq, Jordan National Centre for Human Rights.

Forum Councillors discussed issues arising from the draft strategic plan for the period 2011 to 2015, in particular the need for the expansion and accreditation of APF trainers, the development of 'in house' NHRI training strategies, the confirmation of APF strategic priorities, the need for the APF to more clearly document the application of a gender focus throughout its activities and the commissioning of a feasibility study on options for APF sub-regional engagement. The results of which should be reported back to Forum Councillors by the 16th Annual Meeting in 2011.

Decision:

Forum Councillors approved the APF Strategic Plan, as amended, for the period 2011 to 2015. Forum Councillors noted the need for the APF secretariat to further develop and submit to Forum Councillors for their consideration and approval (i) a financial and fundraising plan and (ii) annual operational plans for each year of the five year strategic plan.

Actions:

The APF secretariat will:

1. Develop strategies/capacity building projects to address the expansion and accreditation of APF trainers and the development of 'in house' NHRI training strategies.
2. More clearly document the application of a 'gender specific' focus to the work of the APF.
3. Facilitate the undertaking of a feasibility study on options for the expansion of the APF's sub-regional engagement. The study will be overseen by a committee of Forum Councillors comprised of one representative each from West Asia, South Asia, South-East Asia, North Asia and the Pacific.
4. Following the results of the feasibility study and its consideration by Forum Councillors at the 16th Annual Meeting of the APF, the secretariat will prepare and submit to Forum Councillors for their consideration and approval the financial and fundraising component of the APF strategic plan.

5. Prepare an 'operations plan' for the period 1 January to 31 December 2011 for the consideration and approval of Forum Councillors.

The meeting was adjourned at 5:30pm.

Advisory Council of Jurists

The Forum Councillor meeting was called to order at 9:30am on Thursday 5th August 2010 by Chair, Mr Ildhal Kasim, National Human Rights Commission of Indonesia.

Forum Councillors received and discussed issues arising from the interim report by the APF's Advisory Council of Jurists ('**ACJ**') on the reference on sexual orientation and gender identity. Forum Councillors expressed their appreciation to the members of the ACJ for their work. Forum Councillors also expressed their appreciation to the Experts invited to provide advice and information to the ACJ during its deliberations. Forum Councillor will report on what steps, if any, they may have taken to implement these recommendations at the APF's Sixteenth Annual Meeting to be held in Bangkok, Thailand in 2011.

Action:

The secretariat will work with the ACJ to finalise the interim report and distribute it to Forum Councillors by 30 September 2010.

Review of ICC General Observations

The Forum Councillor meeting was called to order at 11:30am by Chair, Ms Rosslyn Noonan, New Zealand Human Rights Commission.

The ICC accredits NHRIs for compliance with the Paris Principles. To assist NHRIs in the accreditation process, the ICC's Sub-Committee on Accreditation has prepared a series of 'General Observations' that seek to clarify the requirements of the Paris Principles.

At APF 14, Forum Councillors resolved to ask the ICC to undertake a review of its General Observations to ensure consistency of approach and application, to delineate between fundamental requirements and best practice, and to ensure procedural fairness in the accreditation process. The ICC agreed to the APF request and in March 2010 the ICC's Sub-Committee on Accreditation established a Working Group to undertake initial research and to facilitate consultation with ICC members in the conduct of the review. A questionnaire was sent to all APF members in order to facilitate input into the ICC review.

This session enabled APF member institutions to hear a report consolidating member responses to the questionnaire, and to raise further issues regarding the General Observations, the accreditation process and any other issues relevant to the review.

Action:

The secretariat will report to the ICC SCA Working Group on member responses to the questionnaire and all additional issues raised by members during the discussion session.

Amicus Curiae

The Forum Councillor meeting was called to order at 2:30pm by Chair, Professor Amara Ponsapich, National Human Rights Commission of Thailand.

The NHRIs from Australia, India and Korea made presentations on the role of NHRIs as Amicus Curiae. In particular they provided information on:

- the terms of their legislative mandate;
- restrictions on the exercise of this function;
- the content of any guidelines they have prepared on the exercise of this function;
- the manner in which the function is undertaken (e.g. in-house or with external legal assistance);
- the circumstances in which they seek to utilise this function, (e.g. in test cases or in seeking to address systemic discrimination);
- the resource implications;
- examples of where the exercise of the function has led to significant human rights outcomes; and
- circumstances where the exercise of the function has not led to an improved human rights outcome.

This was followed by general discussion amongst members on the benefits and the difficulties in promoting human rights concerns in this way.

Forum Councillors welcomed the discussion and requested the APF secretariat to develop further guidance for NHRIs in the utilisation of this function.

Senior Executive Officers Network

The meeting of Senior Executive Officers was called to order at 2:30pm by Chair, Dr Muhyieddeen Touq, Jordan National Centre for Human Rights.

The meeting was attended by representatives of the NHRIs from Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Maldives, Mongolia, Nepal,

Palestine, Philippines, Qatar, Republic of Korea, Sri Lanka, Thailand and Timor Leste. The SEO of the New Zealand Human Rights Commission was unable to attend APF 15 and sent her apologies.

The SEO Network agreed that a SEO roundtable would be a valuable opportunity to enhance the professional development of SEOs in their unique role as senior executive. The Australian Human Rights Commission offered to host the roundtable in the first half of 2011.

Action:

The APF secretariat will work with the SEO network to organise the roundtable.

Closing Remarks

Mr Ifdhal Kasim, Chairperson of the National Human Rights Commission of Indonesia and Dr Muhyieddeen Touq, Commissioner General of the Jordan National Centre for Human Rights made closing remarks.

The meeting adjourned at 4:30 pm.

Minutes submitted by Mr Kieren Fitzpatrick.