

## **BACKGROUND PAPER**

### **THIRD MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS**

**7<sup>th</sup> to 9<sup>th</sup> SEPTEMBER 1998, JAKARTA**

#### **ITEM: REVIEW OF THE FORUM'S OPERATIONS REPORT ON FORUM ACTIVITIES**

#### **BACKGROUND**

This report outlines activities of the Forum and the Secretariat since the Second Annual Meeting in New Delhi in September 1997.

#### **PURPOSE**

The purpose of this paper is to inform meeting participants of the activities of the Forum since the New Delhi meeting in September 1997 in the areas of:

- Technical co-operation
- Information dissemination
- Administrative support for the Forum

#### **RECOMMENDATIONS**

It is recommended that the Third Annual Meeting of the Asia Pacific Forum of National Institutions:

- note the content of this report.
- note that Forum members are encouraged to consider needs assessment missions as a means of facilitating the development of technical co-operation proposals.
- note the Secretariat's proposals for future activities.

## **ASIA-PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS SECRETARIAT REPORT 1997 - 98**

### **BACKGROUND**

The following is a summary of the Forum's operations and developments during the period since the Second Regional Workshop in September 1997, focusing on the work of the Forum Secretariat.

The Secretariat is located at the Australian Commission and has received funding support from the Australian and New Zealand Governments. During 1997-98, the Secretariat's operations concentrated on three main areas of activity - the development and delivery of technical assistance co-operation projects, information dissemination, and administrative support for the Forum.

### **TECHNICAL ASSISTANCE CO-OPERATION PROJECTS**

Technical assistance projects are developed in co-operation with partner institutions or governments. The objectives of technical co-operation are to

- improve the levels of appropriate skills and knowledge among the staff of national institutions in the region
- enhance national institution structures and procedures in accordance with the Paris Principles to facilitate a more effective system to protect and promote human rights
- provide governments in the region wishing to establish a national institution with assistance and information as requested to facilitate the development of a national institution in accordance with the Paris Principles.

The Secretariat's approach to developing technical co-operation projects is a very practical one. Forum members help and support each other to strengthen human rights observance through the provision of joint training, advice and institutional capacity building programs.

The Forum is not a funding agency and has no funds of its own to apply to technical co-operation activities. Rather, its role is to develop proposals that can then be taken to potential funding organisations, whether government or private, for consideration. It is important therefore that any proposals for technical co-operation be developed in a comprehensive manner and in formats that dovetail with the requirements of the funding agency.

The Forum has found that this comprehensive approach can be facilitated through the mechanism of a *needs assessment mission*. Such missions have been undertaken with respect to Indonesia, Mongolia and Fiji. The result of such a mission is a global view of the requirements of the commission or government concerned. It is likely that potential donors will be more likely to take a favourable view of project proposals if they are satisfied that a comprehensive assessment has been made. Such an assessment serves the further useful purpose of facilitating co-ordination among the various activities of different donors with respect to the same commission or government.

Technical co-operation projects developed within the framework of the Forum generally fall into two categories - (i) country-based or bilateral projects and (ii) regional projects.

Country-based or bilateral projects are developed between the Secretariat and a particular country. The nature of these projects tend to be medium to long term technical assistance activities focused on the development and strengthening of national human rights institutions.

Regional projects tend to be issue-based and short term. These projects are developed by the Forum and focus on identified regional areas of common need or concern.

The Forum is currently developing or implementing programs for

- human rights law courses
- strategic planning workshops
- training in alternative dispute resolution
- development of computerised complaints processing systems
- training in basic computer applications
- training in the investigation of allegations of human rights violations
- the development of legal advocacy skills
- English language learning
- strengthening public affairs and information programs
- training community human rights workers

Details of some of these projects are outlined below, under 'Regional projects' and 'Country-related activities'.

## **INFORMATION DISSEMINATION**

The Forum Secretariat disseminates information on the role and functions of national human rights institutions and the activities of the Forum. The objectives in this area are to

- improve awareness among political and administrative decision-makers and the wider community of the value and importance of national human rights institutions
- improve awareness among relevant regional governments and agencies of appropriate functions, powers, structures and legislation for national institutions established in accordance with the Paris Principles
- improve awareness among regional national human rights institutions of the legislation, casework, techniques, procedures and outcomes of other national institutions both within and outside the region
- provide information about Forum activities to members institutions, governments (inside and outside the region), United Nations agencies, non-government organisations and the general community.

The Forum encourages the participation of governments and human rights non-government organisations in the annual Forum meetings as observers. This has been an important process to encourage the establishment of new institutions, the effectiveness of existing institutions and greater awareness of the Forum's activities.

There have been numerous exchanges of visits by government officials and NGOs interested in acquiring information about national human rights institutions. In addition to those mentioned elsewhere in this report, visits to the Forum Secretariat at the Australian Commission have included representatives from China, Fiji, Hong Kong, Japan, Nepal, the Netherlands, the Republic of Korea and South Africa.

Members of the Forum and Secretariat staff also promote the work of national human rights institutions and the Forum by attending and speaking at various international, regional and national seminars and meetings as well as through bilateral discussions with governments, regional and international organisations and NGOs.

The Secretariat has produced and distributed an information booklet titled *The Asia Pacific Forum of National Human Rights Institutions ... a partnership for human rights in our region*.

### Forum Web Site

The Forum Secretariat has created a Forum web site to increase access to information about the role and activities of the Forum. The web site can be found at [www.apf.hreoc.gov.au](http://www.apf.hreoc.gov.au). The primary objectives of the web site are to provide universal, accessible, educative and high quality information to

- improve awareness among governments, non-government organisations, educational institutions, students, democratic and legal institutions, research bodies and the general community about the role and work of national human rights institutions
- improve public awareness of the co-operative activities undertaken by the Forum particularly for those governments wishing to establish independent human rights institutions
- develop comprehensive profiles on each of the member institutions.

In addition, the website is part of the initiatives undertaken by the Forum to commemorate the fiftieth anniversary of the United Nations Declaration of Human Rights and to mark the United Nations Decade for Human Rights Education. The web site is the subject of a separate background paper.

## **FORUM ADMINISTRATIVE SUPPORT**

The primary functions in relation to the Secretariat's administrative support role are to organise and service the annual meetings of the Forum, disseminate information, undertake research, develop technical co-operation projects and other proposals, seek funding for projects, organise staff exchanges between national institutions, facilitate the provision of expert assistance to governments concerning the establishment of national institutions and promote the work of the Forum.

### *Second Asia-Pacific Regional Meeting of National Institutions*

The Asia Pacific Forum held its second meeting in New Delhi, India, from 10 to 12 September 1997. This was a considerably larger meeting than the first meeting of the Forum in Darwin in July 1996, indicating the strong interest in the Asia Pacific region in the promotion of national human rights institutions. The national institutions from Australia, India, Indonesia, New Zealand, the Philippines and Sri Lanka attended the meeting. In addition, observers from the governments of Australia, Bangladesh, Fiji, Indonesia, Iran,

Jordan, the Republic of Korea, Mongolia, Nepal, New Zealand, Papua New Guinea, the Philippines, Sri Lanka, Thailand and Vietnam and a range of international, regional and national non-government organisations participated the meeting.

The Indian National Commission hosted the meeting. It established a temporary secretariat, which operated with commendable efficiency and which provided a high level of assistance to participants. The Forum Secretariat was very grateful for the efforts of the Indian Commission and its staff in organising and managing what was a very successful meeting. The Forum Secretariat and the Indian Commission shared in the preparatory work for the meeting, including the preparation of background papers.

The present meeting in Jakarta has also been the subject of shared effort between the Indonesian National Commission on Human Rights, as host, and the Forum Secretariat. The Forum Secretariat has been heavily involved in the logistical arrangements and the preparation of background papers. The Secretariat sent an officer to Jakarta to assist in coordinating the necessary arrangements.

## **REGIONAL PROJECTS**

### *Workshop on media and public affairs*

From 23 to 27 February 1998, the Forum conducted a regional workshop in Jakarta, Indonesia, on the role of the media and public affairs in the promotion of human rights. The workshop was developed and organised by the Forum, funded by the New Zealand Government and hosted by the Indonesian National Commission on Human Rights.

This workshop was in response to the recognition of the importance of using media and other public affairs processes to reach large and diverse communities with human rights information and education programs. The workshop focused on providing participants with practical skills such as effective media liaison, video presentations, interview techniques, writing press releases and evaluating community education campaigns.

The workshop was attended by human rights commission staff from Australia, India, Indonesia, New Zealand and the Philippines. Government representatives from Bangladesh, Fiji, Papua New Guinea, Hong Kong, Latvia, Mongolia and Nepal also participated in the workshop. The workshop proceedings were observed by representatives from the United National Development Program, the United Nations High Commissioner for Refugees, the International Red Cross and the Friedrich Naumann Stiftung. The workshop was managed and conducted by representatives of the Australian Commission on behalf of the Forum, in association with media representatives from New Zealand, Indonesia and India.

### *Workshop on national human rights institutions*

From 12 to 19 February 1998 the Secretariat assisted in the presentation of a regional training course held in the Philippines on the role and functions of national institutions. The training course was conducted by the Canadian Human Rights Foundation.

## **COUNTRY-RELATED ACTIVITIES**

### *Bangladesh*

The Government of Bangladesh intends to establish a national human rights commission to protect and promote human rights. The national commission will have investigative, educational, reporting and analytical functions. To ensure the success of the commission, the government of Bangladesh wishes to develop its institutional capacity and expertise in the theoretical basis of human rights and their practical application. The government has requested assistance to accomplish this.

From 22 to 23 October 1997 the Australian Human Rights and Equal Opportunity Commission and the New Zealand Human Rights Commission hosted a senior delegation from Bangladesh. The delegation included the Minister and Shadow Minister for Justice, various members of the Bangladesh Parliament and a representative from the government, and was accompanied by a representative from the United Nations, Mr Brian Burdekin, Special Adviser to the High Commissioner for Human Rights. The purpose of the visit was to examine the role and operation of the Australian and New Zealand Commissions.

On 22 June 1998 three officers from the Human Rights Project Team of the Bangladesh Department of Law, Justice and Parliamentary Affairs commenced a human rights training internship in Australia for three months. The Forum is responsible for the design, delivery and management of this training project. The project consists of practical work placements within three functional units of the Australian Commission - conciliation, human rights policy and public affairs. This is combined with an academic course work program specially designed by the Forum in consultation with the University of Sydney.

### *Fiji*

The Fiji Government is moving towards the establishment of a national human rights commission. The Constitution Amendment Act 1997, which commenced on 27 July 1998, establishes a commission.

In May 1998, a needs assessment mission to Fiji was conducted which recommended a range of follow-up activities. These have been approved by the Fiji Government and consideration is taking place as to their implementation. The mission was funded by the New Zealand Government, within the Forum framework.

From 19 to 22 February 1998 the Secretariat participated in a workshop to discuss the establishment of a Fiji Human Rights Commission. The workshop was organised by the University of the South Pacific and held in Suva, Fiji.

From 23 to 24 February 1998, a senior adviser to the Fiji Ombudsman visited the Secretariat to hold discussions about the work of the Forum and the potential for the development of technical assistance projects.

### *India*

A study tour to Australia by the Chairperson of the Indian Commission, Justice Venkatachaliah, and the Secretary-General of the Indian Commission, Mr Pillai, was planned during the reporting period. Unfortunately, due to a combination of illness and pressing work demands at the Indian Commission, this study tour was postponed. It is hoped that it will be re-scheduled for later in 1998.

### *Indonesia*

Following a suggestion made in July 1997 during a visit to Australia under Forum auspices of a delegation from the National Human Rights Commission of Indonesia (Komnas HAM) the Secretariat conducted a needs assessment mission to Komnas HAM in September 1997. Over a two week period the mission met with members of Komnas HAM, representatives from various Indonesian government departments, non-government organisations and others. The needs assessment report was subsequently approved by the Australian Minister for Foreign Affairs, who announced on 17 May 1998, the allocation of approximately \$2 million to a program of technical cooperation with Komnas HAM.

Two Commissioners from Komnas HAM, Clementino Amaral and Bambang Suharto were hosted by the New Zealand Human Rights Commission for a one week study tour commencing 20 May 1997. The objectives were to study the New Zealand Commission and its operation, in particular its education and public relations program, how land claims and indigenous human rights issues are dealt with in New Zealand and to develop a long term relationship between the Commissions, possibly including staff exchanges and staff training. The New Zealand Government is currently considering a package of assistance to Komnas HAM.

From 22 to 26 June 1998 the Secretariat again visited Komnas HAM to gather further information, to develop a detailed proposal for the Australian Agency for International Development (AusAID) and to discuss the implementation of the technical assistance program. As a result, the program commenced in August 1998.

From 29 June to 12 July 1998 the Australian Commission hosted a second five person Komnas HAM visit to Australia. The first week of the program included exchanges of views on human rights issues, meetings with Australian Government Ministers, government and non-government representatives and Justices of the Australian High Court.

### *Mongolia*

The Mongolian government has announced its intention to establish a national human rights commission. From 8 December to 15 December 1997, at the request of the Mongolian Government, the Secretariat visited Mongolia to conduct a technical assistance needs assessment mission. The mission was funded by AusAID. The objective of the mission was to explore the scope for cooperation and support for a proposed Mongolian Human Rights Commission and human rights legal reforms. The mission met with parliamentarians, government representatives, members of the legal profession and non-government organisations involved with human rights and legal reform issues and made a presentation to a parliamentary seminar on the establishment of the Mongolian Human Rights Commission. The resultant needs assessment report was approved by AusAID but has not yet been funded.

### *Philippines*

The Forum Secretariat has had contacts throughout 1998 on the development of technical cooperation projects with the Philippines Commission on Human rights. These have focused on the production of video programs on human rights issues and training for Barangay (local government) Human Rights Action Officers. In February 1998, the Secretariat met with representatives of the Philippines Human Rights Commission in Manila to discuss the progression of these project proposals

With the financial assistance of the New Zealand Ministry of Foreign Affairs and Trade, two video programs have been produced on human rights issues. New Zealand has also supported other activities in the area of human rights education.

Discussions are continuing on the further development of the project on training for Barangay Human Rights Action Officers.

### *Sri Lanka*

From 15 to 17 September 1997 the Secretariat visited Sri Lanka to provide information to the new Sri Lankan Human Rights Commission on the Asia Pacific Forum and the general role of national human rights institutions. The Secretariat met with representatives of government and non-government organisations and members of the new Sri Lankan Commission.

From 3 to 15 May 1998 the Forum Secretariat hosted a visit to Australia by the Chairperson of the Sri Lankan Human Rights Commission, Justice Seneviratne. The purposes of the visit were to develop linkages between the Sri Lankan Human Rights Commission and the Forum. The Chairperson met with the Australian Minister for Foreign Affairs, the Chief Justice of the High Court, government representatives and non-government organisations. At the conclusion of the visit the Chairperson and the Forum concluded an 'in principle' agreement for the future development of mutual co-operation and technical assistance under the auspices of the Forum.

### *Vietnam*

A group of experts from the Prime Minister's Research Group conducted a study tour to New Zealand from 2 to 9 November 1997 looking at a number of aspects of the NZ Government, including human rights. A meeting was held with the Human Rights Commission.

On 12 November 1997 the Forum Secretariat hosted a delegation from Vietnam. The delegation was headed by the Vice Chairwoman of the Vietnamese National Assembly. The delegation discussed gender discrimination and human rights issues.

## **INTERNATIONAL HUMAN RIGHTS MEETINGS**

### *Sixth United Nations workshop on human rights arrangements in the Asia Pacific region*

From 25 February to 5 March 1998, the Secretariat participated in the United Nations Sixth Asia Pacific Workshop on Regional Human Rights Arrangements held in Tehran, Iran. The workshop was attended by representatives from over 35 countries stretching from

West Asia to the Pacific, a number of international experts, United Nations agencies and non-government organisations. The meeting agreed to a framework document for the provision of technical assistance to encourage and promote regional human rights arrangements. The framework document explicitly recognised the role of national human rights institutions and provided for funds to be allocated to meet Member States' requests for assistance to establish or strengthen national institutions.

#### *54th session of the United Nations Commission on Human Rights*

Representatives of Forum member commissions attended the 54th session of the United Nations Commission on Human Rights in Geneva in March - April 1998. Items of business of particular importance to the work of the Forum and its member commissions were resolutions relating to national human rights institutions and regional human rights arrangements in the Asia Pacific. Forum members presented formal statement to the UN Commission on the work of the Forum, the role of national institutions in United Nations meetings and the importance of the Paris Principles. The Forum Secretariat met with representatives of the United Nations, including the High Commissioner for Human Rights, Mrs Mary Robinson, concerning UN activities in relation to national institutions.

### **FUTURE FORUM SECRETARIAT ACTIVITIES**

The Secretariat anticipates that the range and intensity of its activities will increase over the coming twelve months.

The Secretariat will, in co-operation with the host commission, manage arrangements relating to the fourth annual meeting of the Forum in 1999. This will include, as necessary, preparation of the agenda and background papers, identification of possible funding sources and necessary negotiations, participation arrangements for delegates, general secretariat support and liaison with governments, the Office of the High Commissioner for Human Rights and NGOs.

The Secretariat will be heavily involved in the implementation of some of the technical co-operation activities that have been developed over the past year, particularly with respect to Indonesia, where the Secretariat is to manage the relevant program. The Secretariat will also continue its efforts to develop appropriate new programs of technical assistance. In this regard, member commissions and interested governments are encouraged to consider their requirements and are particularly encouraged to discuss with the Secretariat the possibility of hosting the visit of a technical assistance needs assessment mission. Funding would need to be identified for each such mission but, as noted above, they would facilitate the development of appropriate projects.

In accordance with the Larrakia Declaration's provision for specialist regional seminars on common themes, the Secretariat will seek to arrange such a workshop during 1998 - 99. Further to the New Delhi statement's view that the Forum should give attention to ways in which it could enhance co-operation with non-government organisations, the Secretariat proposes that the theme should be "National Institutions and Non-Government Organisations: Working in Partnership".

The Secretariat will continue its work on information dissemination. Member commissions, governments and other interested parties are encouraged to contact the Secretariat for information on the Forum or on national institutions in general. If funding permits, the Secretariat proposes to publish a regular newsletter. It will also continue its work on the development and updating of the Forum internet web site. Member commissions that may

be considering the development of a web site are encouraged to consult the Secretariat about co-operation in this area. The Secretariat intends to update the Forum brochure during the course of the coming year, to take account of the many developments since it was first published.