

SEVENTH ANNUAL MEETING



THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

... a partnership for human rights in our region

REPORT ON FORUM ACTIVITIES

11th – 13th November 2002
New Delhi, India

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1. PURPOSE

This purpose of this paper is to outline the activities of the Asia Pacific Forum of National Human Rights Institutions since its last annual meeting in September 2001 to 31 October 2002.

2. BACKGROUND

The work of the Forum can be categorised under three broad areas:

- (i) Strengthening the capacity of individual Forum member institutions to enable them to more effectively undertake their national mandates.
- (ii) Assisting governments and non-governmental organisations to establish national institutions in compliance with the minimum criteria contained in the Paris Principles.
- (iii) Promoting regional cooperation on human rights issues.

During the 2001-2002 reporting period the Secretariat's operations focused on five main areas of activity:

- (i) regional cooperation and networking through Forum annual meetings and workshops,
- (ii) the development and delivery of technical assistance and cooperation projects,
- (iii) information dissemination,
- (iv) administrative support for the Forum and its activities, and
- (v) transforming the legal and managerial structure of the Forum to become an independent entity.

These activities are reported on in more details below.

3. FORUM ACTIVITIES

The following provides a summary of both the core and project operations of the Forum during the 2001-2002 reporting period.

Core operations covers the professional activities necessary to expand mutual support, co-operation and joint activity among member institutions. This includes activities such as (i) Advisory Services, (ii) Project Management, (iii) Educational Activities (iv) Annual Meeting of the APF and (v) International Law Development.

Project operations covers the project-based activities necessary to support requests from members, governments and NGOs in the region for assistance in the establishment and development of national human rights institutions. This includes activities such as (i)

Thematic Regional Workshops, (ii) the Advisory Council of Jurists (iii) and training and development for APF members and staff.

3.1 Core Operations

Core activities included:

2001 to 2002

- **Advisory Services**
 - *Advice and support to member institutions on the effective implementation of their mandates*
 - *Information dissemination to Governments and Civil Society*
- **Project Management**
 - *Overall project management of both the core and project operations*
 - *Servicing of the Forum Chairperson and Council*
 - *Reporting and Monitoring*
- **Educational Activities**
 - *Publication of Forum Bulletin*
 - *Website management and updates*
 - *Speaking engagements*
- **Annual Meeting of the Forum**
 - *APF6 - 4th quarter 2001*
- **International Law Development**
 - *Participation in annual UN Meeting on Regional Human Rights Arrangements in the Asia Pacific (and the various activities flowing from the regional framework)*
 - *Participation in annual UN Commission on Human Rights Meeting*

Further details on these core projects are provided below:

3.1.1 Advisory Services

The Forum secretariat provided a wide range of advisory services to member institutions, prospective members, governments and NGOs during the 2001-2002 financial year.

Advice was provided to all national human rights institutions in the region on the following issues – (i) disability (ii) the draft optional protocol to the UN Convention on Torture (iii) racism, racial discrimination, xenophobia and related intolerance (iv) relationships with NGOs (v) HIV/AIDS (vi) economic, social and cultural rights (vii) trafficking and (viii) internally displaced people.

Assistance on a variety of internal domestic issues was provided to a variety of institutions. For example, with regard to the Fiji Human Rights Commission, information relating to human rights education, national human rights action plans and codes of conduct for the armed services was researched and provided by the Forum. In

addition the Forum assisted with the administration and implementation of two national workshops for the Fiji Human Rights Commission.

Advice on the nature and status of national human rights institutions was provided to the governments of Timor-Leste, Iran, Japan, South Korea and Taiwan. With regard to (as it was then known) East Timor this included detailed legislative and legal advice. From 11 to 14 September 2001 the Director of the APF travelled to Dili to meet with members of the recently elected Constituent Assembly, NGOs and representatives of the East Timor Administration and United Nations Transitional Administration in East Timor. Information was provided concerning the need to establish an East Timorese institution in accordance with the minimum standards contained in the Paris Principles. Specific legislative options concerning the possible mandate, role and functions of the institution were discussed.

The APF returned to Timor-Leste at the invitation of the Prime Minister to take a speaking role at a workshop on the “Establishment of the Office of the Provedor De Direitos Humanos e Justica in Timor-Leste”. The APF was represented by its Project Manager. The two day workshop was held from 14-15 June 2002 in Dili, Timor-Leste. At that workshop the APF spoke on the importance of independence for a national human rights institution and participated in discussing the policy framework in relation to the establishment of an institution in Timor-Leste. This work is ongoing.¹

The APF Project Manager also participated as a trainer in two workshops on the human rights of women in Indonesia. The first workshop was held in Padang, West Sumatra, 1-5 July 2002, the second held in Mataram, Lombok, 7-11 October 2002. The workshops were attended by 30 participants each time and consisted of religious leaders, official and governmental organisations, including judges, prosecutors and police or prison officials, academics, women's non-government organisations, provincial and local authorities.

With regard to working with NGOs, the APF has had discussions with the Asia Pacific Human Rights Network about future NGO-NHRI collaboration in line with the APF's formal Kandy declaration. The APF also met with relevant NGOs at a regional meeting held in association with the Sixth Annual Meeting of the Forum in Sri Lanka in September 2001.² In addition, at a domestic level a collection of Bangladesh based NGOs requested information from the APF concerning the proposed establishment of a national human rights institution in Bangladesh and what was required under the Paris Principles.³

At a macro level all Forum members decided to aid in the development and establishment of national human rights institutions by developing and approving a set of ‘Best Practice

¹ Background documents associated with both these missions to East Timor are available from the APF secretariat upon request.

² For a review of these developments from the viewpoint of NGOs see http://www.hrdc.net/sahrdc/hrfquarterly/Jan_march_2002/institutionalising_nhri.htm

³ See, for example, <http://www.banglarights.net/HTML/civilrights-04.htm>

Principles' outlining the steps that should be undertaken by both Governments and civil society in the pre-establishment phase of creating a national human rights institution.⁴

In addition, the Director of the APF, in association with representatives from the Commission on Human Rights and Administrative Justice of Ghana, the Malaysian Human Rights Commission, the New Zealand Human Rights Commission, the South African Human Rights Commission and the United Nations Office of the High Commissioner for Human Rights, under the auspices of the Commonwealth Secretariat, developed and published a 'Best Practice' manual for national Institutions.⁵

Finally the Director of the Forum participated in a joint OHCHR-Raoul Wallenberg Institute regional training program for staff of national human rights institutions which was held in Bangkok, Thailand from 21 October to 1 November 2002. The Director provided training from 28 to 30 October 2002.

3.1.2 Project Management

The APF was responsible for the overall management of both the core and project operations of the Forum for the 2001-2002 reporting period. Details of these projects are provided in this report.

Project management also included the secretariat effective servicing the APF Chairperson, the meetings of the full Forum Council and meetings of formal sub-committees established by the Council. For example, the APF provided the formal written interventions and speech notes for the Chairperson in his intervention, on behalf of the APF, in the 10th UN regional meeting of States held in Lebanon in March 2002. Meetings of the full Forum Council, in person, were also held in September 2001 and April 2002. The APF provided the necessary policy papers and logistical support for these meetings. Electronic communication with the Forum Council occurred throughout the financial year.

The APF also ensured that monitoring and reporting requirements were effectively undertaken. This included not only those reporting requirements agreed to with donors concerning the implementation of specific projects but also the legal and organisational reporting requirements that must be met under Australian Corporations law by the APF by virtue of its legal status as a non-profit incorporated association.

The 2001-2002 reporting period also was unusual in that it was during this period that the APF was constituted as a fully independent non-profit legal entity. This has been a two year process involving all Forum member institutions in the development and endorsement of a Constitution for the Forum.⁶ This period also required the development

⁴ For a full copy of these agreed standards please see http://www.asiapacificforum.net/about/meetings/sixth_meeting/index.html

⁵ For a full copy of this document see <http://www.thecommonwealth.org/activities/humanrights/bestpractice.html>

⁶ For a copy of the Constitution and the full decision of Forum members see www.asiapacificforum.net

of a completely independent infrastructure for the APF – ranging from banking, finance, insurance, employment and all the related legal and administrative requirements of an independent organisation.

The Forum secured the following funding during the reporting period:

\$	DONOR
US\$410,000 for 2002	UN Office of the High Commissioner for Human Rights for the following projects: <ul style="list-style-type: none"> • APF7 – 40,000 • Promotion – 20,000 • ACJ – 30,000 • Education Workshop – 50,000 • Investigations training – 100,000 • Staff exchanges – 70,000
AUD\$550,000 for 1/7/01 to 30/6/02	AusAID for the core running costs of the Forum
NZ\$100,000 for 1/7/01 to 30/7/02	NZAID for the core running costs of the Forum
AUD\$550,000 for 1/7/02 to 30/6/03	AusAID for core running costs

The Forum has applied for future additional funding from a variety of different donors. The UN Office of the High Commissioner for Human Rights recently confirmed that an amount – up to US\$208,000 – may be available for the following activities in 2003: (i) APF8 – \$50,000 (ii) investigations training - \$100,000 (iii) activities on economic, social and cultural rights - \$58,000. The OHCHR has proposed that the final activity on economic, social and cultural rights be undertaken either in association with the Canadian Human Rights Foundation or alternatively as two separate projects. The Forum is awaiting details from the UN on this proposal. Once received this will be sent to Forum Councillors for their consideration. The outcome of this discussion will determine the final amount of the US\$208,000 provided to the Forum.

In addition to the above, the Forum continues its fundraising development proposals. Discussions are currently underway with the Asia Foundation, the Canadian International Development Agency, the New Zealand Aid Agency, the Swedish International Development Agency and the Brookings Institute.

3.1.3 Educational Activities

Throughout the 2001-2002 reporting period the APF secretariat disseminated information through a wide range of mechanisms on the role and functions of national human rights institutions and the activities of the APF.

This included (i) the distribution of an information booklet titled *The Asia Pacific Forum of National Human Rights Institutions ... a partnership for human rights in our region*, (ii) the publication of a regular newsletter, titled the *Forum Bulletin*, to keep APF

members, governments and NGOs informed of important policy, legal, administrative and training developments in the region, (iii) the creation and dissemination of a professional video documentary which examines initiatives being undertaken by national human rights institutions in the Asia Pacific region in addressing human rights issues within their own countries. There is a specific focus on the work of the Fiji, Indian and Indonesian national human rights institutions (iv) the updating of the APF's web-site – www.asiapacificforum.net – which now is in a new format and includes details of all previous and current APF activities and (v) regular electronic communication with members, governments and NGOs on an issue by issue basis.⁷

These educational activities aim 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 the appropriate functions, powers, structures and legislation for national human rights 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 human rights institutions both within and outside the region;
- provide information about APF activities to members institutions, governments (inside and outside the region), UN agencies, NGOs and the general community.

The APF also encouraged the participation of governments and human rights NGOs in the APF's annual meetings, workshops and training programs. This was an important awareness raising exercise about the role and functions of national human rights institutions. In addition, the APF received visits by government officials and NGOs from Fiji, Mongolia, Nepal, Indonesia, South Korean, Thailand, United Kingdom and Vietnam.⁸

3.1.4 Annual Meeting of the Forum

In 2001 the APF held its Sixth Annual Meeting in Colombo, Sri Lanka from 24 to 27 September. This annual meeting once again was the largest and most comprehensive regular human rights meeting in the Asia Pacific region. The meeting brought together approximately 110 participants from regional national human rights institutions, governments and NGOs.

The central objective of the sixth annual meeting was to enhance the protection and promotion of human rights in the Asia Pacific through the promotion and strengthening of national human rights institutions. The approach and content of the meeting were informed by the commitments agreed to by APF members, as outlined in the Rotorua

⁷ Copies of all of the above educational materials are available from the APF secretariat.

⁸ Participants lists of government and NGO representatives to APF activities are available from the secretariat.

Statement of Conclusions from the Fifth Annual Meeting. The meeting promoted the following outcomes:

- (i) Focused greater attention on the role of the APF and its member national human rights institutions in the protection and promotion of human rights at a regional level;
- (ii) Established a new APF legal and managerial structure and the set strategic goals for the APF over the next three years;
- (iii) Admitted the National Human Rights Commission of Mongolia as the APF's ninth member;
- (iv) Developed practical strategies for addressing the needs of newly established human rights commissions – focussing on the Fiji Human Rights Commission and the National Human Rights Commission of Nepal;
- (v) Focused greater attention to the developing relationship between NGOs in the Asia Pacific and national human rights institutions;
- (vi) Encouraged greater dialogue and the development of practical initiatives between national human rights institutions, governments and NGOs in strengthening human rights protection and promotion mechanisms for people with HIV/AIDS;
- (vii) Developed practical initiatives between national human rights institutions, trans-national corporations, governments and NGOs for the protection and promotion of economic, social and cultural rights;
- (viii) Examined the outcomes of the UN World Conference on Racism and the role of the APF and national human rights institutions in the implementation of these outcomes; and
- (ix) Reviewed the APF's operations for the past year, including references to the Advisory Council of Jurists, technical assistance programs and regional workshops.

Further details, including the full text of the concluding statements and background papers, can be found on the APF's web-site – www.asiapacificforum.net

The Colombo meeting consolidated and built upon the program of practical, co-operative activities developed by the APF to strengthen the functioning and assist in the development of regional national human rights institutions. The meeting was held over four full days beginning with a two day private meeting of its member institutions and the United Nations Office of the High Commissioner for Human Rights which provided an opportunity for extended discussion of the APF's management, its functioning and future needs. During the first two days of the meeting the members of the APF adopted a new Constitution for the APF. This decision followed a two year review of the APF's legal and governance structure by a working group established by APF members at the Fourth Annual Meeting in 1999. At the meeting APF members unanimously resolved that the organisation should become an independent, non-profit, legal entity. To drive the new organisation the organisational structure of the APF was revised to be more inclusive with policy making clearly in the hands of its members.

The second two days of the meeting were open to all participants. The Chief Justice of Sri Lanka, the Hon Justice Sarath N. Silva, opened the meeting. Participants included the Regional Representative of the United Nations High Commissioner for Human Rights, Justice Bhagwati. Observers at the meeting included representatives of regional governments, relevant institutions, inter-governmental organisations and numerous representatives of NGOs from the region and beyond. APF members agreed on action on a number of important matters as listed above. A highlight of the meeting was the official launch of the APF's video documentary, featuring the work of the national human rights institutions of India, Indonesia and Fiji.

3.1.5 International Law Development

During the 2001-2002 reporting period the APF once again took an active role in the development of international law and in participating in major international activities.

The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa from 31 August to 7 September 2001. The APF worked with its member institutions to produce a coordinated and unified position. This position was endorsed by all Forum member institutions at the Fifth Annual Meeting of the Forum.⁹

From 4 to 6 March 2002 the APF was invited to take a leading role in the United Nations Tenth Workshop on Regional Co-operation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, which was held in Beirut, Lebanon.¹⁰ Over forty representatives of Governments of the Asia-Pacific region participated, together with representatives of national human rights institutions and NGOs. The APF Deputy Chairperson was a key-note speaker. The UN High Commissioner for Human Rights opened the meeting. The APF was successful in securing the agreement of the regional Governments to a variety of APF activities. In particular, with regard to national institutions, the Governments of the region agreed to include the following text in the formal Concluding Statement of the meeting. The States agreed to:

Welcome the establishment of new national human rights institutions in Mongolia, Thailand and the Republic of Korea and the further strengthening of national institutions for the promotion and protection of human rights in many countries of the Asia Pacific Region;

Reaffirm that national human rights institutions should be established following an appropriate and inclusive process of consultation;

Reaffirm that the status and responsibilities of national institutions should be consistent with the Principles Relating to the Status of National Institutions adopted by the United Nations General Assembly (Resolution 48/134);

⁹ For a full copy of this meeting, and the specific unified position on racism, see http://www.asiapacificforum.net/about/meetings/fifth_meeting/index.html

¹⁰ For further information see <http://www.unhchr.ch/html/menu6/apw.htm>

Note the importance of the Principles Relating to the Status of National Institutions and recognise that, ten years after their adoption by the General Assembly, there could be value, drawing on experiences of the OHCHR, National Human Rights Institutions and States within the Asia Pacific region, to consider how these principles could be clarified by further explanation of their application;

Welcome efforts to help and encourage national human rights institutions which are not yet members of the Asia Pacific Forum to become so;

Welcome the support provided by the Office of the High Commissioner to the Asia Pacific Forum of National Institutions and encourage the Office to continue to provide technical cooperation at the request of Governments for the development of national human rights institutions;

Encourage greater cooperation among national human rights institutions, non-governmental actors, civil society and United Nations agencies with mandates relevant to the protection and promotion of human rights and requests the OHCHR to promote and facilitate such cooperation and advise and appropriate support to existing national human rights institutions;

Note the implementation of, and substantive reports and conclusions relating to, the workshop concerning the role of national human rights institutions and other mechanisms in promoting and protecting economic, social and cultural rights, (Hong Kong, July 2001) and the 6th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (Sri Lanka, September 2001);

Note the consensus statement of national institutions at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and encourage them to play a major role in the implementation of the Programme of Action of the World Conference as envisaged in many of the provisions of the Programme;

Note the concluding statement by national human rights institutions at the regional workshop of the Asia Pacific Forum of National Human Rights Institutions on HIV/AIDS (Australia, October 2001) and human rights, and encourage them to continue their efforts to address HIV/AIDS related stigma and discrimination, and to promote and protect human rights in the context of HIV/AIDS;

Note the important role which national institutions can play in preventing trafficking of persons, especially women, youth and children, and protecting the rights of victims of trafficking and of migrants, including migrant workers;

Welcome the offer of the Nepal Human Rights Commission to host the Seventh Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions and request OHCHR to adequately support the meeting;

The APF was also successful in securing the following agreement from the Governments of the region for a program of action for 2002. This included the following text:

Main objective: To support regional initiatives to strengthen the role of national institutions and their regional association in the Asia-Pacific region

- *Support the annual meetings of the Asia Pacific Forum of National Institutions with a view to a sharing of best practices and request the Forum to report to the Annual Asia-Pacific Workshop;*
- *In co-operation with States continue to make available, upon request, technical co-operation and advisory services to support the establishment and strengthening of national institutions;*
- *Support follow up activities related to the implementation of the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;*
- *Provide support to the workshop on media, racism and education to be organized in cooperation with the Asia Pacific Forum (Australia, June 2002), with special emphasis on the need to encourage media to avoid indirectly or directly fostering racism, racial discrimination, xenophobia and related intolerance as contemplated in the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;*
- *In co-operation with national human rights institutions continue to develop and implement training programmes, including in the area of investigation techniques;*
- *Organise a series of regional and national initiatives, aiming at strengthen national institutions' work at the national level concerning economic, social and cultural rights, building on the methodology developed at the workshops held in Manila and Hong Kong;*
- *Assist National Institutions to follow up the conclusions of the Regional Workshop on the Role of National Human Rights Institutions in Advancing the International Human Rights of Women, held in Fiji in May 2000, particularly as concerns the need to provide effective training courses that will ensure satisfactory awareness of the rights and special needs of women;*
- *In collaboration with UNAIDS and in consultation with national human rights institutions, develop guidelines to assist national human rights institutions in addressing HIV/AIDS-related discrimination and stigma, and in promoting and protecting human rights in the context of HIV/AIDS;*

- *Organise a workshop to consider ways and means by which national institutions can contribute to preventing trafficking and protecting the rights of trafficked persons and develop a pilot project between at least two national institutions of the region to promote cross-border cooperation in this area;*

The following Governments form the region agreed to the above statements – Australia, Bhutan, Brunei Darussalam, China, Fiji, India, Indonesia, Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Myanmar, Nepal, New Zealand, Palestine, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Vietnam and Yemen.

The APF also attended the Sixth International Conference of National Institutions in Denmark/Sweden and the UN Commission on Human Rights in April 2002 and participated in the discussions surrounding the annual resolution on national human rights institutions that is adopted in the UN Commission. The Fiji Human Rights Commission made a formal statement to the UN CHR.¹¹

3.2 Project Operations

The **objective** of project operations is to provide quality training and information to APF member institutions and other beneficiaries. In the 2001-2002 reporting period project operations included:

2001 to 2002

- **Thematic Regional Workshops**
 - *HIV/AIDS, Melbourne, Australia, October 2001*
 - *Human Rights Education, Media and Racism, Australia, July 2002*
- **Advisory Council of Jurists**
 - *Implementation of recommendations on references on (i) the death penalty and (ii) child pornography on the internet*
 - *Development of a reference on Trafficking in Women and Children*
- **Regional Investigatory Techniques Training Project**
 - *Development of training project focusing on member institution complaint investigation staff and law enforcement officials*
- **National Human Rights Institutions Regional Staff Exchange Project**
 - *Development of regional staff exchange project between APF member institutions and the APF Secretariat*
- **HIV/AIDS Manual for National Human Rights Institutions**
 - *Development of a workbook/manual for national human rights institutions to deal with human rights violations on the basis of HIV/AIDS.*

¹¹ For further details see <http://www.unhchr.ch/hurricane/hurricane.nsf/newsroom>

As per the operational approach of the APF as a ‘not for profit’ organisation, implementation of these projects requires the acquisition of specific project funds. The APF successfully acquired donor funding for the implementation of the following project in the 2001-2002 reporting period.

3.2.1 Workshop on HIV/AIDS

This workshop focused on the relationship between HIV/AIDS and human rights. In the twenty years since the first cases of Acquired Immunodeficiency Syndrome were reported there have been almost 22 million AIDS-related deaths and a further 36 million cases of HIV infection.¹²

In the Asia Pacific region there are some 6.4 million people living with HIV/AIDS.¹³ The extent of the epidemic across the region can be broadly categorised as *established* (Thailand, Cambodia, Burma/Myanmar, Laos), *exploding* (India, Papua New Guinea, Nepal, China and possibly Vietnam and Sri Lanka), and *emerging* (Philippines, Indonesia, Malaysia).

The protection and promotion of human rights are essential to preventing the spread of HIV and to mitigating the social and economic impact of the pandemic. At the Special Session of the General Assembly on HIV/AIDS in June 2001, Member States recognised that the realisation of human rights for all is an essential element in a global response to HIV/AIDS and agreed on the need to address the factors that make individuals particularly vulnerable to HIV infection, including poverty, lack of education, discrimination, lack of information and/or commodities for self-protection, and sexual exploitation of women, girls and boys, including for commercial reasons. The UNGA Declaration of Commitment on HIV/AIDS calls, within specific periods of time, on States to enact, strengthen or enforce, as appropriate, legislative and other measures to eliminate discrimination against, and ensure the full enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS as well as by members of vulnerable groups. It also stresses the need for national strategies that lead to the empowerment of women and calls for the strengthening of monitoring mechanisms for HIV/AIDS related human rights.

UNAIDS has identified national human rights institutions as having a critical role to play in addressing HIV/AIDS-related human rights issues and has called on national human rights institutions to address HIV/AIDS-related human rights issues.¹⁴ According to UNAIDS there are five ways in which national human rights institutions can strengthen their work regarding HIV/AIDS:

- (i) Investigating violations of human rights that occur in the context of HIV/AIDS;

¹² “20 Years On: The Situation in Asia and the Pacific” Website of the Sixth International Congress on AIDS in Asia and the Pacific, 7 June 2001 at http://www.icaap.conf.au/news/200106_20years.asp

¹³ Ibid

¹⁴ Speech by Dr Peter Piot, Executive Director of UNAIDS to the 57th Session on the United Nations Commission on Human Rights, Geneva, 11 April 2001

- (ii) Conducting public inquiries focussing on HIV/AIDS related human rights violations;
- (iii) Receiving, and where appropriate redressing complaints of HIV/AIDS-related human rights violations;
- (iv) Providing advice and assistance to governments in the area of human rights and HIV/AIDS;
- (v) Conducting human rights education in the context of HIV/AIDS.¹⁵

The Sixth International Congress on AIDS in Asia and the Pacific (ICAAP6) was held in Melbourne, Australia from 5 to 10 October 2001. The organisers of ICAAP6 approached the APF to run a workshop within the ICAAP program on the role of national human rights institutions in the protection and promotion of HIV/AIDS issues. In parallel with this approach, the APF held discussions with UNAIDS and the OHCHR on developing the capacity of national human rights institutions to address this issue. This project was jointly funded by OHCHR/UNAIDS.

The workshop brought together the following participants:

- (i) *Forum Members* – one representative from the national human rights institutions of Australia, Fiji, India, Indonesia, Nepal, New Zealand, the Philippines and Sri Lanka.
- (ii) *United Nations* – representatives from UNAIDS and the OHCHR.
- (iii) *Non-Government Organisations* – representatives from regional and national NGOs specialising in HIV/AIDS related issues.
- (iv) *Relevant Institutions* – human rights institutions that are not as yet members of the APF including the National Human Rights Commissions of Iran and the Hong Kong Equal Opportunities Commission.
- (v) *Governments* – representatives from governments from the Asia and Pacific regions.
- (vi) *HIV-AIDS experts* – the Forum Secretariat identified appropriate experts to address the workshop.

The program for the workshop focused on HIV/AIDS-related human rights, with a focus on national issues including informed voluntary consent and testing, discrimination in health care and employment, access to information and services, and how the core functions of national human rights institutions – complaint handling and investigation, education and promotion and legal reform – can address these issues. The workshop also addressed regional issues of concern including migration, trafficking and sex tourism.¹⁶

¹⁵ Statement by Dr Peter Piot, Executive Director of UNAIDS to the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights, Geneva, 18-20 April 2001

¹⁶ For a report on this workshop see

http://www.unaids.org/humanrights/Melbourne1001_WorkshopReport.pdf

3.2.2 Workshop on Human Rights Education, Media and Racism

The UN Tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region was held in Beirut in March 2002. In the Beirut Program of Action, governments and the United Nations Office of the High Commissioner for Human Rights (OHCHR) made a commitment to:

Provide support to the workshop on media, racism and education to be organised in cooperation with the Asia Pacific Forum [APF], with special emphasis on the need to encourage media to avoid indirectly or directly fostering racism, racial discrimination, xenophobia and related intolerance as contemplated in the Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

The workshop was subsequently organised by the Secretariat of the APF, in collaboration with the host institution, the Australian Human Rights and Equal Opportunity Commission (HREOC). It was co-sponsored and financed by the OHCHR and the Australian Agency for International Development (AusAID). The workshop was held from 15-16 July 2002 in Sydney, Australia.

The workshop brought together representatives of national human rights institutions (NHRIs), the OHCHR, international and regional media organisations, governments, regional and national human rights NGOs and other international agencies. The ninety-five participants at the workshop included:

- Representatives from eight APF member institutions (Australia, Fiji, India, Indonesia, Mongolia, New Zealand, Philippines and Sri Lanka);
- Representatives from the national human rights institutions of Korea, Malaysia, South Africa, Thailand and Uganda;
- Representatives from UN agencies, including the OHCHR, UNHCR, UNDP Samoa and the UN Mission of Support in East Timor.
- Representatives from the Governments of Australia and East Timor, as well as representatives from the Australian State Anti-Discrimination Agencies of New South Wales, the Northern Territory, Queensland and Victoria;
- International and national NGO representatives from Australia, Thailand, New Zealand and Indonesia;
- A range of guest speakers including:
 - Dr Bill Jonas, Acting Race Discrimination Commissioner and Aboriginal and Torres Strait Islander Commissioner, Australian Human Rights and Equal Opportunity Commission;
 - Senator Marise Payne, Government of Australia;
 - Mr Brian Burdekin, Special Advisor to the United Nations High Commissioner for Human Rights on National Human Rights Institutions;
 - Ms Shamima Ali of the Fiji Women's Crisis Centre;
 - Ms Margie Cook, United Nations Electoral Assistance Division;

- Ms Salma Zaidi, BBC World Service (Hindi Service);
- Ms Dewi Anggraeni, TEMPO;
- Dr Mohammad-Mahmoud Mohamedou, International Council on Human Rights Policy;
- Ms Supara Janchitfah, Bangkok Post;
- Mr Steven Gan, Malaysiakini.com;
- Professor Felicia Yeban, Asian Regional Resource Center for Human Rights Education;
- Mr Ashish Sen, VOICES: Media for Social Change (Bangalore);
- Media Gurus, a media consultancy firm headed by Mr Prakash Mirchandani; and
- Ms Pru Goward, Sex Discrimination Commissioner, Australian Human Rights and Equal Opportunity Commission;
- Support staff from the host institution, the Australian Human Rights and Equal Opportunity Commission; and
- Staff members of APF Secretariat.

The workshop program provided ample opportunity for information exchanges by encouraging debate and discussion between representatives from the NHRIs, the media, the OHCHR, governments, NGOs and international agencies. Although this was characteristic of the workshop in its entirety where presentations were followed by open discussions, it was perhaps even more evident during the three ‘break out’ sessions. During these ‘break out’ sessions, participants worked in small groups of approximately twenty, sharing their past experiences as well as brainstorming media strategies for future human rights education campaigns. In these smaller groups, participants, particularly NHRIs, were able to engage in one-on-one dialogue regarding their common challenges and successes in utilizing the media as part of their human rights work. The results of these productive exchanges were then made available to the participants as a whole through plenary ‘report back’ sessions.

Further, the diversity of participants enabled various sectors of the human rights community to learn how they can be more effective partners. For example, NHRIs were able to learn from NGOs what possible areas of cooperation and communication could be improved. This was addressed specifically in Professor Yeban’s presentation in Session Five, but was also a recurrent theme of the ‘break out’ sessions and during periods of open discussion in the plenary sessions.

Outside of the structured program, participants were able to connect with one another during the margins of the workshop to exchange views at a personal and institutional level.

Participants were provided with almost a full-day of ‘hands on’ media skills training through the workshop sessions conducted by professional trainers. Participants learned how to package and present information to various audiences and communities for maximum effect; how the media operates and how journalists evaluate whether events are worthy of coverage; using websites to provide the media with efficient, consistent

information; and identifying those key influencers who can advocate through the media on an organisation's behalf. NHRIs in particular were encouraged to take these skills back to their commissions in order to implement sound public information strategies.

An evaluation form was distributed to participants just prior to the conclusion of the workshop. Thirty-seven forms were completed and returned to the APF Secretariat. Participants indicated a generally high level of satisfaction with the workshop program. Participants found the media skills training sessions to be most useful, as well as Session Four on National Human Rights Institutions, Freedom of Expression and Freedom of the Press. In comments made on the evaluation forms, participants were most appreciative of the practical elements of the workshop, including the skills training sessions and the use of concrete examples in presentations.

3.2.3 Advisory Council of Jurists

The APF established the Advisory Council of Jurists on 9 September 1998. The Council advises the APF and its member national human rights institutions on the interpretation and application of international human rights standards. The inaugural meeting of the Advisory Council was held from 7 to 9 August 2000 in conjunction with the fifth annual meeting of the APF.

The establishment of the Advisory Council of Jurists under the aegis of the APF is a significant advance in the protection and promotion of human rights in the region. For the first time a regional juridical body is in a position to review and assess human rights issues in the Asia Pacific region. It serves the practical purpose of providing advice to APF members on the interpretation and application of international human rights jurisprudence. This development is both timely and important and provides a strategic framework within which to further advance the application of international human rights standards. In addition to developing regional jurisprudence on international human rights, the initiative will further strengthen the effectiveness and capacity of national human rights institutions in the region.

The initiative enjoys strong support from all APF members. It reflects the APF's recognition of the need for access to independent, authoritative advice on international human rights questions and to develop regional jurisprudence relating to the interpretation and application of international human rights standards. At a broader level, the initiative reflects the commitment of the members of the APF to further strengthen the effectiveness and capacity of national human rights institutions in the region with a view to improving the promotion and protection of human rights. This is in line with the increasing growth in both the membership and the scope of the APF's activities.

In 2002, in conjunction with the Seventh Annual Meeting of the Forum, the Council will consider a reference on Trafficking in Women and Children. During the 2001-2002 reporting period the APF undertook research and drafting on the terms of reference and background paper for this reference. A full report on this activity will be provided in the next reporting period. For the decisions of the Council on the two previous references

(death penalty and child pornography) please see the APF's website – www.asiapacificforum.net

3.2.4 Investigations Training

This project is designed to assist the national human rights institutions and peoples of Fiji, India, Indonesia, Mongolia, Nepal, the Philippines, Republic of Korea, Thailand and Sri Lanka to secure sustained and effective improvements in the promotion and protection of human rights. This will be done by strengthening the capacity of national human rights institutions and law enforcement agencies in each country to effectively investigate serious violations of human rights. A regional program of training in investigations skills, focusing on international human rights standards and best practice will be undertaken. An important element of the project will be a train-the-trainer component, thereby promoting sustainability beyond the time frame of the project itself. As the training will be undertaken from 11 to 29 November 2002 a full report will be provided in the next reporting period.

During the 2001-2002 reporting period work focused on a needs assessment mission to selected Forum member institutions, the research and drafting of training materials and the selection of training providers and participants.

3.2.5 Staff Exchanges

The APF took a number of decisions at its first meeting, held in Darwin in July 1996, on information exchanges, training and development of staff, undertaking joint projects and sharing expertise that foreshadowed the desirability of staff exchanges as a means of advancing the promotion and protection of human rights.

The APF has secured funds from the OHCHR for the implementation of a staff exchange project. The *goal* of this project is to strengthen institutional capacity to promote and protect human rights in the Asia Pacific Region through:

- The transfer of skills and knowledge to APF member institution staff;
- The implementation of specific activities utilising the resource of staff exchanges; and
- Expanding the resources available to the APF secretariat.

During the reporting period the APF worked with the individual institutions of Malaysia, Australia, Mongolia and New Zealand concerning specific staff exchange proposals. In addition the APF has requested proposals from the Senior Executive Officers of the remaining institutions. This was discussed in more detail on 10 November 2002 at a meeting of Senior Executive Officers. A full report on the implementation of this program will be provided in the next reporting period.

3.2.6 *HIV/AIDS Manual*

Following the APF's *Workshop on HIV/AIDS and Human Rights: The Role of National Human Rights Institutions in the Asia Pacific* the APF has held discussions with UNAIDS and the OHCHR about the development of a practical manual for national human rights institutions dealing with human rights violations on the basis of HIV/AIDS. During the reporting period the APF developed a formal proposal for the consideration of UNAIDS and the OHCHR for the development of the manual in collaboration with key stakeholders. UNAIDS will publish and distribute the completed manual. The project, if approved, is due to commence in 2003.