

# SEVENTH ANNUAL MEETING



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

... a partnership for human rights in our region

## **INAUGURAL MEETING OF SENIOR EXECUTIVE OFFICERS**

**10<sup>th</sup> November 2002**  
**New Delhi, India**

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## 1. PURPOSE

The purpose of this paper is to assist the senior executive officers of the member and applicant institutions of the Asia Pacific Forum of National Human Rights Institutions (APF) to:

- (i) explore the possible roles and functions of a APF Executive Group comprised of senior executive officers;
- (ii) develop draft terms of reference for the Executive Group for the consideration and possible adoption by the Forum Council;
- (iii) determine a future working relationship of the Executive Group and decide whether this takes the form of an Advisory Committee (refer to section 4.2 below) or be constituted in some other form; and
- (iv) examine a specific proposal for staff exchanges.<sup>1</sup>

## 2. BACKGROUND

The past several years have seen an increase in the number of national human rights institutions (NHRIs) established in the Asia Pacific region as more countries recognise their importance. It is anticipated that this trend will continue with the establishment of new NHRIs.<sup>2</sup>

It is recognised, however, that new NHRIs commonly lack human and financial resources and face considerable difficulties in their establishment phase. No matter how committed key personnel in these institutions may be, they usually do not have the full range of technical and institutional skills necessary for the effective operation of NHRIs. This situation adversely affects people's enjoyment of human rights.

In addition to the challenges faced by new NHRIs, established NHRIs also face a range of managerial and administrative issues such as increasing complaint loads, competing human rights priorities, the introduction of new technology, efficient and equitable administration and staffing policies, accessibility issues, relations with government and NGOs and so on.

One of the main roles of the APF is to assist its member institutions. The APF provides NHRIs with a sustained opportunity to collectively learn from each other's experience and to strengthen each other's position in a constructive and co-operative environment. The APF also has a strong focus of providing practical assistance, on request, to both new

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<sup>1</sup> The secretariat would like to acknowledge the work of various Senior Executive Officers of national human rights institutions who have participated in the drafting of this paper. Particular acknowledgement needs to be accorded to Mr Richard Handley, General Manager of the New Zealand Human Rights Commission, who made a substantial input to this issue.

<sup>2</sup> For example, the States of Bangladesh, Japan, Jordan, Myanmar, Papua New Guinea and Timor-Leste have formally announced that they intend to establish a NHRI.

and established NHRIs. These roles are reflected in the APF's *mission* and *vision* statements which make reference to the role of the APF in supporting the establishment and development of NHRIs and the activities of its members through human rights capacity building.<sup>3</sup> The Forum's *objectives* also stress the need for practical support by stating that the Forum should:

- ◆ *respond where possible with personnel and other support to requests from governments in the region for assistance in the establishment and development of national human rights institutions;*
- ◆ *expand mutual support, co-operation and joint activity among member institutions through:*
  - ◆ *information exchanges*
  - ◆ *training and development for commission members and staff*
  - ◆ *development of joint positions on issues of common concern*
  - ◆ *sharing expertise*
  - ◆ *periodical regional meetings*
  - ◆ *specialist regional seminars on common themes and needs*<sup>4</sup>

In order to improve the APF's capacity to assist NHRIs, one specific initiative discussed by Forum Councillors at the Sixth Annual Meeting was a proposal to convene a meeting of the senior executive officers (known, variously, as Secretary-General, General Manager, Executive Director etc) of Forum member institutions. The Concluding Statement of Meeting refers to this initiative in the following words:

*The Forum agreed on the need to provide further support to its member institutions, particularly newly established institutions. The Forum requested that the Secretariat write to all member institutions seeking information on any practical assistance they may wish to seek from the Forum, and, in turn, indicating the expertise and skills that they could provide to the Forum. The Forum calls for the exchange of staff amongst member institutions and requests the Secretariat to seek the necessary funds for this to occur. The Forum also agreed to explore the possibility of **bringing together the senior executive officers** of the member institutions to discuss matters of mutual concern for the effective and efficient functioning of national institutions”<sup>5</sup>*

The APF has responded to this initiative by organising a meeting of senior executive officers of Forum member institutions and applicant institutions to be held, in conjunction, with the Seventh Annual Meeting of the APF. The meeting will be held on 10 November 2002 (the day before the start of the annual meeting) to enable the participants to discuss the possible role and functions of the Executive Group and to

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<sup>3</sup> These were approved by Forum Councillors at the Sixth Annual Meeting of the APF held in Colombo, Sri Lanka, in September 2001, [http://www.asiapacificforum.net/about/meetings/sixth\\_meeting/index.html](http://www.asiapacificforum.net/about/meetings/sixth_meeting/index.html)

<sup>4</sup> First Regional Workshop of National Institutions in the Asia Pacific Region, Darwin, Australia, 1996, [www.asiapacificforum.net/about/meetings/a1\\_3\\_2.html](http://www.asiapacificforum.net/about/meetings/a1_3_2.html)

<sup>5</sup> Paragraph 8, Sixth Annual Meeting Concluding Statement, [http://www.asiapacificforum.net/about/meetings/sixth\\_meeting/index.html](http://www.asiapacificforum.net/about/meetings/sixth_meeting/index.html)

develop possible draft terms of reference for the formal consideration of the Forum Councillors.

### **3. POSSIBLE ROLE AND FUNCTIONS**

In determining the possible role and functions of the Executive Group it is recommended that the following issues be discussed as constituting the possible core elements of the Executive Group's work:

#### **1. The Development of *'Best Practice'* in NHRI Management**

This could include:

- Discussion of common problems and finding effective and efficient solutions
- Methodologies for project management, administration, planning, research etc
- Relationships with Commissioners
- Staff management and development
- Other managerial/administrative problems.

#### **2. The *Operational Benefits* gained by accessing the activities and resources of the APF and its members**

This could include:

- Programmes and activities supporting the establishment and development of NHRIs
- Assistance in resolving areas of mutual interest
- Access to Libraries and data bases
- Mutual assistance on Human Rights issues
- Access to internal and external training resources

#### **3. The Promotion of Opportunities for the *Development of Members***

This could include:

- Staff training and opportunities
- Staff and Commissioner exchanges
- Information and resource exchanges
- Sharing expertise and experiences
- Co-operation in developing positions on issues with joint interest and concerns

#### **4. The Development of *Communications Strategies***

This could include:

- Sharing expertise and experiences
- Information and resource exchanges
- Technical support

## **5. The Ways in which Members may assist the *Development of the APF* and its secretariat**

This could include:

- Access to resources
- Access to the Senior Executive Officer view on issues
- Staff assistance at times of pressure
- Technical support – e.g. IT or Intranet maintenance if this option is considered

## **6. *Mechanisms for the Delivery of the Benefits***

These may include:

- Central through the APF Secretariat – this will require the strengthening of the secretariat
- Specialist regional seminars and workshops
- Projects in locations of key need
- Establishment of a network through intranet or similar which allows NHRIs to take initiative

## **7. *Reporting to the Forum Council***

This could include:

- Reporting annually to the Forum Council
- Providing ad hoc advice to both the Forum Council and the secretariat as required
- Being constituted as an advisory committee as provided under the constitution (refer to section 4.2 of this paper).

# **4. DRAFT TERMS OF REFERENCE & FUTURE WORKING RELATIONSHIPS**

## **4.1 Draft Terms of Reference**

It is obviously important that the Executive Group determine what it wants to discuss and how it wants to operate. Adopting terms of reference for the Group provides a clear understanding of its role and functions for each of its individual members. It also provides a clear understanding of the role of the Group to the Forum Council, secretariat and other relevant stakeholders.

The following terms of reference have been drafted by the secretariat for the purposes of discussion.

The purpose of the Senior Executive Group is to assist the efficient and effective operation and administration of NHRI's by:

- discussion of common problems and their solutions
- considering practical assistance that members may wish to seek from the Forum and benefits which members may gain by accessing the activities and resources of the Forum and other members
- developing communication strategies
- promoting opportunities for the development of members
- considering training and staff exchanges which will benefit members
- considering ways in which members may assist the development of the Forum and its Secretariat

## **4.2 Future Working Relationships**

The Executive Group will need to consider how they wish to constitute themselves in terms of the relationship to the Forum.

For example, one possible approach would be to establish the Executive Group under the auspices of the Forum Constitution. Rule 16 of the Forum Constitution provides that Forum Councillors can (among other things) (i) establish, (ii) set terms of reference and (iii) appoint individuals to one or more Advisory Committees. The Executive Group may wish to recommend to Forum Councillors that they utilise this power and establish a senior executive officer advisory committee. This approach would provide the committee with a clear working relationship with the Forum Council and the secretariat.

Alternatively the Executive Group may wish to explore other options for how they wish to work together and how they wish to relate to the Forum Council and secretariat. This could include being established as an ad hoc group not constituted under the terms of the Forum Constitution.

## **5. STAFF EXCHANGES**

In line with the discussion above concerning the role and functions of the Executive Group the secretariat would like the initial meeting of senior executive officers to specifically examine the following project on staff exchanges. This suggestion is not intended to limit the discussion of the types of problems or issues the Executive Group may wish to address. Rather the secretariat believes it provides a practical demonstration of one of a range of issues where they Group could offer practical advice, guidance and support to the Forum Council, secretariat and fellow individual member institutions.

### **5.1 Background**

The APF took a number of decisions at its first meeting in 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.

At its Third Annual Meeting, held in Jakarta in September 1998, the APF requested that:

*.. the Secretariat should prepare a proposal regarding the placement of staff from member commissions in the Secretariat.*<sup>6</sup>

In line with this decision the secretariat, in consultation with the UN Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Volunteers Programme (UNV), subsequently prepared a proposal for staff exchanges and submitted it to APF member institutions for their consideration. At the APF's Fourth Annual Meeting, held in 1999, the Forum:

*.. agreed to a proposal that staff exchanges be promoted and arranged within the framework of a Letter of Intent between the Forum, the Office of the High Commissioner for Human Rights and the United Nations Volunteers Programme.*<sup>7</sup>

With the aim of implementing this intention, the Forum, the United Nations Volunteers Programme (UNV) and the Office of the High Commissioner for Human Rights (OHCHR) held useful discussions about the content of a possible program and the responsibilities of the three partners. In reporting on the outcomes of these discussions to Forum Councillors, the Council called:

*... for the exchange of staff amongst member institutions and [requested] the Secretariat to seek the necessary funds for this to occur.*<sup>8</sup>

Agreement was subsequently reached with the OHCHR for the provision of funding for the implementation of this project. Discussions with UNV are ongoing.

## **5.2 Project Description**

The *goal* of the 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 Forum member institution (FMI) staff;
- the implementation of specific activities utilising the resource of staff exchanges;
- expanding the resources available to the Forum Secretariat.

The *objectives* of the project are to:

- successfully implement specific activities at the national level by providing specialist staff and appropriate support;

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<sup>6</sup> See [www.asiapacificforum.net/about/meetings/a1\\_3\\_1.html](http://www.asiapacificforum.net/about/meetings/a1_3_1.html)

<sup>7</sup> See [www.asiapacificforum.net/about/meetings/a1\\_3\\_5\\_3.html](http://www.asiapacificforum.net/about/meetings/a1_3_5_3.html)

<sup>8</sup> Concluding Statement, Sixth Annual Meeting, supra note 4.

- improve the Secretariat's effectiveness by adding to the staffing resources available to it;
- improve the effectiveness of FMIs through exchanges of staff that will benefit both sending and receiving institutions.

### **5.3 Project Components**

The project has four possible components:

*Component 1: The placement, at a national level, of specialists with individual FMIs*

This activity would be based on the development of a specific project for an individual FMI. The project would be nominated by the FMI concerned and would be developed and designed by the FMI and the APF Secretariat in consultation with the OHCHR. The activity would place specialists at the FMI to implement specific activities appropriate to the circumstances of the FMI.

*Component 2: The placement of FMI staff at the APF Secretariat*

This activity would involve the placement of FMI staff at the APF Secretariat. Placed staff would carry out tasks within the work program of the Secretariat under the direction of the Director of the Secretariat. Within the Secretariat's overall requirement to carry out its work program, tasks would be allocated as far as possible on the basis of the background and experience of the placement, as well as the needs of the sending institution.

One possible example of this type of activity would be the placement of a member of the staff of a future 'host' institution for one of the APF's annual meetings or workshops to examine the operation and activities of the APF secretariat in the organisation and conduct of such a meeting. This would be a useful exchange in preparing the sending institution for its responsibilities in being a future host.

*Component 3: The exchange of staff between FMIs at a regional level*

This activity would involve the exchange of one or more staff members from one FMI to another FMI. Placed staff would implement task areas within the normal work programs of the respective institutions. As far as possible, this activity would aim to place staff who can bring to the respective institutions additional skills or experience that will enable them to strengthen their work programs as a result of the immediate contribution of the staff members concerned as well as to strengthen the institutions' staff resources through the skills transfer.

*Component 4: The exchange of staff, at an inter-regional level, between FMIs, the Secretariat and national institutions of other regions of the world*

This activity would be similar to Component 3, except that the exchange would be with institutions outside the Asia Pacific region.

#### *Priorities Between Components*

It is the intention of the APF secretariat and the OHCHR to initially give priority to proposals from FMIs that fall under components 1 to 3. If a FMI wishes to submit a proposal under component 4 it will need to provide an additional justification as to why a placement or exchange with an institution outside the region would be particularly beneficial over and above that of a fellow regional FMI.

### **5.4 Project Inputs and Outputs**

Project inputs would include the following:

- costs of travel, subsistence and salaries of placed personnel;
- project management time on the part of FMIs, APF Secretariat and OHCHR required to design appropriate specific project activities, to select appropriate staff and to provide necessary administrative support.

Project outputs would include the following:

- implementation of specific activities within FMIs that might not otherwise take place;
- more effective execution of host FMI programs through the use of skills and experience that would not otherwise have been available;
- transfer of skills and knowledge from placed staff to host staff;
- transfer of skills and knowledge from host staff to placed staff;
- more effective execution of Secretariat programs through the availability of additional staff and by more effectively bringing FMI perspectives to bear on issues;
- transfer of skills and knowledge from Secretariat to placed staff;
- stronger and broader linkages between FMIs and between FMIs and the Secretariat;
- strengthened sense of Asia Pacific co-operative effort in the promotion and protection of human rights.

### **5.5 Project Design, Implementation and Management**

Clearly the implementation of this project needs to be done in close cooperation with the FMIs that wish to participate. The cooperation of the senior executive officers of each institution will be crucial to the success of the project.

The secretariat therefore proposes, as an initial step, to invite all senior executive officers to bring to the initial meeting:

- an outline of:
  - (i) specific expertise that your institution could offer to another institution or to the secretariat and/or
  - (ii) any specific areas of need that your institution may have in which you seek the expertise of another institution or the secretariat.
- any specific project proposals for staff placements or exchanges under the various components of this project. Preference will be given to project proposals under components 1 to 3.

To aid you in the preparation of this information the secretariat have prepared a form containing relevant information for you to fill out. This is at Appendix 1 of this paper.

The management of this project will need to be spread amongst FMIs, the APF Secretariat and the OHCHR.

FMIs will have the responsibility for:

- participating in design of project proposals;
- participating in the selection of personnel;
- identifying appropriate task areas for exchange personnel;
- day-to-day supervision of exchange personnel.

The APF Secretariat will have the responsibility for:

- overall co-ordination of and technical backstopping for project activities;
- participating in design of projects;
- participating in the selection of personnel;
- arranging training required within the project;
- day-to-day supervision of exchange personnel under component 2;
- transferring funds for implementation;
- project review and reporting.

The OHCHR would have the responsibility for:

- providing funding for the implementation of the project;
- participating in the selection of approved project proposals
- evaluating the success of the project from a donor perspective.

In terms of the overall funds available to this project, the OHCHR has contributed US\$70,000. As you would appreciate, given the costs associated with travel, subsistence & associated expenditure items (such as travel insurance) and overall project management and reporting costs, these funds will not be enough to ensure that every FMI will be able to participate in this project. The final selection of the successful proposals will therefore be based on the relative merits of the proposals and the corresponding needs of individual FMIs. If individual FMIs can subsidise any costs associated with their project proposals (such as, for example, meeting the accommodation or salary costs of exchange personnel) then this will favourably be taken into account in the determination of successful applications.

## **6. RECOMMENDATIONS**

It is recommended that the senior executive officers of Forum member and applicant institutions consider this paper and formulate, if appropriate, recommendations for the consideration of Forum Councillors on:

- (i) the terms of reference of the Executive Group;
- (ii) their future working relationship with each other, the Forum Council and the secretariat;
- (iii) specific project proposals for the placement or exchange of staff between institutions and the secretariat as an example of one of the possible areas of work of the Group.

## 7. APPENDIX 1 – PROJECT PROPOSAL GUIDE TO BE COMPLETED BY SENIOR EXECUTIVE OFFICERS

Asia Pacific Forum of National Human Rights Institutions



# STAFF EXCHANGE PROJECT

## Project Proposal Guide

*“...a partnership for human rights in our region.”*

Inaugural Meeting of Senior Executive Officers  
Sunday 10 November 2002  
Ashok Hotel  
New Delhi, India

### 1. What expertise can your NHRI offer to other NHRIs?

**Complaint Handling** (provide details, eg investigations)

**Education** (provide details, eg school curriculum)

**Monitoring** (provide details, eg public inquiries)

**Research and Policy** (provide details, eg report writing)

**Legal** (provide details, eg court interventions)

**Administration** (provide details, eg finance)

**Other** (provide details - if the space provided is insufficient attach further information)

### 2. What specific areas of expertise would your NHRI welcome assistance from another NHRI?

(Please provide details – if the space provided is insufficient attach further information)

**3. Would your NHRI like to participate in the APF's Staff Exchange Project? (please tick)**

YES (go to questions 4 & 5)       NO

(Please provide details if there are any qualifications to your answer – eg 'Yes' but only next year)

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**4. If you ticked 'YES' to question 3, would your NHRI be seeking: (you can tick more than one selection)**

To **provide** expertise to another NHRI (if 'yes', then for how long?)

To **receive** expertise from another NHRI (if 'yes', then for how long?)

To participate in an equal **exchange** of staff between NHRIs (if 'yes' then for how long?)

To provide staff to the **secretariat** (if 'yes', then for how long?)

Any of the above

**5. If you ticked 'YES' to question 3, please provide the following details**

If you receive a placement would your NHRI be able to assist with the costs of **accommodation**?

YES

NO

If you are providing a placement would your NHRI be able to cover the costs of the **salary** of the placement?

YES

NO

**Other** (please provide details)

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Please fax this form to the APF Secretariat by the 7 November (details provided below). The APF secretariat will collate this information and provide it to all Senior Executive Officers for their consideration and discussion at the inaugural meeting on 10 November 2002.

**APF SECRETARIAT**

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