

## 6. REPORT OF APF OPERATIONS



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

...a partnership for human rights in our region

### NINTH ANNUAL MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

### FORUM COUNCIL MEETING PAPER

<b>TITLE:</b>	Report of APF Operations
<b>SUMMARY OF ISSUE:</b>	The report outlines the activities of the APF over the period since its last annual meeting in February 2004. APF activities are reported against those approved by Forum Councillors in the APF's Business Plan for 2004 to 2006.
<b>RECOMMENDATION:</b>	That Forum Councillors note the report.
<b>RELEVANT CONSIDERATIONS: (Policy, staffing, expenditure, political etc)</b>	APF activities are undertaken to implement (i) the decisions of Forum Councillors as reached at APF annual meetings and (ii) the APF Business Plan as approved by Forum Councillors. Section 4 of the Business Plan details the 2004 to 2006 operations of the APF, as approved by Forum Councillors.
<b>Submission prepared by:</b>	Director, secretariat
<b>Forum Councillor or officer responsible:</b>	Director, secretariat

## **REPORT ON APF OPERATIONS February to September 2004**

The purpose of this paper is to outline the activities of the APF over the period since our last annual meeting in February 2004. Section 4 of the APF's Business Plan details of the operations approved by Forum Councillors at that annual meeting for 2004 to 2006 – see

[www.asiapacificforum.net/activities/annual\\_meetings/eighth/meeting\\_papers.htm](http://www.asiapacificforum.net/activities/annual_meetings/eighth/meeting_papers.htm).

The only variation to the approved Plan to note was the decision taken at the Eighth Annual Meeting to change the location of the Ninth Annual Meeting from Mongolia to the Republic of Korea.

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

- (i) Strengthening the capacity of individual APF 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 2004 reporting period the secretariat's operations focused on the following eight main areas of activity – (i) Annual Meetings, (ii) General Advisory Services (iii) Advisory Council of Jurists, (iv) Information and Promotion, (v) International Law Development, (vi) Training (vii) Capacity Building Projects and (viii) Strategic Management:

### **6.1 Annual Meetings of the APF**

The APF is responsible, in cooperation with the host institutions, for all aspects of the management of our annual meetings. This includes the development of policy papers, organisational logistics, provision of personnel, fundraising, administration, evaluation and reporting. All the activities set out and approved by Forum Councillors in section 4.2.1 of the APF Business Plan were successfully completed.

#### **6.1.1 Eighth Annual Meeting**

The Eighth Annual Meeting of the APF was held in Kathmandu from 16 to 18 February 2004. The National Human Rights Commission of Nepal hosted the Meeting. The secretariat of the APF provided organisational support.

The Afghan Independent Human Rights Commission and the Palestinian Independent Commission on Citizen's Rights were formally accepted into the APF as Associate Members, increasing the Forum's membership to fourteen institutions. The APF reaffirmed the full membership of the New Zealand Human Rights Commission.

The Eighth Annual Meeting was held over three full days beginning with a one day private meeting of its member institutions and the United Nations Office of the High Commissioner for Human Rights (OHCHR) which provided an opportunity for

extended discussion of the APF's management, its functioning and future needs. The three-day meeting was also preceded by an informal half-day meeting of the senior executive officers of national human rights institutions.

The Rt Hon Surya Bahadur Thapa, Prime Minister of Nepal opened the meeting. Participants included senior representatives of the fourteen national human rights commissions that comprise the APF and representatives of the OHCHR. Observers at the meeting included representatives of regional governments, relevant human rights institutions, inter-governmental organisations and numerous representatives of non-governmental organisations from the region and beyond.

The special theme for the Meeting was *National Human Rights Institutions and the Primacy of the Rule of Law in Countering Terrorism*. The meeting featured a presentation from the Advisory Council of Jurists of its interim report on the Reference on the Rule of Law in Countering Terrorism.

The objectives of the meeting were to consolidate and build on 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.

Under the constitutional arrangements adopted at the Sixth Annual Meeting, the National Human Rights Commission of Nepal was unanimously elected to the position of Chairperson of the APF. The National Human Rights Commission of India and the Human Rights Commission of the Republic of Korea were also elected to the two positions of Deputy Chairpersons.

The meeting reviewed and endorsed the APF's activities over the past twelve months and provided member commissions and participants with an opportunity to discuss a wide range of issues related to the protection and promotion of human rights in the Asia Pacific region.

APF members also addressed the work of the International Coordinating Committee of National Human Rights Institutions and the involvement of Asia Pacific national institutions in the international human rights system. APF members elected the Fiji Human Rights Commission, the National Human Rights Commission of Nepal, the Philippines Commission on Human Rights and the National Human Rights Commission of the Republic of Korea to be the four regional representatives to the International Coordinating Committee of National Human Rights Institutions. The Fiji Human Rights Commission was nominated and selected to represent the Forum on the ICC's accreditation sub-committee.

A highlight of the Meeting was the third meeting of the Advisory Council of Jurists to consider the APF's reference on the rule of law in countering terrorism.

APF members agreed on action on a number of important matters including: a decision to formulate a new reference to the Advisory Council of Jurists on the issue of the primacy of the prevention of torture during detention; a decision to establish a working group to assist in the development of the proposed international convention on the rights of people with disabilities; a commitment to consider the recommendations of the Advisory Council of Jurists on the issue of the rule of law

and terrorism; and a decision to adopt a three year 'business plan' for the APF and the introduction of membership fees (\$3000 USD per full member institution per annum and \$1500 USD per candidate and associate member institution per annum).

The meeting adopted a comprehensive Statement of Conclusions that reaffirmed the APF's commitment to promoting the development of national human rights institutions in conformity with the Paris Principles.

The APF gratefully accepted the kind offer of the National Human Rights Commission of the Republic of Korea to host the Ninth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions in September 2004. The Forum also gratefully accepted the kind offer of the National Human Rights Commission of Mongolia to host the Tenth Annual Meeting in 2005.

A full copy of all the background papers and the final report of the meeting can be obtained at [www.asiapacificforum.net/activities/annual\\_meetings/8.htm](http://www.asiapacificforum.net/activities/annual_meetings/8.htm)

### **6.1.2 Ninth Annual Meeting**

Due to a decision of Forum Councillors at the Eighth Annual Meeting, and with the agreement of the National Human Rights Commission of Mongolia, the location of the Ninth Annual Meeting was changed from Mongolia to the Republic of Korea to ensure that the meeting could be held in association with the 7<sup>th</sup> International Conference of National Institutions. This change in location also had the effect of delaying the next meeting of the Advisory Council of Jurists till 2005 (see section 6.3 of this report for further information). The National Human Rights Commission of Mongolia will host the Tenth Annual Meeting of the APF and the next session of the Advisory Council of Jurists in 2005.

During the reporting period the APF worked with the National Human Rights Commission of the Republic of Korea on preparation for the Ninth Annual Meeting. The APF also provided financial assistance to the Commission to assist with the costs associated with the hosting of the 7<sup>th</sup> International Conference.

## **6.2 General Advisory Services**

The APF provided a wide range of advisory services to member institutions, prospective members, governments and NGOs during the 2004 reporting period. All the specific activities set out and approved by Forum Councillors in section 4.2.2 of the APF Business Plan were successfully completed. See section 6.7 of this report for further information.

Advice included (i) the nature and status of national institutions; (ii) specific issues of regional concern; (iii) operational issues such as institutional strengthening; and (iv) the promotion of 'best practice' models.<sup>1</sup>

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<sup>1</sup> As foreshadowed, advice was provided to Afghanistan, Jordan, Maldives, Palestine, Japan, Taiwan, Timor-Leste and Solomon Islands. Additionally, advice was also provided to Bangladesh, Federated States of Micronesia, Pakistan, Qatar, Samoa, Saudi Arabia and Vanuatu.

### **6.2.1 Advice to Members**

Advice was provided to national human rights institutions on the following issues – (i) disability; (ii) anti-terrorism measures; (iii) trafficking; (iv) investigation techniques; (v) national action plans; (vi) strategic planning; (vii) monitoring in conflict situations; (viii) HIV/AIDS; (ix) regional human rights mechanisms; (x) compliance with the Paris Principles (xi) internally displaced persons and (xii) follow up on previous recommendations of the Advisory Council of Jurists.

### **6.2.2 APF mission to Fiji**

The APF made a formal submission to the ‘Eminent Persons Review Group’ of the Pacific Islands Forum (PIF – the regional intergovernmental organisation in the Pacific – see [www.forumsec.org.fj](http://www.forumsec.org.fj)) urging PIF to place a greater emphasis on both national and regional human rights machinery for Pacific Island States. In April 2004 the Eminent Persons Review Group adopted the submission of the APF and recommended to the leaders of Pacific Island States that they develop national human rights machinery in cooperation with the APF (recommendation 6 of the report, which can be obtained at [www.mfat.govt.nz/foreign/regions/pacific/pif03/pifreviewdocs/reviewindex.html](http://www.mfat.govt.nz/foreign/regions/pacific/pif03/pifreviewdocs/reviewindex.html)). In late April 2004 all 16 leaders of the Pacific Island States unanimously adopted the recommendation.

From the 5 to 7 May 2004 the Director of the APF travelled to Fiji (location of the PIF Secretariat) for meetings with the PIF Deputy Secretary-General in addition to government and civil society representatives to discuss future APF activities in the Pacific. During this time the Director was also the keynote speaker and guest of honour for the Fiji Human Rights Commission’s Human Rights Media Awards (for further information see [www.usp.ac.fj/journ/wansolnews/2004/may/wansol0705041.html](http://www.usp.ac.fj/journ/wansolnews/2004/may/wansol0705041.html)).

## **6.3 Advisory Council of Jurists**

The APF is responsible for the development of draft terms of reference and comprehensive background papers and all the organisation, management and servicing of the meetings of the Council. In addition, the APF, on request, assists its members with the implementation of the recommendations of the Council. All the specific activities set out and approved by Forum Councillors in section 4.2.3 of the APF Business Plan were successfully completed subject to the proviso of the decision by Forum Councillors to delay the next meeting of the Advisory Council of Jurists till Mongolia in 2005.

### **6.3.1 Rule of Law and Terrorism**

During 2004 the APF acted as the secretariat to the Advisory Council of Jurists. In particular this involved (i) the development of terms of reference on the rule of law and terrorism (ii) the development of a comprehensive background paper on the rule of law and terrorism (iii) liaison with the Jurists and member institutions (iv) liaison with the host institution and logistics for the meeting of the Council (v) finalising the conclusions of the Council (vi) liaising with member institutions concerning the

adoption and implementation of the Council's recommendations and (vii) developing the terms of reference for a new reference.

For further details of the operation of the Advisory Council of Jurists see [www.asiapacificforum.net/jurists/jurists.html](http://www.asiapacificforum.net/jurists/jurists.html). For a full copy of the background paper and final report of the Jurists on the 'rule of law and terrorism' reference see [www.asiapacificforum.net/jurists/terrorism/intro.htm](http://www.asiapacificforum.net/jurists/terrorism/intro.htm).

In line with the wishes of Forum Councillors to see the work of the Advisory Council become more widely known, the APF has organised for the final report of the Jurists on the rule of law and terrorism to be published in the "Asia Pacific Journal on Human Rights and Law." This journal is due to be published in September 2004.

The APF also sent a questionnaire to all APF member institutions seeking updated information on their activities in relation to counter-terrorism measures. The information provided by APF members has been synthesised in a report on this issue to the 7<sup>th</sup> International Conference on National Institutions.

Finally the APF recently met with the UN Independent Expert on Human Rights and Terrorism, Professor Robert Goldman, to inform him of the work of the Advisory Council and APF member institutions on this issue.

### **6.3.2 Torture**

At the APF's Eighth Annual Meeting (APF 8) held in Kathmandu, Nepal, in February of this year, Forum Councillors "decided to formulate a new reference to the Advisory Council of Jurists on the issue of the prevention of torture during detention and requested the secretariat to prepare draft terms of reference for the consideration and approval of the Forum" (paragraph 7 of the Concluding Statement - see [www.asiapacificforum.net/activities/annual\\_meetings/eighth/concluding.htm](http://www.asiapacificforum.net/activities/annual_meetings/eighth/concluding.htm)).

During the 2004 reporting period the APF undertook research and drafting on proposed terms of reference on the prevention of torture during detention. The Advisory Council of Jurists will consider this reference in association with the Tenth Annual Meeting of the APF to be held in Mongolia in 2005. A full report on this activity will be provided in the next reporting period.

The draft terms of reference on torture are also dealt with in a separate substantive section of this report.

## **6.4 Information and Promotion**

Throughout the 2004 reporting period the APF undertook a range of information and promotional activities on the role and functions of national human rights institutions and the activities of the APF. These educational activities aim to (i) improve awareness among political and administrative decision-makers and the wider community of the value and importance of national human rights institutions ; (ii) improve awareness among relevant regional governments and agencies of the appropriate functions, powers, structures and legislation for national institutions established in accordance with the *Paris Principles*; (iii) improve awareness among

national institutions of the legislation, casework, techniques, procedures and outcomes of other institutions both within and outside the region; and (iv) provide information about APF activities to members institutions, governments (inside and outside the region), UN agencies, NGOs and the general community. All the specific activities set out and approved by Forum Councillors in section 4.2.4 of the APF Business Plan were successfully completed. In particular, the following specific activities were undertaken:

#### **6.4.1 Forum Bulletin**

The APF published two issues 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.

Copies of the Forum Bulletin can be obtained at [www.asiapacificforum.net/forumbulletin.htm](http://www.asiapacificforum.net/forumbulletin.htm).

#### **6.4.2 Donor Update**

The APF published a quarterly update for supporters of the APF, titled *Donor Update* and undertook regular electronic communication with donor organisations on an issue by issue basis.

Copies of the donor update can be viewed at [www.asiapacificforum.net/finance/donors.html](http://www.asiapacificforum.net/finance/donors.html)

#### **6.4.3 Website**

The APF regularly updated its website and published new information on a fortnightly basis. The website includes details on the role and functions of national institutions, the APF, individual member institution activities and the Advisory Council of Jurists. The APF also undertook regular electronic communication with members, governments and NGOs on an issue by issue basis.

The website was also expanded with the inclusion of new information resources – particular the development of a secure ‘Senior Executive Officer’ component of the website containing a host of administrative and managerial information.

The website can be viewed at [www.asiapacificforum.net](http://www.asiapacificforum.net).

#### **6.4.4 Participation in APF Activities**

The APF encouraged the participation of governments and human rights NGOs in the APF’s annual meetings, workshops and training programs as an important awareness raising and partnership exercise about the role and functions of national institutions.

For details on the range of governmental, NGO and expert participants in the APF’s activities, please view the participant lists associated with each activity at [www.asiapacificforum.net/activities/activities.html](http://www.asiapacificforum.net/activities/activities.html). In addition the APF received a number of visits from regional government and civil society representatives.

#### **6.4.5 Speaking Engagements**

In 2004 the APF undertook speaking engagements where they demonstrably assisted the APF to meet its mission, goals and objectives. For example, from 4 to 5 September 2004 Dr Shaista Shameem of the Fiji Human Rights Commission represented the APF at an Amnesty International conference titled “**Human Rights: A Pacific Agenda – Partnerships and Perspectives**”. The conference was held to promote dialogue and understanding between key actors in the Pacific region on critical issues affecting the promotion and protection of human rights. For further information see

[www.amnesty.org.au/whats\\_happening/hrc?MySourceSession=8800798f1bcb6c5de0ce912192786de8](http://www.amnesty.org.au/whats_happening/hrc?MySourceSession=8800798f1bcb6c5de0ce912192786de8)

#### **6.5 International Law Development**

During the 2004 reporting period the APF took an active role in the development of international law and in participating in major international activities. All the specific activities set out and approved by Forum Councillors in section 4.2.5 of the APF Business Plan were successfully completed.

##### **6.5.1 12<sup>th</sup> UN Workshop on Regional Cooperation**

The United Nations organised the above workshop in Doha, Qatar from the 2 to 4 March 2004. The workshop was attended by representatives from:

- (i) the governments of Afghanistan; Australia; Bangladesh; Bhutan; Brunei Darussalam; Cambodia; China; Cyprus; Fiji; India; Indonesia; Iran; Japan; Kuwait; Lebanon; Malaysia; Maldives; Marshall Islands; Mongolia; Myanmar; Nepal; Oman; Pakistan; Palau; Philippines; Qatar; Republic of Korea; Saudi Arabia; Samoa; Sri Lanka; Syria; Thailand; Timor Leste; United Arab Emirates; Yemen; and Palestine;
- (ii) the national human rights institutions from Afghanistan; Australia; Fiji; India; Indonesia; Iran; Jordan; Maldives; Malaysia; Mongolia; Nepal; New Zealand; Palestine; Philippines; Republic of Korea; Thailand and the Asia Pacific Forum;
- (iii) seven non-governmental organisations; and
- (iv) the United Nations Office of the High Commissioner for Human Rights.

The purpose of this meeting is to assist in the development of regional or sub-regional inter-governmental arrangements for the promotion and protection of human rights. In particular the workshop reviewed the progress achieved under the agreed UN framework of four "pillar's" to support the development of regional arrangements – namely (i) national human rights plans of action (ii) human rights education (iii) national human rights institutions and (iv) the realisation of the right to development and economic, social and cultural rights.

It was clear that the growth of national human rights institutions and, in particular, the work of the Asia Pacific Forum, was the most significant development under the UN framework.

Specifically with regard to national human rights institutions, the 36 government representatives in their final concluding statement and associated programme of action for 2004 to 2006:

**From the *Conclusions*:**

22. *Welcome* the establishment of national human rights institutions and those in the process of being established, consistent with the principles relating to the status of national institutions of the promotion and protection of human rights adopted unanimously by the United Nations General Assembly (resolution 48/134, annex), while recognizing that it is the right of each state to choose the framework that is best suited to its particular needs at the national level;

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

24. *Note* the report on the activities of the Asia Pacific Forum of National Human Rights Institutions, welcome the membership of the Afghan Independent Human Rights Commission and the Palestine Independent Commission for Citizens' Rights, and encourage its continuing commitment in concerted endeavours for the promotion and protection of human rights in the Asian-Pacific region;

25. *Welcome* the financial contributions made by member states of Australia, India, New Zealand and the Republic of Korea to the Asia Pacific Forum of National Human Rights Institutions and invite other states of the region that have not yet done so to consider contributing to the Forum;

26. *Encourage* continued cooperation among national human rights institutions, civil society and United Nations agencies, programmes and funds and appreciate existing support of the Office of the High Commissioner for Human Rights to promote and facilitate such cooperation and provide advice and appropriate support to existing national human rights institutions;

27. *Note* the important role, which national institutions can play in connection with the development and implementation of national human rights action plans, as well as in providing advice to member States in the follow-up to the recommendations of human rights treaty bodies;

28. *Encourage* the participation of national human rights institutions in the sessions of the Commission on Human Rights and other relevant United Nations fora in accordance with their rules of procedure;

**From the *2004-2006 Program of Action*:**

*Main objectives: To support regional initiatives to strengthen the role of national human rights institutions and the Asia-Pacific Forum*

(i) 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 human rights institutions;

(ii) Support the work of the Asia Pacific Forum of National Human Rights Institutions.

*Activities:*

- (i) Support the annual meetings of the Asia Pacific Forum of National Human Rights Institutions for 2004 to 2006;
- (ii) Support training activities of the Asia-Pacific Forum of National Human Rights Institutions on an annual basis;
- (iii) Support a sub-regional workshop for the Arab region on national human rights protection systems, including national human rights institutions;
- (iv) Support a sub-regional workshop for the Pacific region on national human rights protection systems, including national human rights institutions;

The full text of the Concluding Statement and Programme of Action can be found at [www.asiapacificforum.net/activities/international/un\\_asia/twelfth.htm](http://www.asiapacificforum.net/activities/international/un_asia/twelfth.htm).

### **6.5.2 60<sup>th</sup> Session of the UN Commission on Human Rights**

The APF attended the 60<sup>th</sup> Session of the UN Commission on Human Rights in April 2004 and participated in the discussions surrounding the annual resolution on national institutions that is adopted in the UN Commission. The APF made a formal statement to the UN Commission on Human Rights. A copy of the statement can be found at [www.asiapacificforum.net/activities/international/un\\_commission/un\\_commission.htm](http://www.asiapacificforum.net/activities/international/un_commission/un_commission.htm).

### **6.5.3 International Coordinating Committee of National Institutions**

In association with the 60<sup>th</sup> Session of the UN Commission on Human Rights in April 2004, the APF participated in the annual meeting of the International Coordinating Committee of National Institutions and various 'side events' on relevant topics. A full report on APF activities was sent to the OHCHR secretariat to be made available to all members of the ICC.

### **6.5.4 New International Instrument on Disability**

The APF developed a coordinated policy position for all its members on the proposal to create a new international human rights instrument dealing with the rights of people with disabilities. A copy of the agreed APF position and associated discussion papers can be obtained at [www.asiapacificforum.net/activities/annual\\_meetings/seventh/Disability.doc](http://www.asiapacificforum.net/activities/annual_meetings/seventh/Disability.doc).

At the Eighth Annual Meeting of the APF, held in Kathmandu, Nepal from 16 to 18 February 2004, APF member institutions "welcomed progress to develop a new international convention on the rights of people with disabilities, as advocated by national institutions at the workshop held in New Delhi, India in 2003. Forum institutions agreed to establish a working group to assist in the development of the proposed convention."<sup>2</sup>

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<sup>2</sup> See paragraph 20 of the Concluding Statement of the 8<sup>th</sup> Annual Meeting, [http://www.asiapacificforum.net/activities/annual\\_meetings/eighth/concluding.htm](http://www.asiapacificforum.net/activities/annual_meetings/eighth/concluding.htm)

The APF working group on disability is comprised of the national human rights institutions from Australia, India and New Zealand. The APF brought the members of the working group together at a workshop held by the Australian Human Rights and Equal Opportunity Commission on the proposed convention. The workshop was held in Canberra, Australia, from 25 to 26 March 2004. The members of the working group also held a separate meeting to discuss the development of the APF submission to the UN Ad Hoc Committee on this issue.

The APF working group developed a detailed paper for the consideration of the broader APF membership and for submission to the 3<sup>rd</sup> session of the Ad Hoc Committee in May/June 2004. A full copy of this submission can be found at [www.un.org/esa/socdev/enable/rights/ahc3contrib.htm](http://www.un.org/esa/socdev/enable/rights/ahc3contrib.htm).

An APF delegation attended the 3<sup>rd</sup> session of the Ad Hoc Committee. The delegation comprised Ms Anuradha Mohit, Special Rapporteur on Disability of the National Human Rights Commission of India, advised and assisted by Professor Andrew Byrnes, of the Faculty of Law, Australian National University. They attended the session of the Committee which ran from 23 May 2004 until 4 June 2004.<sup>3</sup> A report of the activities of the delegation can be found at [www.asiapacificforum.net/news/index.html](http://www.asiapacificforum.net/news/index.html).

The APF working group continued their work and developed a detailed submission for the consideration of the broader APF membership and the 4<sup>th</sup> session of the Ad Hoc Committee in August/September 2004. The full text of this submission can be found at [www.un.org/esa/socdev/enable/rights/ahc4nhricomments.htm](http://www.un.org/esa/socdev/enable/rights/ahc4nhricomments.htm). The submission specifically focused on the following draft articles of the Convention – (2) General Principles, (7) Equality and non-discrimination, (17) Education, (18) Right to Political and Public Life, (21) Right to Health and Rehabilitation, (23) Social Security and Adequate Standard of Living, and (25) National Implementation and Monitoring Framework.

An APF delegation attended the 4<sup>th</sup> session of the Ad Hoc Committee. The delegation comprised Ms Anuradha Mohit, Special Rapporteur on Disability of the National Human Rights Commission of India, advised and assisted by Professor Andrew Byrnes, of the Faculty of Law, Australian National University during the first week of the two week meeting. Ms Grace Cho (a recent APF intern) also attended on behalf of the APF to assist Ms Mohit. They attended the session of the Committee which ran from 23 August 2004 until 3 September 2004. A report of the activities of the delegation shall be issued shortly.

## **6.6 Training**

Section 4.2.6 of the APF's Business Plan sets out the four main areas of the APF's training operations – (i) training needs analysis (ii) thematic regional workshops (iii)

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<sup>3</sup> Ms Robyn Hunt, of the New Zealand Human Rights Commission, who had served on the APF working group to prepare the APF submission was present as part of the New Zealand delegation, and participated in the APF/NHRI meetings. Mr Graeme Innes and Ms Rosemary Kayess, of the Australian Human Rights and Equal Opportunity Commission, both of whom were also part of the APF working group, were present as members of the Australian government delegation, but were also able to contribute to APF discussions.

investigation techniques and (iv) regional staff placements. Not all the projects as set out and approved by Forum Councillors in section 4.2.6 of the APF Business Plan were completed and the specific projects and the reason for non-performance are set out below.

### **6.6.1 Training Needs Analysis**

The APF has commissioned the International Service for Human Rights (ISHR) to undertake an independent training needs analysis to assist the APF to refine and prioritise its training activities.

The ISHR will make a presentation to the Ninth Annual Meeting of the APF on its approach to the training analysis and they will liaise with individual APF member institutions and other key stakeholders to discuss the development and prioritisation of the APF's professional training program during the course of the 7<sup>th</sup> International Conference of National Institutions.

The ISHR is a widely respected training organisation that was established in 1984. It promotes the development, strengthening, effective use and implementation of international and regional law and mechanisms for the protection and promotion of human rights.

For more information on the ISHR see [www.ishr.ch/](http://www.ishr.ch/). The commitment under section 4.2.6 (i) of the APF Business Plan has been successful.

### **6.6.2 Thematic Regional Workshops**

Under section 4.2.6 (ii) of the Business Plan, the APF said it would participate in a workshop on Economic, Social and Cultural Rights and the Rights of Women which was due to be held by the Canadian Human Rights Foundations and hosted by the Philippines Commission on Human Rights in February 2004. Unfortunately, at the time of writing of this report, the Canadian Human Rights Foundation had not successfully secured donor funding to hold the workshop.

#### *6.6.2.1 Pacific Human Rights Consultation*

The Pacific Islands Human Rights Consultation was held from 1 to 3 June 2004 in Suva, Fiji Islands. Over 60 participants from 15 Pacific Island countries, representing non-government organisations, governments, international and inter-governmental organisations and national institutions, met to discuss human rights issues in the Pacific and endorsed the development of further national and regional mechanisms to protect and promote human rights. Participants highlighted that greater attention needed to be given to human rights issues in the Pacific region through the establishment and development of national institutions and regional initiatives.

Hosted by the Fiji Human Rights Commission, the consultation was organised by the APF and OHCHR with financial support from UNDP, the Commonwealth Secretariat and the New Zealand Government. For further information see [www.asiapacificforum.net/activities/thematic/pacific/index.htm](http://www.asiapacificforum.net/activities/thematic/pacific/index.htm).

#### 6.6.2.2 Human Rights Educators 'National Action Plan' Seminar

A workshop on National Plans of Action for Human Rights Education was held at the Waipuna Conference Centre in Auckland, New Zealand on Wednesday, 14 July 2004. Senior educators from ten APF member institutions attended the workshop. This interactive and practical workshop focussed on the development of national plans of action for human rights education. The workshop provided an excellent opportunity for NHRIs to increase their expertise in the development of national action plans.

The one-day workshop was sponsored by APF in cooperation with the New Zealand Agency for International Development (NZ Aid), UNESCO Bangkok, and the New Zealand Human Rights Commission. The workshop followed a three day conference entitled *Living and Learning Together: The Role of Human Rights Education in Strengthening Communities in New Zealand and the Pacific* which was co-organised by the New Zealand Human Rights Commission. Further information on this activity can be found at [www.hrc.co.nz/conference](http://www.hrc.co.nz/conference).

#### 6.6.2.3 Workshop on Building an Effective Media and Communication Programme

The APF provided expert advice and training at a workshop for Commonwealth national human rights institutions held in Accra, Ghana from 22-24 June 2004. The workshop "National Human Rights Institutions: Building an Effective Media and Communication Programme" was organised by the British Council and the Ghana Commission on Human Rights and Administrative Justice with assistance from the APF. It was funded by the British Council and the UK Foreign and Commonwealth Office. The aim of the workshop was to provide a forum for information sharing, skill development and strengthening ties between representatives of Commonwealth NHRIs. In addition, a media handbook was developed as a resource for workshop participants and their NHRIs.

### **6.6.3 Investigations Training**

During 2004 the APF worked with the National Human Rights Commission of Thailand to specially tailor an 'in-country' training program on investigation techniques. The training program is part of the APF's Professional Development Program. The five-day training program is scheduled to be implemented in October 2004. It will provide foundation knowledge and skills in the investigation of alleged infringements of human rights. In particular the program will provide participants with (i) an overview of various models of investigation and an opportunity to clarify the appropriate model(s) of investigation within the Thai context, (ii) the purpose of investigations and the role of the investigation officer; (iii) an understanding of international human rights instruments as relevant to the legislative context of the Thai Commission and associated legal definitions and concepts; (iv) information on approaches to the assessment of complaints with particular reference to variables that influence determination of priority handling, preliminary or formal investigation and early resolution; (v) an understanding of key legal principles that guide the conduct of investigations into alleged infringements of human rights; (vi) a model to plan investigations to ensure they are efficient and effective; (vii) knowledge and skills to enable the efficient and effective gathering of evidence relevant to an investigation; (viii) knowledge and skills to enable the efficient and effective analysis of evidence

that has been gathered; and (ix) knowledge and skills to enable appropriate handling of evidence, efficient and effective documentation of an investigation and appropriate file and caseload management.

The APF also followed up with the Sri Lankan Human Rights Commission on the implementation of the training program in Colombo, Sri Lanka in November 2003.

For further information on this program see [www.asiapacificforum.net/activities/investigations.htm](http://www.asiapacificforum.net/activities/investigations.htm).

#### **6.6.4 Regional Staff Placements**

The APF provided funds to assist with a placement by Ms Batchuluun Khishigsaikan, Director of the National Human Rights Commission of Mongolia, with both the New Zealand Human Rights Commission and the Fiji Human Rights Commission in July/August 2004.

The proposed Palestine placement is planned to occur by the end of the financial year as the APF has successfully secured funds to meet these costs. At this stage the APF has not secured funding to enable a staff placement from the South Korean Commission in 2004.

See [www.asiapacificforum.net/activities/staff.htm](http://www.asiapacificforum.net/activities/staff.htm) for further information.

### **6.7 Capacity Building Projects**

The APF undertakes capacity building projects involving its member institutions, governments and civil society organisations. All the specific activities set out and approved by Forum Councillors in section 4.2.7 of the APF Business Plan were successfully completed.

#### **6.7.1 Trafficking**

The issue of human trafficking has been identified by the membership of the APF as a major human rights concern that requires focused regional cooperation. Over the past four years, the APF and its members have taken concrete steps to provide a platform for cooperation including: inviting experts to its meetings, organising regional workshops and an annual meeting with a focus on trafficking, having its Advisory Council of Jurists prepare a reference on trafficking and establishing a Trafficking Focal Point Network between its member institutions and the APF. During the reporting period the APF liaised with the National Human Rights Commission of Nepal and India on the bilateral project to address trans-border trafficking.

#### **6.7.2 Internally Displaced Persons**

At the APF's Sixth Annual Meeting held in Colombo, Sri Lanka, September 2001, the member institutions of the APF expressed interest in developing their potential in promoting and protecting the human rights of internally displaced persons (IDPs) in their respective countries. In order to more effectively undertake this work, APF

members requested that the APF secretariat raise funds to assist national institutions on this issue.

In response to this request, the APF entered into a partnership with the leading research and policy institute in this field, the Brookings Institution-SAIS Project on Internal Displacement (Brookings-SAIS Project). The Brookings-SAIS Project and the APF succeeded in securing financial and human resources to enable an eighteen-month internal displacement project consisting of: (i) individual assessments of six institutions in countries experiencing displacement (India, Indonesia, Nepal, Philippines, Sri Lanka and Thailand) to be held during 2004 and (ii) a regional workshop on IDPs and the role of NHRIs to be undertaken in 2005 to enable institutions to exchange ideas, challenges and practices. Another important component of this project is to, in partnership with participating NHRIs, develop a program for technical assistance that aims to develop the capacity of the institution with regard to internal displacement. The APF and the Brookings Institution will, if requested, provide assistance in sourcing funding for those capacity-building initiatives.

To date four visits led by Ms Pip Dargan, Deputy Director, APF Secretariat, have been undertaken by the joint APF/Brookings –SAIS team to the NHRIs of the Philippines (26-30 April), Indonesia (3-7 May), Nepal (5-9 July) and Thailand (9-13 August). A visit to the Human Rights Commission of Sri Lanka is anticipated to be held in October and a visit to the Indian National Human Rights Commission is scheduled for 5-6 October.

In addition, the APF/Brookings Institution Team is currently working with the Norwegian Refugee Council (NRC) to obtain funds to enable the NRC to provide specialist training to the six participating NHRIs on the Guiding Principles on Internal Displacement.

It is anticipated that the regional workshop on IDPs and the role of NHRIs will be held by a yet to be determined host institution in May or June 2005.

### **6.7.3 APF mission to Palestine and Jordan**

The APF is working with the Jordan National Centre for Human Rights (JNCHR) and the Palestinian Independent Commission for Citizen's Rights (PICCR) to develop and implement institutional capacity building and strengthening programs. The twenty-eight month program, which will run until the end of 2005, involves three main activities – (1) participation at APF annual meetings; (2) participation at APF thematic workshops and (3) advisory and capacity building services which include staff training, staff exchanges and a study tour.

An APF 'needs assessment mission', comprised of the Chief Commissioner of the New Zealand Human Rights Commission, Ms Rosslyn Noonan and Mr Naresh Perinpanayagam of the APF secretariat, visited the Palestinian Independent Commission for Citizens Rights (PICCR) from 25-31 July and the Jordan National Centre for Human Rights (JNCHR) from 1-4 August. The objective of the APF mission was to meet with PICCR and JNCHR Commissioners and staff to discuss current joint projects, possible future projects and compliance with the UN Paris

Principles. The APF Mission team is currently writing a report on the initial dialogue which will be made available to Forum Councillors.

Further information on these activities can be found at [www.asiapacificforum.net/news/2004\\_06\\_news\\_archive.htm](http://www.asiapacificforum.net/news/2004_06_news_archive.htm).

#### **6.7.4 APF mission to Cambodia**

From 10 to 22 May 2004 a three person APF team made their second visit to Cambodia to undertake a situation analysis of the human rights of women and children in Cambodia on behalf of UNICEF. The objective of this work is to:

- synthesise new statistics, national policies and trends, and new research and analysis accumulated over the past years on the situation of women and children in Cambodia;
- examine causes and linkages between issues affecting the rights of children and women and potential hazards to their well-being;
- identify the country's human, financial and organizational capacities, the capacity gaps, and the necessary actions;
- identify key counterparts/players and their respective roles;
- assess the overall programming environment, including an overview of support and priority areas for the donor community

The first draft of the APF situation analysis was completed in early August 2004. When finalised, the analysis will be used by the Government of Cambodia and UNICEF to determine their forthcoming country programs. For further information see [www.unicef.org/infobycountry/cambodia.html](http://www.unicef.org/infobycountry/cambodia.html).

### **6.8 Strategic Management**

During the reporting period the APF was responsible for the strategic management of the organisation and its operations. All activities as identified and approved by Forum Councillors in section 4.2.8 of the Business Plan were successfully completed. These included:

- servicing the APF Chairperson, meetings of the full Forum Council and any sub-committees established by the Council;
- identifying international issues and pursuing activities that support the APF's mission and vision for the region;
- identifying and pursuing opportunities to increase regional participation and representation across the breadth of its activities including the involvement, wherever possible, of non-member institutions, governments and civil society;
- completing all monitoring, evaluation and reporting requirements;
- identifying and implementing risk management strategies for all project activities and the overall operation of the APF;
- implementing a long-term fund development strategy to achieve financial stability and support for a growing organisation;
- the effective, efficient and equitable management of APF financial and human resources;

- strengthening the APF's governance and organisational structure through the development of board and operational policies;

For further information on the management of the APF's finance and administration see section 7 of this report.