

REVIEW OF THE FORUM'S OPERATIONS AND ACTIVITIES, SEPTEMBER 1998 – SEPTEMBER 1999

BACKGROUND

The following is a summary of the Forum's operations and developments during the period since the Third Annual Meeting of the Forum in September 1998, focusing on the work of the Forum Secretariat.

The Secretariat is currently located at the Australian Commission and has received funding support from the Australian and New Zealand Governments and the United Nations. Additional funding for Forum activities is provided by a range of donors on a project by project basis.

During 1998-99, the Secretariat's operations concentrated on three main areas of activity

- (i) the development and delivery of technical assistance and cooperation projects
- (ii) information dissemination and
- (iii) administrative support for the Forum and its activities.

TECHNICAL ASSISTANCE AND COOPERATION PROJECTS

The objectives of these projects, which are developed jointly with partner institutions or governments, are to:

- improve the levels of appropriate skills and knowledge among members and staff of national institutions in the region
- enhance national institution structures and procedures in accordance with the Paris Principles¹ to facilitate a more effective system to protect and promote human rights
- provide governments in the region wishing to establish a national institution with assistance and information as requested to facilitate the development of a national institution in accordance with the Paris Principles.

Projects developed within the framework of the Forum generally fall into two categories

- (i) country-based or bilateral projects which tend to be medium to long term technical assistance activities focused on the development and strengthening of national human rights institutions and
- (ii) regional projects which focus on identified areas of common need or concern in the region.

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

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

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

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

INFORMATION DISSEMINATION

The exchange of information was identified by Forum members at their first meeting as one of the Forum Secretariat's fundamental roles. The objectives in this area are to

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

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

Members of the Forum and Secretariat staff also promote the work of national human rights institutions and the Forum by attending and speaking at various international, regional and national seminars and meetings.

The Secretariat has published an information booklet titled *The Asia Pacific Forum of National Human Rights Institutions ... a partnership for human rights in our region* and in 1998 established a Forum website.

In 1999 the Secretariat published the first edition of the *Forum Bulletin*. The *Bulletin* is now a regular newsletter to keep Forum members, governments and non-government organisations informed of important policy, legal, administrative and training developments in the region. The Secretariat also produced a video in 1998 focusing on the role of national institutions and their participation in the Third Annual Meeting of the Forum in Jakarta in September 1998.

Further information on these projects can be found in the Forum's report on information dissemination activities.

FORUM ADMINISTRATIVE SUPPORT

The Secretariat organises and services the annual meetings and workshops of the Forum; implements decisions of the Forum; undertakes research; develops technical assistance and cooperation projects and other proposals; seeks funding for projects and facilitates the provision of expert assistance to governments in the region concerning the establishment of national institutions.

REGIONAL ACTIVITIES

Third Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions

This meeting was held in Jakarta, Indonesia, from 7 to 9 September 1998. The meeting was hosted by the Indonesian National Commission on Human Rights (Komnas HAM). The Meeting indicated the strong interest in the region in the promotion of national human rights institutions. The annual Forum meetings are now the largest and most representative human rights gathering held annually in the Asia Pacific.

Financial assistance was provided by the Office of the United Nations High Commissioner for Human Rights and the Government of Australia, through AusAID.

The President of Indonesia, H.E. Mr B J Habibie, opened the Meeting. Participants included senior representatives of the six national human rights commissions that comprise the Asia Pacific Forum and the Special Adviser to the United Nations High Commissioner for Human Rights, Mr Brian Burdekin representing the High Commissioner. The keynote address was delivered by Mr Mar'ie Muhammed, former Finance Minister of Indonesia. Observers included representatives of regional governments, national human rights commissions from outside the region, inter-governmental organisations and a large number of non-governmental organisations from the region and beyond.

The theme for the Meeting was *Human Rights and the Economic Crisis in the Asia Pacific*. The Forum expressed its deep concern at the effect of the economic crisis on the realisation of economic, social and cultural rights and cautioned that the crisis should not be used for the further restriction of civil and political rights. The Forum requested the United Nations High Commissioner for Human Rights to work with inter-governmental organisations and the international financial institutions to raise their awareness of the human rights impacts of their activities. The Forum also called on governments to give explicit effect to their commitment to the indivisibility of human rights in their individual capacity and through their membership of organisations such as the Asia Pacific Economic Cooperation and the World Trade Organisation.

A full report of the meeting has been placed on the Forum's website.

The Meeting had a number of important outcomes, including

- approval for the establishment of an Advisory Council of Jurists to assist in developing regional human rights jurisprudence
- establishment of a Forum website and
- agreement to hold a workshop in 1999 on the theme *National Institutions and Non-Government Organisations: Working in Partnership*.

Forum Regional Workshop: National Institutions and Non-Governmental Organisations: Working in Partnership

The Forum took the initiative at its Third Annual Meeting to support and promote more constructive partnerships with NGOs (national, regional and international) and national institutions in the area of human rights activities within the Asia Pacific. The Forum decided to develop a project that involved holding a Workshop on the theme of *National Institutions and Non-Governmental Organisations: Working in Partnership*.

The Workshop was organised by the Secretariat, in collaboration with the host institution, the Human Rights Commission of Sri Lanka, and the Asia Pacific Human Rights NGO Facilitating Team (NGO FT) representing the NGOs of the region. It was cosponsored by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and financially supported by OHCHR, the New Zealand Government, through its Ministry of Foreign Affairs and Trade (MFAT), and the Australian Government, through its Agency for International Development (AusAID) as part of its continuing program of support for the Forum Secretariat.

The Workshop was held on 26 – 28 July 1999 in Kandy, Sri Lanka. It was preceded by frequent consultation between the Forum Secretariat, the Sri Lankan Commission on Human Rights and the NGO FT. This included meetings held in the margins of visits for other purposes.

The Workshop organisers sought to ensure a participation that was balanced as between NGOs and national institution representatives, that included a reasonable representation from the many NGOs of the region, that made it possible for a limited number of key observers to

participate and that still permitted an informal workshop atmosphere to prevail. A total of 75 persons participated.

The workshop was very successful and produced a comprehensive statement of conclusions. Further details on this activity can be found in a separate report to this meeting.

COUNTRY-BASED PROJECTS

Bangladesh

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

On 22 June 1998 three officers from the Human Rights Project Team of the Bangladesh Department of Law, Justice and Parliamentary Affairs commenced a human rights training internship in Australia for three months for practical work placements and an academic course work program in consultation with the University of Sydney.

From 8 to 11 August 1999, Mr Vasu Pillai, Senior Consultant to the Forum Secretariat undertook a visit to Bangladesh to discuss progress in the establishment of a national human rights institution. The Bangladesh government arranged a comprehensive program for Mr Pillai. A full report on this visit is contained in a separate report to the meeting.

China

In December 1998 six representatives of the Chinese Supreme People's Court, the Supreme People's Procuratorate and other national authorities participated in an international conference organised by the Australian Commission to commemorate the 50th Anniversary of the United Nations Universal Declaration of Human Rights. The Forum Secretariat provided the Chinese delegation with a detailed briefing on the role and functions of the Forum.

The Forum Secretariat also designed a technical assistance program to be undertaken by the Australian Human Rights Commission.

Fiji

The Fiji *Constitution Amendment Act 1997*, which commenced on 27 July 1998, contained a provision establishing a human rights commission.

In September 1998 a representative of the Fiji Government visited the Forum Secretariat to discuss the impending establishment of the Fiji Human Rights Commission and the possibility of the Forum providing assistance to the new Commission.

The New Zealand Government subsequently provided funding under the auspices of the Forum to assist in the development of domestic legislation to define the role and functions of the Fiji Commission. The Fiji *Human Rights Commission Bill 1999* was subsequently passed on 4 April 1999.

Three commissioners have been appointed under the new Fiji Constitution.

The passage of the legislation and the appointment of commissioners makes Fiji the first South Pacific island nation to create a commission for the promotion and protection of human rights.

India

In February 1999 an officer of the Forum attended the Asia Pacific Regional Conference on Education for Human Rights held in Pune, India. The conference was organised by the National Human Rights Commission of India, the World Peace Centre of the Maharashtra Institute of Technology and UNESCO. Nearly 180 delegates from 17 countries in the region, UNESCO, the Office of the High Commissioner for Human Rights and the national human rights institutions of Australia, India and New Zealand participated. The conference called upon national human rights institutions individually and jointly through the Forum to support the efforts of governments and other organisations for the implementation of national programs in line with the aims of the UN Decade for Human Rights Education.

Indonesia

In 1998 the Australian government approved a \$2 million AUD program of technical assistance and cooperation with the Indonesian Human Rights Commission (Komnas HAM) under the auspices of the Asia Pacific Forum. The program of technical assistance was developed by Forum officers following a needs assessment mission to Indonesia.

In July 1998 the Forum hosted a five person Komnas HAM study tour. The first week of the program included an academic component and meetings with the Ministers, the Judiciary, government and non-government representatives. The second week was focused on national institution policy, legal, conciliation and education issues. The visit provided the delegation with knowledge of alternative institutional mechanisms for the protection and promotion of human rights and further developed linkages between Komnas HAM and the Forum.

In November 1998 the Forum organised for an expert to visit Komnas HAM to develop a complaints handling manual for Komnas HAM. The manual has been completed and approved by Komnas HAM.

In December 1998 the Forum assisted in the organisation and participated in the annual national human rights conference hosted by Komnas HAM. The conference, titled *State Responsibility – the role of National Institutions and Civil Society*, was held in Jakarta, Indonesia. The national conference was attended by members of Komnas HAM, Indonesian civil servants, members of the armed forces and police, non-government organisations and academics. Topics included the right to self-determination and its implication within nation states.

The Forum has also assisted in the recruitment of senior personnel to strengthen Komnas HAM's management. This has included the recruitment of an Executive Director for Komnas HAM. In February 1999 the Forum hosted a study tour for the new Executive Director and Komnas HAM's coordinator of international donor assistance.

Further activities in the overall program will include training in investigations for staff who deal with complaints, the computerisation of the complaints handling system, a workshop on strategic planning, training in alternative dispute resolution and the development and management of national human rights inquiries.

Japan

In August 1998 the Forum hosted a visit by Mr Akio Kawamura, a researcher from Human Rights Forum 21, a Japanese non-government organisation.

In July 1998 a 20 person delegation from the International Movement Against All Forms of Discrimination and Racism Japan Office visited the Forum to discuss the role of national institutions. The delegation was made up of non-government organisations, local government and corporate leaders.

Malaysia

The Malaysian government announced its intention to establish a human rights commission and a Bill has now been presented to and passed by the Malaysian Parliament in the July

1999 sessions. In May 1999, at the request of the Malaysian government, the Director of the Forum travelled to Malaysia to discuss the establishment of a Malaysian Human Rights Commission. The Director held meetings with Malaysian government officials, the Malaysian Bar Council and human rights non-governmental organisations.

Myanmar

From 19 to 20 August 1990 the Forum Secretariat hosted a two person delegation from Myanmar to examine the role and functions of national human rights institutions.

New Zealand

In September 1998 the New Zealand Chief Commissioner and Coordinator of the Forum visited the Secretariat to discuss the coordination of technical assistance projects to promote and strengthen national human rights institutions.

In March 1999 the Director of the Forum visited the New Zealand Human Rights Commission and the New Zealand Ministry of Foreign Affairs. The purpose of the visit was to discuss financial assistance for Forum activities.

In August 1999 the New Zealand Commission placed an officer, Ms Hayley McCulloch, at the Secretariat for four weeks to assist in preparations for the 4th Annual Meeting.

Philippines

In March 1999 an officer of the Forum visited the Philippines to hold discussions with the Philippines Human Rights Commission concerning arrangements for the 4th Annual Meeting. In addition, the officer discussed potential technical assistance projects with the Philippines Commission.

Sri Lanka

From 19 to 28 June 1999 the Forum Secretariat sent a three person team to Sri Lanka to undertake a cooperative projects assessment mission. The team held extensive discussions with Sri Lankan Human Rights Commission (SLHRC) members and staff, as well as meeting with representatives of Sri Lankan Government agencies and non-government organisations, relevant diplomatic missions and donor agencies.

The team, in cooperation with the SLHRC, developed a range of proposed projects designed to strengthen the institutional capacity of the Commission. The proposed projects reflect the mandate and functions of the SLHRC in the following areas:

- Management and Administration
- Complaints
- Education, Training and Awareness Raising
- Other Legislative Functions and
- Project Management.

Component 1 provides for the development and introduction of strategic planning approaches, management training, the holding of an annual seminar for representatives from the SLHRC's extensive regional network and the strengthening of the SLHRC's staff capacity through the introduction of a United Nations Volunteer (UNV) program. The key inputs to this component include the UNV personnel, the provision of technical advice in the form of consultants and the travel and accommodation costs of participants to the seminar.

Component 2 contains proposals for the improvement to the techniques available to the SLHRC for the protection of human rights in the areas of complaints handling, investigations, alternative dispute resolution, national human rights inquiries and computerisation. The key inputs to this component include the provision of technical advice in the form of consultants and the costs of developing a project for the installation of specialised software.

Component 3 involves support for SLHRC in the promotion of human rights including the implementation of short term training on human rights and good governance issues, the development of a public awareness campaign, targeted training (including a train-the trainer component) and media/public relations training. This will promote an understanding of human rights principles and the role of national human rights institutions amongst the Sri Lankan civil service, armed forces, police, judiciary, academic institutions, community groups and NGOs. The key inputs to this component will be the costs of presenters, travel and accommodation of participants, interpretation, secretariat costs, preparation and publication of materials.

Component 4 provides for training in policy related functions to strengthen the SLHRC to meet its monitoring and research mandate under its legislation. The key inputs to this component involve the provision of technical advice via consultants.

Component 5 provides strong project management to ensure that all project components and activities are managed effectively and efficiently and in accordance with the agreed cost and implementation schedules. The costs of personnel involved in project management, associated travel and administration costs are the main inputs under this component

The mission was funded by AusAID and the proposed program of cooperation is currently being considered by AusAID.

Vietnam

In May 1999 the Forum provided two days of lecturing for Vietnamese judges. The project was funded by the United Nations Development Program and organised by the Centre for Asian and Pacific Law at the University of Sydney.

INTERNATIONAL MEETINGS

International Coordinating Committee of National Institutions

In April 1999 the Director of the Forum attended the annual meeting of the International Coordinating Committee of National Institutions held in connection with the 55th Session of the United Nations Commission on Human Rights in Geneva.

Seventh United Nations workshop on human rights arrangements in the Asia Pacific region

In February 1999 an officer of the Forum attended the 7th United Nations Asia Pacific Workshop on Regional Co-operation for the Promotion and Protection of Human Rights, in New Delhi, India. The workshop was attended by representatives from over 35 countries, international experts, United Nations agencies and non-government organisations. Regional Member States agreed on a framework document for the provision of technical assistance to encourage and promote regional human rights arrangements. The framework document explicitly recognises the role of national institutions and provides funds for the Forum to assist in the establishment and strengthening of national institutions.

55th session of the United Nations Commission on Human Rights

In April 1999 the Director of the Forum attended the 55th Session of the United Nations Commission on Human Rights in Geneva. Items of business of particular importance to the work of the Forum were resolutions relating to national human rights institutions and regional human rights arrangements in the Asia Pacific. Formal statements were presented to the UN Commission on the work of the Forum, the role of national institutions in United Nations meetings and the importance of the Paris Principles. In addition, meetings were held with representatives of the United Nations, including the High Commissioner for Human Rights, Mrs Mary Robinson, concerning UN activities in relation to national institutions.

International visitors

During the reporting period the Forum Secretariat received representatives from many countries interested in learning more about the Forum and the role of national human rights institutions.

RECOMMENDATIONS

It is recommended that Forum members at the 4th Annual Meeting of the Forum:

- Note the content of this report
- Note that Forum members are encouraged to consider needs assessment missions as a means of facilitating the development of technical cooperation proposals.

Endnotes

¹ *Principles Relating To The Status Of National Institutions*, Commission on Human Rights resolution 1992/54 of 3 March 1992. Annex (Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A); General Assembly resolution 48/134 of 20 December 1993, annex.