



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

... a partnership for human rights in our region

**Submission to the Human Rights Sub-Committee of the Joint Standing Committee
on Foreign Affairs, Defence and Trade**

**Inquiry into Human Rights and Good Governance Education
in the Asia Pacific Region**

NOVEMBER 2002

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1. INTRODUCTION

1.1 Inquiry's Terms of Reference

On 2 October 2002, Senator Marise Payne, Chair of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade announced an inquiry into human rights and good governance education in the Asia Pacific region.

The Joint Standing Committee is to review the role of human rights and good governance education in promoting fair and sustainable social, political and economic development. The inquiry is examining Australia's role in such education as well as the involvement of the UN and other international and regional government and non-government organisations.

In particular, the Joint Standing Committee was asked to inquire and report into:

1. the role of human rights and good governance education in the promotion of fair and sustainable social, political and economic development;
2. Australia's involvement in human rights and good governance education in the Asia Pacific region identifying achievements and obstacles to further progress;
3. the involvement of the UN and other international and regional government and non-government organisations in promoting human rights education and good governance in the Asia Pacific region; and
4. progress made in the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education.

1.2 Focus of this Submission

This submission has been prepared by the Asia Pacific Forum of National Human Rights Institutions (APF). Information in relation to each of the above four terms of reference will be provided, however, given that sufficient general information is available on this subject,¹ this submission will give particular attention to the role of national human rights institutions in the promotion of human rights.

¹ See, for example, the following selection of general websites and portals dealing with human rights education issues - <http://www.hrea.org/index.html>; <http://www.pdhre.org/rights/education.html>; <http://www.nchre.org/>; <http://www.amnestyusa.org/education/>; <http://www.hrusa.org/>; <http://www.unhchr.ch/html/menu6/1/edudec.htm>; <http://www.hri.ca/hredu/>; <http://usinfo.state.gov/journals/itdhr/0302/ijde/ijde0302.htm>; <http://www1.umn.edu/humanrts/links/education.html>; <http://depts.washington.edu/hrights/>; <http://www.idaho-humanrights.org/default.htm>; <http://www.unesco.org/education/hci/>; <http://www.webcom.com/hrin/research.html>; <http://www.derechos.net/links/edu/>.

2. BACKGROUND

2.1 National Human Rights Institutions

National human rights institutions improve the lives of people within their jurisdiction by protecting and promoting human rights. They are a relatively recent development among mechanisms for the promotion and protection of human rights. They are a means whereby states can more effectively work to guarantee human rights within their own jurisdictions. They do not replace the role of the courts and judiciary, legislative bodies, relevant government agencies, parliamentary committees, political parties or religious or non-government organisations. Rather, they are a unique and important complement to these other elements of state administration and civil society. They are independent authorities established by law to protect the human rights of the people of their country. National human rights institutions generally have functions or power to:

- ◆ promote awareness of human rights through information and education and carry out research;
- ◆ receive and act upon individual complaints of human rights violations;
- ◆ promote conformity of national laws and practices with international standards;
- ◆ submit recommendations, proposals and reports on any matter relating to human rights to the government, parliament or any other competent body;
- ◆ encourage ratification and implementation of international human rights standards and to contribute to the reporting procedure under international human rights instruments; and
- ◆ co-operate with the United Nations, regional institutions and national human rights institutions of other countries and non-government organisations.

Given the above functions and powers national human rights institutions have, therefore, an important human rights education role. A detailed set of UN endorsed principles on the status of national human rights institutions – the ‘Principles relating to the Status of National Institutions (more commonly know as the *Paris Principles*)² – state that national human rights institutions should have responsibility:

- ◆ To assist in the formulation of programs for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

² Principles Relating to the Status of National Institutions, Commission on Human Rights resolution 1992/54 of 3 March 1992. General Assembly resolution 48/134 of 20 December 1993.

- ◆ To publicise human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and making use of all press organs.³

Expanding on the standards set in the *Paris Principles*, the Commonwealth Secretariat's *Best Practice Principles* for national human rights institutions, state with regard to human rights education, that national human rights institutions should:

- ◆ provide information, education, strategic advice and training on human rights issues;
- ◆ widely disseminate information on their complaints process, the remedies available and the contact details of the institution;
- ◆ use mass media as appropriate and available to communicate with the public. For example, in developing countries, radio may be very effective. In other countries, toll-free phone systems and websites may be useful;
- ◆ collaborate with other public and private institutions to maximise the provision of human rights education.⁴

2.2 The United Nations and National Human Rights Institutions

The United Nations (UN) has been actively involved for several years in promoting and strengthening independent, effective national human rights institutions. At a UN sponsored meeting of representatives of national human rights institutions in Paris in 1991 the *Paris Principles* were developed. These Principles, subsequently endorsed by the UN Commission on Human Rights and the General Assembly, have become the foundation and reference point for UN activity in the area.⁵

The Paris Principles provide that a national human rights institution must have as broad a mandate as possible, be independent, pluralistic, accessible, characterised by regular, effective functioning and a representative composition and have adequate powers and resources.

The UN subsequently organised a series of international meetings of representatives of national human rights institutions, in response to mandates provided by the Commission on Human Rights and the General Assembly and the 1993 World Conference on Human Rights Vienna Declaration and Programme of Action and engaged in technical co-operation activities to establish and strengthen national human rights institutions.

³ Ibid

⁴ *Best Practice for National Human Rights Institutions*, Commonwealth Secretariat: Legal and Constitutional Affairs Division, London, 2001:22-23.

⁵ Principles Relating to the Status of National Institutions, Commission on Human Rights resolution 1992/54 of 3 March 1992. General Assembly resolution 48/134 of 20 December 1993.

The Vienna Declaration encouraged the establishment and strengthening of national human rights institutions and the strengthening of UN activities and programs to meet requests for assistance from states regarding the establishment or strengthening of national human rights institutions. Numerous national human rights institutions have subsequently been established throughout the world and many more are under consideration.

In the Asia Pacific region the UN Commission on Human Rights has recognised the valuable contribution that independent national institutions can make "... as one of the most important building-blocks necessary..." in the development of regional arrangements for the promotion and protection of human rights.⁶

The Office of the UN High Commissioner for Human Rights (OHCHR) has also consistently supported the development of the APF and emphasised its role in the promotion of regional co-operation in the Asia Pacific.⁷

2.3 The Asia Pacific Forum of National Human Rights Institutions

The past several years have seen an increase in the number of national human rights institutions in the Asia Pacific region as more countries recognise the importance of practical mechanisms to make international human rights commitments and standards effective at the domestic level. National human rights institutions are therefore making important contributions to the protection and promotion of human rights in the Asia Pacific. However new human rights institutions commonly lack human and financial resources and therefore require training and technical assistance. No matter how committed key personnel in these institutions may be, they usually do not have a technical or institutional background in the promotion of human rights. This situation adversely affects people's enjoyment of human rights.

Within this diverse region the APF is the only organisation that provides national human rights institutions with a sustained opportunity to collectively learn from each other's experience, strengthen each other's position and contribute to the regional protection and promotion of human rights.

The need for the APF was identified in 1996 with the first meeting of the national human rights institutions of the Asia Pacific together with a number of regional governments and non-governmental organisations. At the conclusion of the meeting the institutions adopted the *Larrakia Declaration* which set out some important

⁶ www.unhchr.ch/html/menu2/2/chr.htm

⁷ For example, "I have strongly supported the establishment of regional mechanisms, including those relating to national institutions. The Asia Pacific Forum has been a particularly important partner for our Office and I have been pleased to support its rapid development as an active member of the human rights community. The role the Forum plays in assisting National Institutions to comply with the Paris Principles is particularly valuable." Address by Ms Mary Robinson, UN High Commissioner for Human Rights to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, Geneva, April 2001.

principles governing the functioning of national human rights institutions.⁸

The APF is comprised of independent national human rights institutions that have been established in compliance with the Paris Principles. The institutions that currently constitute the core membership of the APF are:

- ◆ the Human Rights and Equal Opportunity Commission of **Australia**
- ◆ the **Fiji** Human Rights Commission
- ◆ the National Human Rights Commission of **India**
- ◆ the **Indonesian** National Commission on Human Rights
- ◆ the Human Rights Commission of **Malaysia**
- ◆ the Human Rights Commission of **Mongolia**
- ◆ the National Human Rights Commission of **Nepal**
- ◆ the **New Zealand** Human Rights Commission
- ◆ the **Philippines** Commission on Human Rights
- ◆ the National Human Rights Commission of the **Republic of Korea**
- ◆ the Human Rights Commission of **Sri Lanka**
- ◆ the National Human Rights Commission of **Thailand**

The APF has been notified that it will receive applications for membership from **Hong Kong, Iran and Palestine** over the next twelve months. Furthermore a number of other states in the region have announced that they will establish a national human rights institution – including **Bangladesh, Cambodia, East Timor, Japan, Jordan, Myanmar, and Papua New Guinea**. Newly created national human rights institutions may apply for membership of the APF subject to meeting or committing themselves to meet the *Paris Principles*. Governments within the region, whether or not they have established national human rights institutions, may be associated with the APF as observers. Meetings of the APF also provide for observer status to be given to UN agencies and human rights non-government organisations (NGOs).

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.

The APF undertakes a range of practical projects under the above three broad areas of operation. For details of the range of projects undertaken over the last twelve months please refer to a report of the APF's activities presented to APF members at the Seventh Annual Meeting of APF at Appendix 3 of this submission.

⁸ www.asiapacificforum.net/about/meetings/a1_3_2.html.

2.4 Australian Policy Context – Support for the APF

The Australian Government has supported the work of the APF since its establishment in 1996. This support reflects Australia's interest in, and commitment to, the promotion and protection of human rights in the region. The improved observance of human rights in the Asia Pacific region benefits both individuals and communities in the countries of the region and enhances Australia's bilateral relations with those countries. Development assistance aimed at strengthening the institutional capacity of national human rights institutions demonstrates Australia's commitment to practical and effective promotion of human rights in the region. Such assistance is well regarded by countries of the region and in the wider international arena and is supported by the Australian public and non-governmental community.

Support for the APF is consistent with Australia's aid policy objectives. The key objective of Australia's aid program is "*to advance Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development.*"⁹ 'Governance' is one of the five priority sectors for Australia's aid program and respect for human rights is recognised as a vital element of governance and sustainable development. Development and human rights are interdependent and mutually reinforcing. For development to be sustainable, individuals in developing countries need to have secure and long-term access to the resources required to satisfy their basic needs, be they economic, social, cultural, civil or political.

In addition, the aid program recognises the valuable role played by capacity building to institute reforms. The human rights of women and the negative impacts of discrimination are also seen as a key 'cross-cutting' issue for the aid program. Finally the aid program supports the work of international multilateral organisations such as the APF.

The Minister for Foreign Affairs, the Hon. Alexander Downer MP, in his Annual Statement to Parliament on Australia's Development Cooperation Program in December 1998, outlined a specific framework for supporting human rights through Australia's aid program. This framework consists of six principles:

- i. *Human rights are a high priority for the Government. Civil and political rights are ranked equally with economic, social and cultural rights.*
- ii. *The aid program will continue to undertake activities that directly address specific economic, social, cultural, civil and political rights. A particular emphasis will be on the creation of durable institutional capacity to promote and protect human rights.*
- iii. *The emphasis will be on the practical and attainable. AusAID, as the Government's aid agency, will pursue practical aid activities in support of human rights. These activities complement and build upon high-level dialogue on human rights. Dialogue on human rights and representations about individual human rights cases will normally be carried out through*

⁹ Downer, A, Minister for Foreign Affairs, "Better Aid for a Better Future", Seventh Annual Report to Parliament on Australia's Development Cooperation Program, www.auseid.gov.au/publications.

- diplomatic channels.*
- iv. *The aid program will develop activities primarily as a result of consultations and cooperation with partner countries on human rights initiatives. Regional and multilateral activities will also be undertaken.*
 - v. *Considerable care will continue to be applied to the use of aid sanctions associated with human rights concerns. The Government will consider such sanctions on a case-by-case basis. Aid conditionality based on human rights concerns would only be used in extreme circumstances since it can jeopardise the welfare of the poorest and it may be counterproductive.*
 - vi. *AusAID will continue to link closely with other arms of the Australian Government on governance and human rights issues. AusAID will also liaise with NGOs and human rights organisations in Australia.*¹⁰

Support for the APF is consistent with the above framework. In his speech, *Promoting Good Governance and Human Rights through the Aid Program*,¹¹ the Minister for Foreign Affairs stated that the Australian aid program had increased, and will further increase, its support for practical measures aimed at promoting good governance and human rights. Mr Downer emphasised the Government's support for the institutional strengthening and establishment of human rights institutions and stated that the Government was proud to be associated with the APF as "*a tangible and constructive step towards longer-term regional human rights arrangements in the Asia-Pacific region. It is an example of the practical diplomacy which the Government seeks to promote.*"¹²

This position is reinforced in the Australian Government's White Paper on Foreign and Trade Policy, which in paragraph 29 refers to development cooperation programs aimed at assisting national human rights machinery and in paragraph 30 emphasises support for the APF, the development of human rights institutions and support for training.¹³

With regard to Australia's political parties at the last Federal election the Coalition made the following commitments concerning foreign policy and human rights:

The Coalition has also made governance (which includes human rights) a specific focus of Australia's aid program. A Coalition Government will continue to use the aid program to promote human rights throughout the region. As part of the Coalition's practical approach to promoting human rights, we will continue to support the establishment of independent and pluralistic national human rights institutions in countries in our region.

*The Coalition remains committed to the work of the Asia-Pacific Forum for National Human Rights Institutions.*¹⁴

¹⁰ www.ausaid.gov.au/partner/global/humanrights.cfm

¹¹ www.dfat.gov.au/media/speeches/foreign

¹² Minister for Foreign Affairs, Media Release, www.dfat.gov.au/media/releases/foreign/1996/fa63.html

¹³ www.dfat.gov.au/ini/index.html

¹⁴ www.liberal.org.au/reports/index.htm

It is important to note that support for the APF also enjoys a strong bi-partisan approach. For example, the Australian Labor Party's foreign policy commitments at the last Federal election stated that:

*Cooperation between national human rights institutions is an important foundation for regional understandings and arrangements to advance human rights in our region. Labor will work to further the Asia Pacific Forum of National Human Rights Institutions.*¹⁵

Finally, the support of the Australian Government in providing the resources to enable the APF secretariat to fulfil its responsibilities has been appreciated and welcomed by governments and national human rights commissions in the region. For example, in the formal 'statement of conclusions' of the 6th Annual Meeting of the APF, member institutions unanimously:

*... expressed their appreciation for the consistent support extended by ... the Australian government towards the work of the Forum. Forum members also warmly thanked the Australian Human Rights and Equal Opportunity Commission for the special support it has given to the Forum during its formation and establishment.*¹⁶

2.5 Australian Financial Support for the APF

As a not-for profit independent organisation, the APF relies on donor contributions to undertake its work.

To enable the effective management of the secretariat, the Australian Government, through the Australian Agency for International Development (AusAID), agreed to provide \$75,000AUD per year to the Australian Human Rights and Equal Opportunity Commission (HREOC) as the initial host institution of the APF for three years beginning in the 1996-97 financial year.

Following a review of the first year of the APF's operations, it was recognised that there had been a rapid increase in the scope and range of the APF's activities which had resulted in HREOC substantially underwriting its operation. AusAID therefore agreed to provide a further \$50,000AUD in supplementary funding for the 1997-98 financial year, raising the total level of funding to \$125,000AUD. In addition, given the rapid development of the APF, AusAID requested that HREOC prepare a three-year project design document (PDD) for the period 1998-2001. Following the approval of the PDD, AusAID allocated \$225,000AUD per year towards this project.

The rapid development of the APF also led its member institutions to examine what would be the best institutional structure for the organisation so that it could effectively

¹⁵ www.alp.org.au/policy/platform2000/chapter_15.html#7

¹⁶ www.asiapacificforum.net/about/meetings/sixth_meeting/concluding_statement.html

meet its current operational requirements and its anticipated future development. At the Fourth Annual Meeting of the APF, held in the Philippines in 1999, APF members formed a working group to examine various legal and governance options for the APF. The working group reported back to all member institutions at the Fifth Annual Meeting of the APF, held in New Zealand in 2000, and the member institutions resolved that the APF should become a legally independent non-profit regional organisation. APF members also requested the working group to prepare the groundwork for this new legal structure. The working group prepared a draft constitution, strategic plan, business plan and fundraising plan for the APF. This information was distributed to all APF members and was unanimously adopted at the Sixth Annual Meeting of the APF held in Sri Lanka in 2001.

In response to the APF's further development, particularly its transition from being an unincorporated informal association to legal and operational independence from HREOC, AusAID allocated \$500,000AUD (+\$50,000 GST) to the APF in the 2001-2002 financial year.

In relation to the Australia Government's financial support of the APF, the Australian federal Parliament's Joint Standing Committee on Foreign Affairs, Defence and Trade human rights sub-committee expressed their support for the activities of the APF in a report on *'The Link Between Aid and Human Rights'* tabled to both Houses of Parliament on 17 September 2001.¹⁷ The terms of reference for the inquiry, as approved by the Minister for Foreign Affairs, made specific reference to the APF. The Joint Standing Committee were required:

"To inquire and report on Australia's efforts in advancing human rights in developing nations through the use of foreign aid, and in particular:

...

3. *activities supported under the Human Rights Program, including ... the Asia Pacific Forum ...*"¹⁸

Chapter 5 of the Joint Standing Committee's report specifically examined the activities of the APF. The Committee also received submissions from a wide range of organisations expressing support for the work of the APF and encouraging further AusAID support. The Committee noted the APF's transition to legal and operational independence from HREOC and the increase in funding provided by AusAID from \$225,000AUD to \$500,000AUD in the 2000-2001 financial year. The Committee formally concluded in paragraphs 5.64 and 5.65 that:

"Among the points that emerged from the material received by this inquiry was the support given by participating organisations for the role undertaken in the Asia-Pacific region by ... the APF ... In particular, there was a concern to guarantee funding for APF's Secretariat beyond the end of the 2000/2001 Financial Year. AusAID increased its funding for APF in the Budget for the

¹⁷ www.aph.gov.au/house/committee/jfadt/HR_Aid

¹⁸ Ibid

2001/2002 Financial Year.

There was also considerable support for the greater involvement of NGOs in APF's processes, and for increasing the capacity of national human rights institutions to operate effectively."¹⁹

In paragraph 5.66 the Committee, taking note of AusAID's increase in support to the APF, recommended to the Australian Parliament, Government and AusAID that:

*"The Committee notes the support AusAID is giving to the Asia Pacific Forum of National Human Rights Institutions ... and, if it is not possible to increase the allocations ... in the future, encourages AusAID to continue the current levels of assistance."*²⁰

At the conclusion of the 2001-2002 Financial Year AusAID indicated that they intended to continue funding the APF and requested that the APF develop a PDD focusing on strengthening the institutional capacity of the APF secretariat. The PDD was subsequently approved and, in line with the above recommendation, AusAID maintained the level of financial assistance and allocated \$500,000 AUD to the APF for the current financial year.

In addition to Australian Government financial support, the APF has secured donor assistance from other Governments, foundations and the corporate sector. During the last 12 months the APF secured the following funds:

\$	DONOR
US\$410,000 for 2002	UN Office of the High Commissioner for Human Rights for the following projects: <ul style="list-style-type: none">• APF7 – 40,000• Promotion – 20,000• ACJ – 30,000• Education Workshop – 50,000• Investigations training – 100,000• Staff exchanges – 70,000
AUD\$500,000 for 1/7/01 to 30/6/02	AusAID for the core running costs of the Forum
NZ\$100,000 for 1/7/01 to 30/7/02	NZAID for the core running costs of the Forum
AUD\$500,000 for 1/7/02 to 30/6/03	AusAID for core running costs

The APF has also applied for future additional funding from a variety of different donors. The UN Office of the High Commissioner for Human Rights recently confirmed that an amount – up to US\$208,000 – would be available for the following activities in 2003: (i)

¹⁹ Ibid

²⁰ Ibid

APF8 – \$50,000 (ii) investigations training - \$100,000 (iii) activities on economic, social and cultural rights - \$58,000. The OHCHR has also indicated that separate funding may be available for the APF's project activities with regard to (i) trafficking of women and children and (ii) HIV/AIDS. Discussions with other donors are continuing.

Through its activities the APF has been recognised as a leader in the institutional strengthening and establishment of national institutions and is widely acknowledged internationally as the most effective regional organisation of national human rights institutions in the world.

The increased capacity of the APF secretariat to fulfil its responsibilities, through continued financial support from the Australian Government, will further promote Australia as a leader in the region in the promotion of democracy, good governance and respect and protection for human rights. It would also be consistent with the Australian Government's commitment to the promotion of human rights and good governance through the aid program.

3. APF HUMAN RIGHTS EDUCATION ACTIVITIES

Since its establishment in 1996 the major activities of the APF have focussed on the exchange of information and the development of regional cooperation among member institutions. Activities such as the annual meetings, thematic workshops, the Advisory Council of Jurists, the provision of specialised training and the development of public information resource have had an important human rights education role.

3.1 Exchange of Information

The exchange of information was identified by APF members at their first annual meeting as one of the APF secretariat's fundamental roles. The APF secretariat disseminates information through a wide range of mechanisms on the role and functions of national human rights institutions and the activities of the APF with the aim to:

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

Public information resources developed by the APF include:

- ◆ *APF Website*: the original APF website, which was launched in 1999, has recently been redeveloped. The new website provides improved access to important information about the activities, decisions, structure, and personnel of the APF and its member institutions. It also provides useful links to national human rights institutions outside of the Asia Pacific, as well as UN agencies, non government organisations and human rights education institutions. The website address is www.asiapacificforum.net
- ◆ *Forum Publications*: The APF Secretariat publishes an electronic newsletter, the *Forum Bulletin*, to keep APF members, governments and NGOs informed of important policy, legal, administrative and training developments in the region. The APF Secretariat has also produced and distributed an information booklet titled *The Asia Pacific Forum of National Human Rights Institutions ... a partnership for human rights in our region*.
- ◆ *Documentary Video*: The APF recently produced a professional video documentary with funding from AusAID, the Japan Foundation and the New Zealand government. The documentary examines national initiatives being undertaken by national human rights institutions in the Asia Pacific region in addressing human rights issues within their own countries. There is a specific focus on the work of the Fiji, Indian and Indonesian national human rights institutions. The documentary is educational and informative for the general public and an important resource for human rights organisations, governments and UN bodies.

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

3.2 APF Annual Meetings

The APF Annual Meeting brings together the senior members of national institutions from around the region in an open meeting environment in which the major strategic and policy issues for the APF are discussed. The APF also encourages the participation of governments and human rights NGOs in the APF's annual meetings as observers. This has been an important process in encouraging the establishment of new institutions, improving the effectiveness of existing institutions and promoting a greater awareness of the APF's activities. The Seventh Annual Meeting was hosted by the National Human Rights Commission of India in New Delhi, 11-13 November 2002 and all the relevant documentation and papers for this meeting can be found on the APF's website. The Eighth Annual Meeting is scheduled to be hosted by the National Human Rights Commission of Nepal in 2003.

3.3 APF Thematic Workshops

The thematic workshops of the APF provide an opportunity for specialist staff in each of the member institutions to receive training together in a collegiate environment in which they can share information and exchange ideas. The most recent thematic workshops include the following:

3.3.1 *Workshop on Human Rights Education, Media and Racism – Sydney, 2002*

From 15-16 July 2002 the APF and the Australian Human Rights and Equal Opportunity Commission hosted a two day workshop on national human rights institutions, human rights education, media and racism for senior staff from its member institutions as well as observers from governments, non-government organisations and United Nations agencies. The workshop was co-sponsored by the OHCHR and received financial support from AusAID.

With a strong selection of expert speakers and facilitators and a diverse range of participants from across the region, the workshop provided an important opportunity to strengthen and promote information exchanges, to identify and develop best practice standards, and to develop networks between APF member institutions, the media, the OHCHR, governments and regional and national non-government organisations.

A copy of the final workshop report is included with this submission at Appendix 1.

3.3.2 *Workshop on HIV/AIDS – Melbourne, 2001*

This workshop was held from 7-8 October 2001 in conjunction with the Sixth International Congress on AIDS in Asia and the Pacific. The program for the workshop focused on HIV/AIDS-related human rights, with a focus on national issues including informed voluntary consent and testing, discrimination in health care and employment, access to information and services, and how the core functions of national human rights institutions – complaint handling and investigation, education and promotion and legal reform – could address these issues. The workshop also addressed regional issues of concern including migration, trafficking and sex tourism.

3.3.3 *Workshop on Economic, Social and Cultural Rights – Hong Kong, 2001*

This workshop was hosted by the Hong Kong Equal Opportunities Commission from 11-13 July 2001. The objectives of the workshop were to increase the understanding of the role of national human rights institutions in the promotion and protection of economic, social and cultural rights; and to develop practical strategies for national human rights institutions to employ in the promotion and protection of economic, social and cultural rights, particularly with regard to vulnerable groups.

3.3.4 *Workshop on Women and Human Rights – Suva, 2000*

This workshop was hosted by the Fiji Human Rights Commission from 5-7 May 2000 and brought together participants from all around the region – but with a particular focus on participants from the Pacific. The objectives of the workshop included initiating steps by national institutions to ensure improved recognition of the rights of women within national institutions, both through appropriate structures and effective mechanisms and through relevant training programs for staff and members; and encouraging the development of a joint project by national institutions and NGOs to combat trafficking in the region.

3.3.5 *Workshop on National Human Rights Institutions and NGOs – Kandy, 1999*

This workshop was hosted by the Human Rights Commission of Sri Lanka from 26-28 July 1999 and brought together APF member institutions and representatives of non-government organisations from across the region. The goal of the workshop was to further consolidate and encourage the development of national and regional partnerships between the APF, national human rights institutions, regional and national human rights NGOs in the protection and promotion of human rights in the Asia Pacific region.

3.4 *Advisory Council of Jurists*

The APF established the Advisory Council of Jurists on 9 September 1998. The Council advises the APF and its member national human rights institutions on the interpretation and application of international human rights standards.

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

Since its establishment, the Advisory Council has considered references on the death penalty, child pornography (at the Fifth Annual Meeting in August 2000) and the trafficking of women and children (at the Seventh Annual Meeting in November 2002). These references are accompanied by extensive background papers which are researched and drafted by the APF secretariat.

3.5 Training and Development

3.5.1 *Asia Pacific Regional Training Program in Human Rights Investigations*

A regional program of training in investigations skills, focusing on international human rights standards and best practice was conducted by the APF and the Australian Federal Police from 11 to 29 November 2002 in Canberra, Australia. The training project was designed to assist the national human rights institutions and peoples of Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, the Philippines, Republic of Korea, Thailand and Sri Lanka to secure sustained and effective improvements in the promotion and protection of human rights. An important element of the project was a train-the-trainer component, promoting sustainability beyond the time frame of the project.

3.5.2 *Staff Exchanges*

The APF has facilitated the exchange of staff between member institutions on an informal basis for the past few years and is now looking to turn this into a more established program – whereby staff will be able to be placed in other commissions – or the secretariat, for specific project activities. The objectives of the staff exchange program are to strengthen institutional capacity to promote and protect human rights in the Asia Pacific region through the transfer of skills and knowledge to APF member institution staff.

4. HUMAN RIGHTS EDUCATION ACTIVITIES OF THE APF MEMBER INSTITUTIONS

4.1 Background Paper – Survey of Human Rights Education Activities

In preparation for the *Regional Workshop on National Human Rights Institutions, Human Rights Education, Media and Racism*, the APF secretariat distributed a questionnaire to all APF member institutions and other national human rights institutions to gather relevant, detailed and up-to-date information regarding the activities of national institutions in using the media to promote human rights education, particularly as it relates to educating against racism.

Completed questionnaires were received from the national institutions of Australia, Fiji, India, Indonesia, the Republic of Korea, Malaysia, Mongolia, New Zealand, the Philippines, Sri Lanka and Thailand. In addition, questionnaires were received from the non-regional national institutions of South Africa and Uganda.

With the exception of Mongolia, which indicated that its programs were in a stage of development, all national institutions reported specific programs in the area of human rights education. Programs ranged from the development of human rights handbooks and curricula for use in schools and government agencies to direct education through workshops, lecture series and seminars. Training workshops were the most frequently

reported approach, while Australia and New Zealand indicated their use of the internet to deliver human rights education to schools.

A copy of the background paper is included with this submission at Appendix 2. The results of the questionnaire are summarised in the background paper, followed by country-specific information (where provided). When comparing the activities of the individual national institutions, it is important to bear in mind that each institution is at a different level of development. Some institutions have accumulated many years of experience, while others are recently established institutions.

5. CONCLUSION

The establishment of the APF responded to the need for a regional mechanism to promote cooperation and mutual assistance between national human rights institutions. In the six years since its establishment, the APF has become the pre-eminent regional mechanism for the promotion and protection of human rights. As the Asia Pacific region does not have a regional human rights treaty or commission, the APF provides the main framework through which national human rights commissions, governments, the UN, NGOs and other organisations can cooperate effectively to strengthen and establish national human rights institutions in the region.

Through the APF, the national institutions of the region have agreed to cooperate to promote institutional strengthening. The common desire for action on this issue reflects the reality that new or less developed national human rights institutions face common problems, including the lack of human and financial resources and a need for information on international best practice, as well as a need for training and technical assistance.

To achieve these objectives, the APF member institutions are committed to expand their mutual support, cooperation and joint activity through agreed activities facilitated and organised by the APF secretariat. The secretariat therefore undertakes a wide range of activities – such as organising and servicing meetings, managing information dissemination and personnel exchanges, undertaking research, formulating policy proposals and developing and managing technical assistance projects. These activities have been implemented by a small four person team occasionally supplemented by the use of external consultants. The increased interest of governments and NGOs in establishing national human rights institutions – as demonstrated by the rapid increase in the membership of the APF over the last six years from 4 to 12 members and the anticipated establishment of new national human rights institutions in future years – has generated a substantial demand for the secretariat's services.

It is widely acknowledged that the APF secretariat has recorded significant achievements. These achievements are even more significant given the small size of the secretariat and its limited institutional capacity. But for the secretariat to effectively meet the APF's mission and vision, multi-year funding commitments and an overall increase in funding for secretariat activities is required.

Multi-year funding commitments provide a secure basis for the future development, management and planning capacity of the secretariat. Without adequate and secure funding, the secretariat will not be able to effectively plan or undertake its operational activity. In addition, the negotiation and administration of single year funding commitments requires significant secretariat personnel resources that otherwise would be dedicated to project implementation. Multi-year funding commitments are therefore essential to the effective future operation of the APF.

In addition, the overall level of funding to the secretariat needs to be increased to strengthen its institutional capacity. The increase in both the membership of the APF and the range of services it provides has dramatically increased the demands placed on the secretariat to provide support to its member institutions. Given the strong interest in the APF and the further anticipated expansion of its membership, increased funding towards the APF secretariat is required in order to increase its institutional capacity – otherwise the APF will be a victim of its own success.

In conclusion, the APF would therefore recommend that the Australian Government, through AusAID, enter into a three-year funding commitment to 2006. This will enable the APF secretariat to effectively undertake its future development, management and planning needs.

Secondly, the APF would recommend that AusAID funding be, at least, maintained at current levels for the three-year period. This will enable the secretariat to continue to implement its activities while at the same time seek to diversify its donor base through the implementation of its fundraising plan. As the donor base diversifies and expands, the resulting level of AusAID funds, as a percentage of overall APF funding, will reduce. This has already been the case in 2002 and the overall percentage of AusAID's funding contribution is projected to continue to fall in the APF's business plan.