



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

Annual Report

Australian
Agency for International Development

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1 Introduction

The Asia Pacific Forum of National Human Rights Institutions ('**APF**') is a regional organisation that supports the establishment and strengthening of National Human Rights Institutions ('**NHRIs**') in the Asia Pacific. It provides practical assistance and support to its individual member institutions, governments and civil society to enable them to more effectively undertake their own human rights protection, monitoring, promotion and advocacy.

The object of the APF is to protect and promote the human rights of the people of the Asia Pacific region.

2 Asia Pacific Forum

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

- Strengthening the capacity of individual APF member institutions to enable them to more effectively undertake their national mandates;
- Assisting governments and civil society to establish and strengthen national institutions in compliance with the minimum criteria contained in the 'Paris Principles'; and
- Promoting sub-regional, regional and international cooperation on human rights issues.

Throughout the reporting period the APF worked with its member NHRIs, local, regional and international NGOs, governments, and international organisations to bring about improvements in human rights.

The APF currently has the following 18 member institutions:

- the **Afghanistan** Independent Human Rights Commission
- the Human Rights and Equal Opportunity Commission of **Australia**
- the National Human Rights Commission of **Bangladesh**
- the National Human Rights Commission of **India**
- the **Indonesian** National Commission on Human Rights
- the **Jordan** National Centre for Human Rights
- the Human Rights Commission of **Malaysia**
- the Human Rights Commission of the **Maldives**
- the Human Rights Commission of **Mongolia**
- the National Human Rights Commission of **Nepal**
- the **New Zealand** Human Rights Commission
- the **Palestine** Independent Centre for Citizens Rights
- the **Philippines** Commission on Human Rights
- the National Human Rights Committee of **Qatar**
- the National Human Rights Commission of the **Republic of Korea**

- the Human Rights Commission of **Sri Lanka**
- the National Human Rights Commission of **Thailand**, and
- the Provedor for Human Rights and Justice of **Timor-Leste**.

Further information of the APF and its individual members can be obtained from www.asiapacificforum.net.

3 AusAID Grant

In 2011, the Australian Agency for International Development approved a grant of \$2,600,000 over a 3 ½ year period¹ in support of the APF's work in facilitating, coordinating and managing activities to strengthen the network of national human rights institutions in the Asia Pacific region.

The AusAID support has enabled the APF to deliver key services with regard to its core mission of strengthening the capacity and regional representation of its members. The support has enabled the APF to implement activities within the following key strategic objectives:

- Enhance member's institutional capacity;
- Enhance member's communication, cooperation and engagement;
- Promote compliance with the Paris Principles;
- Engage with regional and international human rights mechanisms; and
- Effective, efficient and strategic management of the APF.

In particular, the support has enabled the APF to:

- Respond to the needs of its member institutions through the delivery of practical support projects;
- Assist in the establishment and strengthening of NHRIs in the region in compliance with the Paris Principles;
- Promote regional 'south-south' cooperation and coordination;
- Actively engage in regional and international human rights mechanisms such as the Pacific Islands Forum and the United Nations; and

¹ Grant Agreement number 58017

- Be representative of the region in the organisation, participation and implementation of its activities.

These activities are reported on in detail below.

4 Enhance member's institutional capacity

The APF works to protect and promote the human rights of people in the Asia Pacific region through the work of its member institutions. Many of the APF's activities are directed towards supporting and strengthening its members, including:

- training programs to build knowledge and skills that are central to the work of effective NHRIs;
- capacity assessments that enable its members to identify achievable and sustainable steps to strengthen their institutions;
- the work of the Advisory Council of Jurists ('**ACJ**') providing authoritative and independent legal analysis on issues of shared concern across the region; and
- specialist programs tailored to meet specific requests of individual member institutions.

4.1 Training

The APF's training programs are designed to assist its member institutions in carrying out their core functions, which include investigating and resolving complaints, reviewing laws and policies and undertaking human rights education programs. The APF's training programs help build the professional skills and strengthen the capacity of both Commissioners and staff.

Each training program is tailored to meet the specific needs of APF member institutions and individual participants. The APF uses expert presenters – many of whom are drawn from APF member institutions themselves so as to promote 'south-south cooperation' – to conduct training programs and to lead individual sessions. The APF's training programs also include regional workshops which bring together senior staff from APF member institutions, as well as governments and civil society groups, to share expertise, build partnerships and develop practical strategies to address the pressing human rights issues of the Asia Pacific region.

To ensure the continued relevance of the training offered, and to continue to improve the delivery of training services, the APF conducted an extensive training needs analysis in 2009-10. The results of this analysis led to the development of new training programs for delivery during the APF's current

Strategic Plan (2011-2015). To ensure that this analysis remains focused on current member needs, members are invited to provide additional information on their training needs annually. This information is then used to refine both the delivery and development of training programs for coming years.

The APF, with its partners, conducted a total of 4 training courses for NHRI staff during the reporting period. This includes courses which used the 'blended learning' approach of 'on line' training and 'face to face' training. Additionally, the APF ran 1 'high level dialogue' for Commissioners and senior staff. Evaluations indicate that both the participants and the member institutions themselves regarded the courses as very relevant and of a high quality.

Further details of the APF's training activities are set out below:

Blended Learning

Since 2009, the APF has delivered a number of its core training programs online. It is now an integral part of its training strategy. The courses use a blended learning approach, which includes an introductory online program, usually run over 5 to 6 weeks, followed by a face-to-face workshop for participants who successfully complete the online component. This approach allows participants to explore core human rights concepts in detail over an extended period of time, to raise questions directly with the trainers and to discuss issues with colleagues from other NHRIs. It also offers participants flexibility in how they learn and ensures there is greater opportunity for detailed and practical discussions during the face-to-face workshops.

The online training program presents key information in a variety of ways, including through set readings, discussion topics, quizzes and video 'webinars'. Up to 30 participants take part in each course. They are expected to contribute to weekly online discussions and to submit regular assignments. To date, the APF has delivered the following training programs online:

- Prevention of Torture;
- Foundation Course for NHRIs;
- Human Rights of Women;
- National Inquiries;
- Training of Trainers (commencement date outside this reporting period).

The APF's online training programs are directly coordinated by the APF through its own 'Virtual Learning Environment'.

Training Resources

The APF produces professional training resources that provide practical guidance on key human rights issues and themes. Its resources support staff in

NHRIs as well as human rights trainers. The APF has developed, or is in the process of finalising, the following training resources:

- *Preventing Torture: An Operational Guide for National Human Rights Institutions*, which was published jointly with the Association for the Prevention of Torture ('APT') and United Nations Office of the High Commissioner for Human Rights ('OHCHR') and launched by the United Nations High Commissioner for Human Rights in October 2010;
- *Engaging with the international human rights system* (scheduled for publication in 2012);
- *Promoting and protecting the rights of migrant workers* (in partnership with the Diplomacy Training Program ('DTP') and scheduled for publication in 2012);
- *Implementing the UN Declaration on the Rights of Indigenous Peoples*, including a companion CD-Rom (in partnership with OHCHR and scheduled for publication in 2012); and
- *Conducting effective national inquiries* (scheduled for publication in 2012).

These publications have been developed in consultation with APF member institutions in order to collect and exchange 'good practice' approaches.

Modules for Trainers

In addition, the APF has also produced 'Modules for Trainers' providing NHRI staff with practical guidance on key human rights issues and themes and enabling them, through the APF's 'train the trainer' program to continue to provide 'in house' training and support to other NHRI staff members. The modules focus on:

- NHRIs and the international human rights system;
- promoting and protecting the rights of human rights defenders;
- conducting national inquiries, including the 'Going Public' DVD and a compilation of resource materials produced by the APF and the RWI; and
- preventing torture;
- foundation knowledge for NHRI staff.

These themes were identified as priority issues by APF members during its training needs assessment.

Prevention of Torture

NHRIs have a leading role to play in the prevention of torture by reminding governments of their obligation to respect international human rights standards, conducting regular visits to detention facilities, investigating complaints and supporting training for relevant officials. The Prevention of Torture training program, developed by the APF in partnership with the APT, is designed to provide APF members with the knowledge, skills and processes to effectively monitor places of detention and investigate allegations of torture.

The program includes an overview of the international human rights standards relating to the prevention of torture, as well as practical training in preparing for and undertaking visits to places of detention and interviewing detainees. In addition, the program helps APF members to assess their capacity to fulfil the role of a 'National Preventive Mechanism' and the extent to which they are able to comply with the standards set out in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('OPCAT').

During the reporting period training on torture prevention was provided to the NHRIs in South Asia. A total of 26 participants from the NHRIs of *Afghanistan, Bangladesh, India, Maldives, Nepal* and *Sri Lanka* took part in the 'blended learning' program, which included a five-week online course from 11 July to 12 August 2011, followed by a week-long workshop from 19 to 23 September 2011, hosted by the National Human Rights Commission of Nepal.

As part of the face-to-face workshop held in Kathmandu, participants had the opportunity to apply their learning to real-life situations through visits to two prisons and a juvenile detention facility.

In addition, the representatives from each of the six participating NHRIs were required to develop detailed 'action plans' to institutionalise and disseminate the knowledge on international torture prevention laws and standards taught during the course and integrate detention monitoring into the work of their institutions. Some of the common activities proposed by the NHRIs included:

- mainstreaming detention monitoring visits into their institutional annual and strategic activity plans;
- developing internal guidelines, resources and training to build NHRI staff capacity around preventive monitoring of places of detention;
- providing training and building greater cooperation with police, prison authorities and other stakeholders;
- launching a public awareness campaign to generate discussion about the prevention of torture;
- advocating for reforms to law and policy, including ratification of OPCAT.

Other proposals were specific to the needs of the particular NHRI, such as securing funding to appoint a medical doctor to join monitoring teams.

Participants were encouraged to present their action plans for adoption by their NHRI and to build the recommendations into their ongoing work. In turn, each NHRI was asked to report back on their consideration and possible adoption of each action plan.

The ***impact and outcomes*** directly linked to the training are set out below:

Nepal

On 26 September 2011, the National Human Rights Commission of Nepal hosted a national seminar on ratifying OPCAT for members of parliament, government and civil society. A number of issues were discussed at the event, including:

- *legal reform on torture* and the need for consultation on the development of a draft bill outlawing and criminalising torture. The Commission also committed to hold consultations in Kathmandu and in the regions on the bill once it is public.
- *establishment of a National Preventive Mechanism (NPM)*, including different potential models and the possibility of incorporating NPM designation into the future anti-torture law.

Sri Lanka

Staff from the HRCSL's Jaffna office and other regional HRCSL offices participated in the APF torture prevention and detention monitoring training workshop in Kathmandu. Throughout the APF training, participants were encouraged to refer to recommendations by the UN Committee Against Torture and other international mechanisms to support their recommendations to national authorities. Participants were also encouraged not to accept restrictions by authorities which would impinge on the ability of NHRIs to conduct independent detention monitoring visits according to the modalities set by the NHRIs.

On 28 February 2012, the Human Rights Commission of Sri Lanka ('HRCSL') announced that it had successfully overcome obstacles imposed by the Commissioner General of Rehabilitation on the conduct of detention monitoring visits by HRCSL staff in the states of Jaffna, Vavuniya and Anuradhapura. In response to the obstruction from the management in the relevant detention facilities, the HRCSL "summoned" the Commissioner General of Rehabilitation to explain the mandate and the legal status vested in the HRCSL to independently monitor places of detention.

As part of its advocacy to remove restrictions on its ability to conduct detention monitoring visits, the HRCSL referred to recommendations made by the UN

Committee Against Torture, which impressed upon the government the importance of upholding the Commission's ability to conduct independent visits to investigate torture and other ill-treatment in places of detention. In response to the HRCSL's advocacy, the detention centres in the states of Jaffna, Vavuniya and Anuradha have since lifted the restrictions imposed on the conduct of the monitoring visits, leading to an announcement from the HRCSL that it would be resuming its detention visitation programme in these states.

The following are other direct outcomes of the training, as formally reported back by participants from the Sri Lankan Commission in the APF's training workshop:

- The Sri Lankan Commission is now conducting "night time" detention monitoring visits to detention centres in the Western, Sawrakamuwa and Northern Provinces – such night visits were not done before the APF training.
- The Sri Lankan Commission is using the detention monitoring guidelines supplied during the APF training to guide the conduct and modalities of the Sri Lankan Commission's detention monitoring visits.
- The participants from the Sri Lankan Commission prepared a poster on 'freedom from arbitrary arrest', which was subsequently sent and displayed in 14 police stations in Jaffna and Kilinochchi Districts.
- The participants from the Sri Lankan Commission provided prevention materials to judicial medical officers in Jaffna, Mullaitive, Vanuniya and Mannar districts.
- Participants are conducting lectures at the University of Jaffna, regarding torture prevention and the CAT convention and to share international best practices regarding torture prevention.
- Participants provided human rights publications to prison officers regarding rights of detainees, and plan to train the police later in 2012.

Afghanistan

Within weeks of their return from the torture prevention training workshop in Kathmandu, the participants from the Afghanistan Independent Human Rights Commission took the initiative to translate the APF online training course materials on torture prevention into the local Dari language. The translated course materials were then disseminated internally within the Afghan Commission to other staff and to Commissioners, and used as the basis for internal training and capacity building.

The same participants also wrote Dari language articles to raise awareness of the prohibition of torture under international law, and of the rights of persons deprived of their liberty. These articles were then included as feature stories in two consecutive editions of the Afghan Commission's monthly magazine.

The Afghan Commission printed 20,000 copies of each magazine, and then circulated the magazines to core stakeholder groups across Afghanistan, including to civil society groups, managements of detention facilities, schools, and to law enforcement agencies.

According to Afghan Commission staff member and course participant, Mohd Hossain Nabizadeh, who personally spent his free time translating the APF online course materials into Dari: *“it was really the best workshop and training program I have ever participated, again I thank all the stakeholders of the workshop specially APF and APF.”*

In addition the Afghanistan Commission undertook an investigation into the torture of Afghan detainees and other violations of their rights and released a report which raised “significant new areas of concern”. The report drew attention to “previously undocumented facilities where torture is taking place and the abuse of detainees transferred by international forces.” The Commission found “credible evidence” of torture at nine National Directorate of Security (‘NDS’) facilities and several Afghan National Police facilities, including beatings, suspension from the ceiling, electric shocks, threatened or actual sexual abuse, and other forms of mental and physical abuse. Monitors also found evidence of torture at five additional NDS facilities.

In addition, research uncovered “widespread and deliberate violations of detainees’ fundamental due process rights”, including the right to counsel and the right to family notification, which contributed to increasing the risk of torture and other abuse.

The report also raised concerns about the transfer of detainees from international forces to the Afghan Government, despite the International Security Assistance Forces establishing a major monitoring program to address issues raised in a United Nations report in October 2011. In particular, researchers found “credible evidence that some U.S.-transferred detainees have been subjected to torture by Afghan officials, underscoring the need for such a monitoring program.”

India

On 15 March 2012, the National Human Rights Commission of India announced that it had commenced investigations into an allegation of torture and death in police custody. As part of its investigations, the Commission issued notices to the District Magistrate and Superintendent of Police, district Sitapur, Uttar Pradesh, calling upon the relevant authorities to submit to the Commission copies of post-mortem inquest reports. The Commission took cognizance of the allegation of torture through its own independent monitoring activities, which led to the commencement of its own suo moto investigation into the case.

Migrant Workers’ Rights and Advocacy

‘Human Rights and Migrant Workers – A Training Program for Advocates’ is a capacity building program which brings together representatives from NHRIs, NGOs and trade unions in the Asia Pacific region. A key goal is to encourage

participants to work together to develop practical strategies to promote and protect the rights of migrant workers at the national and regional level. The program, organised by the APF in association with the Diplomacy Training Programme ('DTP'), equips participants with up-to-date information and practical skills to help them respond to the challenges facing migrant workers in or from their countries.

During the reporting period the week-long-training program was held in Bangkok, Thailand from 17-21 October 2011. A key goal of the program is to forge stronger partnerships between NHRIs and NGOs and to develop concrete strategies to advance the rights of migrant workers at the national and regional level. The participants were provided with knowledge and advocacy skills to begin to narrow the gap between international standards and the real-life experiences of many migrant workers. With rapid economic change driving more people to cross borders in search of work, especially women, promoting and protecting the rights of migrants workers is one of the key human rights challenges facing countries in the Asia Pacific region. Migrant workers continue to face discrimination, unsafe and unhealthy working conditions, non-payment of wages, violence and detention. In many cases, they are forced to live on the fringes of society, beyond the usual protection of the law.

An **impact and outcome** directly linked to the training is set out below:

Nepal

Staff from NHRC Nepal participated in the Migrant Workers' Rights Training workshop in September 2011. The workshop included sessions exploring the benefits of bilateral and regional arrangements to protect migrant workers in Asia. In late March 2012, the National Human Rights Commission of Nepal (NHRC Nepal) wrote letters to the National Human Rights Commissions of Malaysia, Indonesia and Jordan, suggesting the development of bilateral Memorandums of Understanding (MOUs) with each of these institutions to facilitate cooperation aimed at protecting the rights of Nepali migrant workers. Nepal is one of the main "sending" / source countries for labour migration in the Asia Pacific region, whereas Jordan and Malaysia are some of the main "receiving" / destinations for Nepali labour migration.

National Inquiries Training

The APF undertakes training workshops for APF member institutions on running effective national inquiries. The workshops provide NHRI representatives with a step-by-step understanding of the process of establishing and conducting a national inquiry. The workshops explore a range of practical issues, such as:

- selecting the inquiry subject;
- setting the terms of reference;
- appointing the inquiry team;
- collecting evidence;

- engaging the media; and
- planning follow-up activities to promote inquiry findings and advocate for recommendations.

The APF has produced a training DVD – ‘*Going Public*’ – which draws on the experiences of NHRIs from across the Asia Pacific and the lessons learnt from holding public inquiries into a broad spectrum of issues.

During the reporting period the APF conducting a blended training program on National Inquiries for its member institutions in South Asia. Initially the APF ran a four week on-line training course from 18 July to 12 August 2011 which explored a number of practical issues involved in running an effective national inquiry. This on-line training was then followed by a week-long face to face workshop, which was held in Kerala, India, from 14 to 19 November 2011, involving a total of 18 staff from the NHRIs of *Afghanistan, Bangladesh, India, Maldives, Nepal* and *Sri Lanka*. The workshop was hosted by the National Human Rights Commission of India.

As part of the workshop, participants were invited to identify a significant human rights issue on which their NHRI could undertake a national inquiry.

Afghanistan chose the subject of self-immolation of women for its inquiry; *Nepal* and *Sri Lanka* both identified the issue of torture (with the Sri Lankan proposal specifically focusing on the Western and Southern provinces of the country); *Bangladesh* selected the rights of indigenous peoples in the Chittagong Hill Tract; *India* chose the impact of silicosis on the right to health; and the *Maldives* proposed the right to education for children with disabilities.

These presentations became the basis for a number of workshop activities, such as holding a mock public hearing and launching the findings and recommendations of the national inquiry.

Discussions also looked at the experiences of other NHRIs in the Asia Pacific region that have conducted national inquiries, including examples of ‘good practice’ as well as challenges they experienced.

Following the workshop, participants agreed to further develop their proposals for a national inquiry and present them to their respective NHRIs for adoption.

An **impact and outcome** directly linked to the training is set out below:

India

Following the training course, the National Human Rights Commission of India chose to initiate an inquiry on the impact of silicosis on the right to health, as recommended by their participants during the training course.

The Commission’s investigation and research found that India’s state governments had not conducted any “serious exercise” to assess the extent of

silicosis-related problems and the measures needed to prevent the deadly lung disease.

The Commission organised a meeting which included representatives from Bihar, Jharkhand, Chhattisgarh, Odisha and West Bengal along with the representatives of the Directorate General Factory Advice Services and Labour Institutes, the Directorate General of Mines Safety and NGOs.

While noting “some perceptible change in the approach of the authorities in different states”, Commission member P.C. Sharma expressed concern that, barring Chhattisgarh, no Chief Minister of the other participating States had been informed by their relevant departments about the extent of the problems related to silicosis.

The Commission emphasised the urgent need to address silicosis, “which is causing a serious threat to the right to life.” The Commission recommended that all states conduct a survey of different industries and factories in their jurisdiction which are prone to causing silicosis and to uphold their responsibilities under the Mines Act, Factories Act and Labour Laws. In addition, states should create good working conditions; pay proper wages to the workers under Minimum Wages Act; and hold periodic medical check-ups.

NHRI Foundation Training

From 17 October to 13 November 2011, the APF and the Raoul Wallenberg Institute jointly ran an online course for new staff of NHRIs, with the aim of introducing NHRI staff to the history, concept, role and mandates of NHRIs, and to encourage sharing of good practices of NHRIs in the Asia Pacific region. The course was structured into four core modules, namely:

Module	Date	Topic
Module 1	17 – 21 October 2011	The origin, mandate and concept of NHRIs
Module 2	24 – 28 October 2011	The advisory and educational mandate of NHRIs
Module 3	31 October – 4 November 2011	The investigative and monitoring mandate of NHRIs
Module 4	7 – 11 November 2011	NHRI engagement with international and regional stakeholders

24 participants from 14 NHRIs from across the Asia Pacific region participated in the online course. The online course was run by APF facilitators from the

APF's Virtual Learning Environment. In addition to guided readings and video materials, the online course utilised a range of learning activities, including quizzes and assignments, and online discussions aimed at encourage participants to share their experiences and learn from each other. The course maintained a high rate of participation throughout, ranging from 90% to 95% throughout the duration of the course.

Participants who completed the online course then went on to participate in a face-to-face training workshop, which was held from 19 – 28 March 2012 in Bangkok, Thailand. In line with the APF's emphasis on blended-learning, the online course included assignments that directly linked to sessions during the face-to-face workshop in Bangkok. The programme for the workshop built on the syllabus of the online course, and also included additional thematic sessions exploring human rights issues of concern to many NHRIs in the region, including 'human rights and business' and the engagement of NHRIs with international human rights mechanisms. Several days were also devoted to presentations by the participants, regarding the "achievements and challenges" of their own NHRI, with the aim of facilitating peer-to-peer learning amongst NHRI staff. The facilitation of the workshop in Bangkok was led by trainers from the RWI.

The online course and the face-to-face workshop both received high evaluation scores from participants.

Train the Trainer

The APF piloted a new blended learning course to build and equip a skilled group of human right trainers who can lead capacity building programs for NHRIs and other groups across the Asia Pacific.

The pilot course provided representatives from APF member institutions with essential knowledge and skills around the planning, design, delivery and evaluation of human rights training courses. It has been developed following a comprehensive training needs assessment of APF members, which noted the "need for a larger number of highly skilled human rights trainers in the Asia Pacific region" and recommended that the APF "explore ways of contributing to the building of regional human rights training capacity".

The training-of-trainers course included an online learning component, running from 2 to 29 April 2012 that addressed four key themes:

- Assessing the needs of adult learners
- Developing training materials for adult learners
- Face-to-face workshop facilitation skills
- Evaluating human rights training courses.

The online modules included set readings, video lectures, quizzes, assignments and online discussions that invited participants to consider how they would

approach developing and delivering a training program on the international human rights system.

The online learning component was then complemented by a week-long regional workshop from 18 to 22 June 2012, in Manila, Philippines, hosted by the Philippines Commission on Human Rights.

The workshop provided an opportunity for participants to explore issues in greater detail, share experiences and participate in practical activities, including role plays, group presentations, individual presentations and peer review sessions.

Participants who run, evaluate and report back on a human rights training session that they deliver within three months of returning to their respective NHRIs will be accredited as APF Master Trainers and be provided with opportunities to assist in the delivery of future APF training programs.

Mongolia OPCAT Dialogue

With the Mongolian Government committed to ratifying the Optional Protocol to the Convention against Torture, the APF joined forces with key partners to hold a series of events for government, civil society and the National Human Rights Commission of Mongolia to explore what this might look like 'on the ground'.

States ratifying the Optional Protocol are required to establish an independent national body – known as a 'national preventive mechanism' or NPM – that can conduct regular, unannounced inspections of all places of detention. In addition, States are obliged to allow an international body of experts – the UN Subcommittee for the Prevention of Torture – to conduct inspections of any places of detention in the country.

In April 2011, the National Human Rights Commission of Mongolia, Amnesty International Mongolia, the Association for the Prevention of Torture (APT) and the APF organised a one-day national meeting of stakeholders to discuss the preferred model for a Mongolian NPM. One option discussed at that meeting was appointing the National Human Rights Commission as the central coordinating mechanism of a multi-stakeholder NPM, possibly involving civil society.

This year, between 23 and 25 April 2012, a series of activities was organised by the same four organisations to continue the momentum towards ratification of the Optional Protocol and the designation of an NPM.

The Armenian representative on the UN Subcommittee for the Prevention of Torture, Mr Arman Danielyan, and Mr Ulugbek Azimov, a national expert on NPMs from OHCHR's Central Asia regional office, led the substantive discussions during three events, which included:

- a dialogue with selected parliamentarians and government representatives

- a national seminar of stakeholders on establishing an NPM in Mongolia
- a training session for staff of the National Human Rights Commission and selected civil society organisations on the establishment and operation of an effective NPM.

As part of its Universal Periodic Review by the UN Human Rights Council in early November 2010, the Mongolian Government said it was seriously considering ratifying the Optional Protocol and later committed to doing so.

An **impact and outcome** directly linked to the training is set out below:

During the national seminar this year, the representative from Mongolia's Ministry of Justice restated the Government's intention to ratify the Optional Protocol and confirmed that it intends to designate the National Human Rights Commission as the NPM.

The National Human Rights Commission of Mongolia also confirmed that it will seek amendments to its founding legislation to enable it to effectively undertake the responsibilities of an NPM.

SEO Network

On 24 to 25 May 2012, the senior executive officers from each APF member institution met together in Sydney, Australia for a roundtable discussion of issues related to running effective NHRIs.

The two-day meeting, hosted by the Australian Human Rights Commission, allowed members of the APF's Senior Executive Officers (SEO) Network to share their experiences on key management issues, such as supporting the transition to new Commission members and developing strategic plans for their NHRI.

During the discussions, NHRIs shared resources they had developed to guide their work in these areas, including a Planning, Monitoring and Evaluation Toolkit.

A key topic at the SEO meeting was the role that NHRIs can play in times of conflict, crisis, emergency and national transition, as well as the difficulties involved in operating in such environments. Other discussions considered:

- the participation of NHRIs in the international human rights system, including the perceived costs and benefits to individual NHRIs
- the NHRI accreditation process and the way in which the Paris Principles are being interpreted and applied by the ICC Sub-Committee on Accreditation
- the involvement of NHRIs in developing or revising their State's National Human Rights Action Plan, as well as the role that NHRIs can and should play in implementing and monitoring the Plan.

Library and Information Systems

A week-long workshop was held from 26 to 30 June 2012 in Kuala Lumpur, Malaysia to strengthen the capacity of librarians and resource centre staff within NHRIs in the Asia Pacific to access and manage human rights and legal information for the benefit of staff and others.

Topics covered during the workshop included:

- Librarianship ‘best practices’
- Web-based libraries
- Creating a virtual library
- Human rights resources on the internet
- Mastering Web searching
- Mastering Web 2.0 and Library 2.0
- Cataloguing, classification and indexing
- Marketing the library and policy issues

The programme was organised by the Raoul Wallenberg Institute, in cooperation with the APF and with the assistance of the Human Rights Commission of Malaysia.

4.2 Capacity Assessments

The Capacity Assessment program is an initiative that supports APF member institutions to identify the capacities they have and those they need to develop in order to fulfil their respective mandates to promote and protect rights at the national level. The assessment proposes strategies to strengthen NHRIs as a whole, to develop the capacities of staff members and to make the internal processes of NHRIs more efficient and more effective. The program is jointly facilitated by the APF, the United Nations Development Programme (‘UNDP’) and the United Nations Office of the High Commissioner for Human Rights (‘OHCHR’).

The objective of the project is to assist NHRIs in the region to generate an understanding of their capacity strengths and needs and to develop strategies to fill capacity gaps. One of the first steps of the capacity development process is a capacity assessment, a self-assessment used to identify capacity strengths and needs of the NHRI. The APF, UNDP and OHCHR act as facilitators to the process by which the NHRI assesses its own capacities and identifies and prioritises capacity development needs. In close consultation with the NHRI, they produce an analytical report, measuring required future capacities of the NHRI against its current capacities and making recommendations for capacity

development strategies. This report is presented to the NHRI in draft form for discussion and joint finalisation.

The capacity assessment complements strategic planning, priority setting and work planning processes of NHRIs. The objective of the assessment is to systematically understand existing capacity strengths and gaps of the NHRI and subsequently develop capacity development strategies and responses to help the NHRI fulfil its mandate and the goals and objectives set out in their Strategic Plan. To do this, the capacity assessment process also helps the NHRI analyse stakeholder positions and review its organisational structure, operational functions and business processes. The capacity assessment is complementary to the Strategic Planning process. It can be carried out in conjunction with that process and will be particularly effective to support its implementation.

The potential benefits for NHRIs in developing and implementing capacity development strategies that result from capacity assessments are great. This approach looks systematically at the capacity strengths and needs of the NHRI in order to perform its mandate effectively. It fosters engagement of NHRI members and staff and key external stakeholders, often across sectors. It leads to capacity development initiatives that are strategic, longer term and integrated, rather than ad hoc and fragmented.

This regional project also complements and enhances the support projects being implemented by UNDP Country Offices and UN Country Teams for NHRIs at the national level and informs the development of tailored capacity development interventions to support NHRIs on a continuing, comprehensive basis.

Capacity assessments have, so far, been conducted with the following NHRIs:

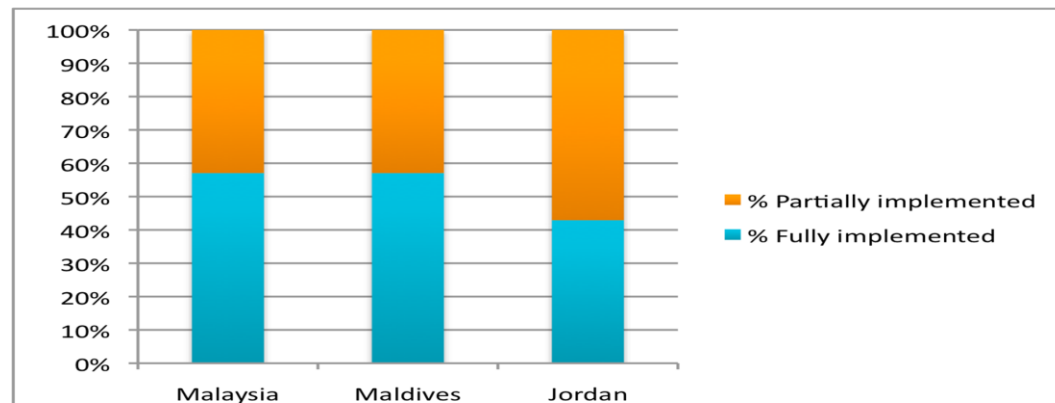
- Human Rights Commission of Malaysia (2008)
- Human Rights Commission of the Maldives (2009)
- Jordan National Centre for Human Rights (2010);
- National Human Rights Commission of Thailand (2010); and
- Palestinian Independent Commission for Human Rights (2011).

During the reporting period the APF either completed or initiated capacity assessments with an additional four NHRIs:

- Afghanistan Independent Human Rights Commission (30 June to 18 July 2011)
- National Human Rights Commission of Mongolia (1 to 13 August 2011)
- Human Rights Commission of Sri Lanka (16 to 20 January 2012 and 27 February to 9 March 2012); and
- Australian Human Rights Commission (30 April to 11 May 2012).

The Philippines Commission on Human Rights, the New Zealand Human Rights Commission and the Human Rights Commission of Nepal have also requested that capacity assessments be completed during 2012.

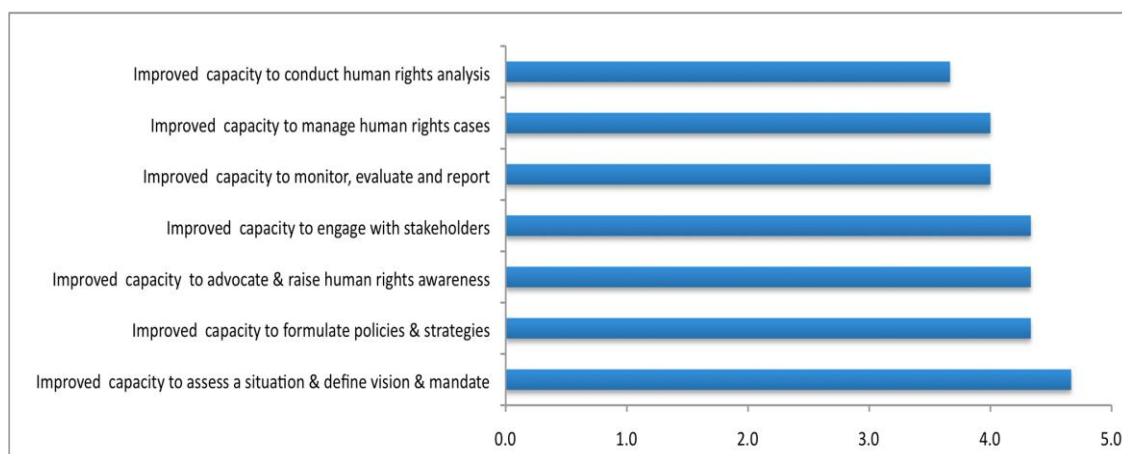
Fig. 1 Implementation of Capacity Needs Assessment Action Plans



As at June 2011, 80% of APF member NHRIs had either participated in a capacity needs assessment or expressed willingness to participate in the future. As shown in Figure 1, of the assessment projects conducted to date the Malaysian and Maldives NHRIs (which participated in the pilot assessments) have fully implemented 57% of the recommendations. The Jordanian NHRI, which participated in the assessment process more recently, has fully implemented 43% of the recommendations.

In addition, as shown in Figure 2, on average, the participating NHRIs have found that the capacity assessment project has been beneficial to improving their capacity and effectiveness.

Fig. 2 Impact of Capacity Needs Assessment recommendations (average response of participants)



4.3 Advisory Council of Jurists

The Advisory Council of Jurists ('ACJ') provides independent advice to the APF on the interpretation and application of international human rights law. The APF's Forum Council determines the issues that are referred to the ACJ for its

consideration. The Terms of Reference, a Background Paper and other supporting information for each issue is prepared for the ACJ by the APF secretariat. The ACJ normally meets to consider each reference in conjunction with the APF annual meeting. It presents an Interim Report for consideration by the Forum Council before completing its Final Report.

The ACJ reports provide a thorough examination of each issue, as well as practical recommendations to assist APF members to protect and promote human rights in their own countries and in partnership across the region. The reports have also brought about broader change. For example, the ACJ report on the death penalty (2000) was used by the Fiji Human Rights Commission to abolish the death penalty in the Fiji Penal Code, while its report on terrorism (2004) was used by the New Zealand Court of Appeal in a decision about the continued detention of a person considered a 'national security risk'.

Since its establishment in 1998, the ACJ has considered a wide range of human rights related issues including the death penalty, terrorism, prohibitions on torture and trafficking, the application of the right to education, the impact of the environment on human rights, and human rights and corporate accountability. Most recently the ACJ has completed a reference on sexual orientation and gender identity (SOGI).

Sexual Orientation and Gender Identity

The APF works with its member institutions to help them progressively implement the recommendations of the ACJ reports. During the reporting period the APF assisted the NHRIs of Australia, Mongolia and New Zealand with the practical implementation of programs to build their knowledge of and awareness around human rights in relation to SOGI.

Australian Human Rights Commission

The Australian Human Rights Commission (AHRC) held national consultations regarding the possible inclusion of protections against discrimination on the basis of SOGI in Federal Anti-Discrimination law. Background papers were produced to provide information on the extent of discrimination experienced by lesbian, gay, bisexual and transgendered (LGBT) peoples and a description of existing legal protections from such discrimination. A research paper was produced and it described the existing state and territory protections from discrimination on the basis of SOGI. Roundtables were then arranged to further discuss those issues raised within the background papers.

The background papers were published on the AHRC's website, with the inclusion of a web feedback form. The form was developed from questions in the background papers. The AHRC received 51 responses online and 102 written comments or submissions from a broad range of stakeholders, including comments from government agencies, LGBT interest groups, community legal centres, health and aged care organisations, youth groups, religious organisations and individuals regarding a broad range of issues.

National Human Rights Commission of Mongolia

The National Human Rights Commission (NHRCM) conducted a workshop for over 80 LGBT participants and provided information on issues such as basic human rights standards, the rights of LGBT people, the Yogyakarta Principles² and lodging complaints and seeking remedies. The Yogyakarta Principles were also translated into the local language, Mongolian, for publication and distribution. The NHRCM also conducted similar workshops for police officers, on the rights of LGBT people. These officials included police officers engaging with LGBT people, regular police patrol officers and those working in police detention centres.

The NHRCM produced publicity materials on how individuals could lodge complaints with the Commission. Brochures were produced and widely distributed during the workshops and through partner NGOs working on LGBT issues. The brochure, “Lodging a complaint with the NHRCM”, explains the circumstances in which LGBT people should refer to the Commission and also provides guidance in relation to the processes, procedures and provisions of the law. A further brochure, “LGBT people: common prejudice and reality”, was also produced to promote respect for human diversity and SOGI and has been used in future NHRCM training programs.

The NHRCM collected data on human rights violations occurring to LGBT people, in order to establish a database of violations, for the development of further policy analysis.

New Zealand Human Rights Commission

The Asia Pacific Out Games were held in Wellington, New Zealand, and 6 APF member institutions attended and participated in the Conference to further promote the Yogyakarta Principles, along with the work of NHRIs and civil society groups. The event allowed participating NHRIs to discuss their activities and to share their experiences.

The SOGI activities therefore, achieved the following goals and objectives:

- Recognise that persons of diverse SOGI are vulnerable to human rights violations;
- Ensure that persons of diverse SOGI are included in the human rights work of NHRIs;
- Disseminate and promote the Yogyakarta Principles, especially to those whose rights they affirm, including in local languages;

² The Yogyakarta Principles were developed by an eminent group of international human rights experts, from all regions of the world, to apply international human rights law in relation to sexual orientation and gender identity. See <http://www.yogyakarta-principles.org>

- Provide forums and other mechanisms through which NHRIs can consult and collaborate with persons of diverse SOGI in the work of promotion and protection of human rights; and
- Ensure that the complaints mechanisms are accessible to those who suffer human rights violations on the basis of their actual or perceived SOGI.

A significant **impact and outcome** directly linked to a previous ACJ reference on the death penalty is set out below:

Mongolia

On 5 January 2012, Mongolia abolished the death penalty when its Parliament passed the Law on Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The National Human Rights Commission of Mongolia fully adopted the recommendations of the ACJ report into the death penalty. Since the ACJ report the Commission, and its domestic stakeholders, have been pushing for the abolition of the death penalty. Over a number of years, the Commission has conducted a number of studies on the use of capital punishment, both on its own and in partnership with civil society organisations such as Amnesty International. The Commission has consistently advocated for abolition of the death penalty, especially through its annual reports on the situation of human rights and freedoms in Mongolia.

In making its recommendations to the Government and Parliament, the Commission referred to the recommendations of the ACJ report, the conclusions of the UN Special Rapporteur on Torture, who visited the country in 2005, and UN treaty body observations.

After reviewing the Commission's annual reports, the Standing Committee on Legal Affairs of the Parliament made resolutions in 2008 and 2010 requesting the Cabinet to take actions to implement the Commission's recommendations to abolish the death penalty.

4.4 Specialist Capacity Projects

Within available resources, the APF responds to requests from individual member institutions for the delivery of specialist capacity projects.

Malaysia Strategic Planning

In November 2011 the APF facilitated a strategic planning process for the National Human Rights Commission of Malaysia.

The planning process involved the Chairperson, Commissioners, senior staff and external stakeholders. The plan was guided by an analysis of the key human rights issues in Malaysia, the 'value added' the Commission could bring

to issues (given its powers and functions) and the overall resources of the Commission.

Sri Lanka High Level Dialogue

During January 2012 the APF ran a 'High Level Dialogue' for the recently appointed Commissioners and senior staff of the National Human Rights Commission of Sri Lanka. The dialogue addressed issues such as:

- the role of NHRIs in addressing human rights violations;
- the independence of NHRIs and Commissioners;
- the relationship of NHRIs with parliament, executive and the judiciary;
- NHRIs contact with the public and media; and
- processes to increase the capacity, effectiveness and efficiency of NHRIs.

Kyrgyz Republic Dialogue and Election Monitoring

The Ombudsman of the Kyrgyz Republic invited the APF to attend a regional Central Asia meeting on NHRIs and to participate as a formal monitor of the Presidential elections.

The Deputy Director of the APF secretariat and the Chief Commissioner of the National Human Rights Commission of Mongolia participated on behalf of the APF. The Central Asia meeting was held on 27 to 29 October 2011. Issues discussed during the three day program included:

- protecting the rights of migrant workers;
- establishing national preventive mechanisms to prevent torture in places of detention; and
- promoting respect and positive relations between ethnic communities.

The conference provided an opportunity for representatives from NHRIs to share experiences and examples of good practice.

Following the conference, the APF's representatives joined the election monitoring teams observing the Kyrgyz Republic presidential elections, held on 30 October 2011. The APF's participation follows the attendance of the Ombudsman of the Kyrgyz Republic at the APF's 16th Annual Meeting and Biennial Conference in September 2011.

Maldives Emergency Response Visit

At the formal request of the President of the Human Rights Commission of the Maldives, a three person APF delegation visited the Commission from the 13th to 15th February 2012 during the constitutional crisis and associated violence.

The purpose of the visit was to provide advice and support to the Commission about its role during the constitutional crisis. The APF team also met with the (then) Attorney General and representatives of the Police force.

5 Enhance member's communication, cooperation and engagement

A strength of the APF is the quality and depth of collaboration that exists between its members. The APF's annual meetings, professional networks and staff placement programs each provide opportunities to deepen those links, share experiences and develop cooperative programs of work.

5.1 Cooperation & Engagement

The APF benefits from the expertise, knowledge and support that its member institutions contribute to the organisation through participating on the Forum Council and at APF annual meetings. In turn, member institutions benefit from the cooperative relationships established through the APF's programs and services. Overall, members remain highly engaged with APF processes and find the APF's services relevant.

16th APF Annual Meeting & Biennial Conference

The National Human Rights Commission of Thailand hosted the APF's 16th Annual Meeting and International Conference in Bangkok, Thailand, from 6 – 8 September 2011. The Annual Meeting was attended by representatives from all the APF's member institutions. Membership of the APF has expanded to include 18 NHRIs, with the National Human Rights Commission of Bangladesh admitted as an associate member during the Meeting. Representatives from the NHRIs from Kazakhstan, Kyrgyzstan and Oman also attended the event as observers.

During the Annual Meeting, Forum Councillors considered the need to expand the APF's sub-regional presence to help it keep pace with the demands of a growing membership and increased requests for services. A five-member panel, made up of APF Forum Councillors representing each sub-region, will investigate the issue over the coming year and provide recommendations on possible future steps.

The Forum Council also adopted an APF Gender Policy to ensure that a focus on the rights of women is integrated across the organisation's objectives and program areas.

The APF's Senior Executive Officers ('SEO') Network also met on the first day of the meeting. The APF SEO Network was established in 2002 to provide an opportunity for the senior management of member NHRIs (Commissioner-General, Executive Director, Director, Secretary-General etc.) to share information and expertise on organisational policies, management practices, staff development strategies and to communicate with each other about the APF's regional projects (staff exchanges, training programs, annual meetings, workshops, and participation in UN and other international forums).

Other decisions made by the Forum Council included:

- electing the NHRIs from Jordan, Thailand, Malaysia and Korea as their representatives on the ICC Bureau;
- electing the NHRI from Qatar as their representative on the ICC Sub-Committee on Accreditation;
- electing the NHRI from Australia as their representative on the ICC Finance Committee;
- electing the NHRIs from Philippines and Indonesia as their representatives on the ICC Working Group on Business and Human Rights; and
- nominating the NHRI from Jordan to host the ICC international conference in 2012.

The next combined APF Annual Meeting and Biennial Conference will be hosted by the National Human Rights Committee of Qatar in 2013.

The National Human Rights Commission of Thailand, as host institution of the 16th Annual Meeting and Biennial Conference, was elected Chairperson of the APF, with the NHRIs of Jordan and Qatar elected to the two positions of Deputy Chairpersons. The outcomes statement and meeting papers associated with the annual meeting are available from the APF's website.³

The Biennial Conference was attended by over 150 representatives from NHRIs, governments, civil society organisations and UN agencies from across the Asia Pacific region. The conference is the largest human rights gathering in the region.

The 2011 Biennial Conference focused on progress and challenges in implementing the right to development. Participants shared examples of good

³ <http://www.asiapacificforum.net/about/annual-meetings/16th-thailand-2011>

practice involving NHRIs and their role to monitor implementation of the Declaration on the Right to Development in their respective countries.

In his keynote address, the Honourable Dr. Hassavut Vithitviriyakul, President of the Supreme Administrative Court of Thailand, emphasised the critical importance of establishing appropriate mechanisms to protect the right to development and other human rights so that the benefits of development are fairly distributed.

Other presentations highlighted the need to foster an environment of good governance, at both the national and international levels, to enhance transparency and accountability of duty bearers, especially States and corporations.

A series of parallel discussions drew on the expertise of national and regional non-governmental organisations on a range of related topics, including:

- human rights defenders and the right to development;
- the role of the media and development; and
- natural resources and development.

The ideas and feedback from these sessions helped to guide and inform the broader conference discussions.

As part of the two-day conference, participants also examined the situation facing LGBT people in the Asia Pacific region, as well as steps being taken by NHRIs to advance their human rights.

In addition, a conference session explored the important and unique contribution that NHRIs can make to the work of the UN Human Rights Council.

NGO Conference

The APF promotes cooperation between NHRIs and NGOs. At each APF Annual Meeting the APF also facilitates interaction and cooperation with the Asia NGO Network of NHRIs (ANNI). In 2011 ANNI held its meeting in parallel with the APF's Annual Meeting. The focus of the NGO meeting was on human rights defenders.

Presenting its statement to the APF Biennial Conference, ANNI noted that at least six APF member institutions – India, South Korea, Malaysia, Mongolia, the Philippines and Sri Lanka – have a designated focal person to respond to issues raised by human rights defenders. However, ANNI said that in many countries these desks or focal persons “still require further strengthening and need to be reinforced by the Members of Commissions to effectively address the broader problem of ensuring the rights of human rights defenders.”

The NGO network also called on the APF to work with parliamentarians and governments in countries where there are no NHRIs to establish independent institutions that comply with the Paris Principles.

The APF's Forum Councillors expressed their appreciation for the constructive contribution of NGOs during the conference. They also reaffirmed the important role of NHRIs to be a 'defender of the defenders' and noted the call to advocate for formal recognition and protection of human rights defenders by governments through laws and other mechanisms.

An **impact and outcome** directly linked to the activity is set out below:

Nepal

Following the recommendations presented to NHRIs by ANNI, the National Human Rights Commission of Nepal developed a structured course of instruction to support human rights defenders working at the grass roots level in Nepal.

The three-part program, delivered over five days, introduces human rights defenders to:

- foundation human rights issues, as well as the national and international system for promoting and protecting human rights
- the rights of specific vulnerable groups in Nepal , including women, children and minority groups
- human rights issues 'on the ground', through field visits to prisons, detention centres, children's homes and other places.

The course also discusses the role and functions of human rights defenders, human rights protection mechanisms, human rights dialogue and advocacy and a human rights-based approach to development.

In addition, participants develop skills in report-writing to assist them document human rights violations.

The most recent training course conducted by the Commission brought together 26 human rights defenders from 11 districts across Nepal, representing a broad range of NGOs and civil society organisations.

The Commission will also shortly host a national conference that aims to bring together human right defenders and strengthen their professional networks.

Business and Human Rights

The APF, in partnership with the National Human Rights Commission of Korea, held a regional conference on Business and Human Rights, in Seoul, Korea from 11-13 October 2011. The conference was held as part of the Asia Pacific's regional response to the 10th International Conference of NHRIs and its Edinburgh Declaration. The Declaration called on NHRIs to hold regional workshops to consider how they can use their mandates to address corporate-related human rights violations.

Presenters from government, the private sector, civil society and NHRIs chronicled human rights violations in different parts of the Asia Pacific and highlighted the benefits associated with corporate compliance with human rights. For example, transnational and Korean companies provided examples of steps taken to promote human rights principles within their parent corporations, as well as their subsidiaries and supply chains.

The conference examined existing international standards related to business and human rights, in particular the 'protect, respect and remedy' framework developed by Professor John Ruggie, Special Representative of the UN Secretary-General on Business and Human Rights.

Participants also discussed the steps that NHRIs can take to implement the framework's Guiding Principles and shared practical examples of the ways in which they can use their mandate to promote and protect human rights through monitoring, education, advocacy and complaint handling.

Following the conference presentations and working groups, APF member institutions agreed to take a number of steps at the **national level**, including:

- reviewing and revising their Strategic Plans to ensure that action to address human rights violations by business is identified and prioritised;
- reviewing their existing institutional capacity and identify the training needs required to assist them undertake effective action in relation to business and human rights;
- creating a focal point for business and human rights within their institutions, if they haven't already done so; and
- developing relationships with key stakeholder groups, including government, business, civil society and others in order to hold an ongoing dialogue on business and human rights.

APF members also agreed to contribute to regional and international efforts, including supporting the activities of the ICC Working Group on Business and Human Rights and engaging with the ASEAN Intergovernmental Commission for Human Rights, which will undertake a baseline study into corporate social responsibility.

An **impact and outcome** directly linked to the activity is set out below:

India

The National Human Rights Commission of India is developing a voluntary code of conduct for industry to help minimise cases of human rights violations. Once the draft code is prepared, the Commission will hold a national consultation meeting with trade and industries to seek feedback and give final shape to the code.

In preparing the draft code, a six-member Commission team recently concluded a five-day visit of Odisha. The members visited Jagatsinghpur district where South Korean steel company Posco has plans for a major steel project. "People in Jagatsinghpur district alleged that middlemen had acquired their land in name of community purposes. But later it was found that the land was used for commercial use. The land value middlemen paid to owners was much lower than the compensation being paid to land losers now," the Commission stated.

International Criminal Court

Delegates from across the Asia Pacific, including representatives of NHRIs, gathered in Sydney from 14 -15 February 2012 for a major conference to discuss the work and impact of the International Criminal Court during its first decade.

Co-hosted by the Australian Human Rights Centre and the Faculties of Arts and Law of the University of New South Wales, the two-day forum examined the role and success of the Court in achieving gender justice.

It also reviewed the reasons for the Asia Pacific's limited engagement with the International Criminal Court regime and discussed some key lessons from other regions about achieving ratification and full implementation of the Court's mandate, including in the area of gender justice. High level presentations were made by:

- the President of the Court, Judge Sang-Hyun Song,
- the Registrar of the Court, Ms Silvana Arbia,
- Deputy Prosecutor, Ms Fatou Bensouda, and
- Ambassador Christian Wenaweser, President of the International Criminal Court Assembly of States Parties.

Following the conference, approximately 20 delegates from NHRIs and NGO's in the Asia Pacific took part in a one-day workshop to specifically explore the value and effectiveness of the Rome Statute and the International Criminal Court system in addressing gender injustice. The APF supported the participation of senior representatives from the NHRIs of Afghanistan, Malaysia, the Maldives, the Philippines and Sri Lanka. NGO representatives came from Burma, Fiji, India, Malaysia, Nepal, the Philippines, Timor-Leste and Australia, as well as a representative from the Pacific Islands Forum Secretariat.

The delegates discussed the following practical areas for action:

- developing campaigns to encourage ratification of the Rome Statute;
- providing advice on the implementation of the Rome Statute into national law and developing strategies to improve national compliance;

- engaging with the general public, law enforcement agencies, parliamentarians, policy-makers and the security sector to build greater understanding of the role of the Court; and
- conducting credible investigations and gathering documentation in relation to crimes against humanity, war crimes, genocide and gender-based violence.

Gulf Human Rights

The **Second Gulf Forum on Human Rights** was held in Muscat from 12-13 March 2012, hosted by the National Human Rights Commission of Oman. The APF joined with representatives of NHRIs, civil society organisations and international agencies working in the Gulf States to discuss key human rights issues in the region. Another key goal of the forum was to bolster relations between NHRIs and civil society organisations within the region.

The forum explored strategies and mechanisms for establishing independent NHRIs in the Gulf States that meet the international standards set out in the Paris Principles. Participants shared experiences about the cooperation and partnerships that exist at the national level, along with initiatives to increase understanding and awareness of human rights principles within the Gulf region.

5.2 Communications

During the reporting period the APF undertook a range of information and promotional activities on the role and functions of NHRIs and the activities of the APF. These educational activities are designed to: (i) improve awareness among political and administrative decision-makers and the wider community of the value and importance of NHRIs; (ii) improve awareness among relevant regional governments and agencies of the appropriate functions, powers, structures and legislation for NHRIs established in accordance with the Paris Principles; (iii) improve awareness among NHRIs 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 member institutions, governments, UN agencies, NGOs and the general community.

The APF employs a number of communication channels to inform members on the role and function of NHRIs and to promote the activities of the APF.

Website

The APF website was upgraded in July 2011 with content organised in a way that better reflects the needs of different groups of visitors (APF members, new NHRIs, partners and other stakeholders). New content was uploaded on, at least, a monthly basis and often more regularly.

APF e-Bulletin

The APF published monthly issues of its newsletter, the Forum Bulletin, to keep APF members, governments, NGOs and stakeholders informed of important

policy, legal, administrative and training developments in the region. The monthly APF e-Bulletin is available at www.asiapacificforum.net/news/apfbulletin.

Email Broadcasts

Throughout the year regular email broadcasts were sent to Forum Councillors and their nominated staff contacts. These email broadcasts covered a range of APF specific thematic and operational issues. In addition the APF acts as the relevant communication channel for correspondence from the UN and the ICC.

6 Promote compliance with the Paris Principles

The Paris Principles set out the minimum standards required by NHRIs to be considered credible and to operate effectively.

The guidelines were developed at a UN meeting held in Paris, France in 1991, which brought together representatives of NHRIs from all parts of the globe to define the core attributes that all new or existing institutions should possess. The Paris Principles identify 6 criteria that NHRIs should meet in order to be effective, including:

- a clearly defined and broad-based mandate based on universal human rights standards;
- autonomy from government;
- independence guaranteed by legislation or the constitution;
- pluralism, including membership that broadly reflects their society;
- adequate resources; and
- adequate powers of investigation.

A fundamental role of the APF is to support its members, along with new NHRIs in the region, to comply with the Paris Principles. During the reporting period the APF assisted in the reaccreditation of existing members and assisted the establishment of new complying NHRIs.

6.1 Accreditation

The Paris Principles provide an agreed basis for assessing the independence and effectiveness of NHRIs. In particular, they are used by the ICC to determine the accreditation status of NHRIs.

Accreditation assesses the extent to which an NHRI meets the minimum standards set out in the Paris Principles. It is a peer-based evaluation process,

undertaken by representatives of NHRIs from each of the four regions: Africa, Americas, Asia Pacific and Europe. NHRIs which are considered to fully comply with the Paris Principles are accredited as 'A' status institutions, while those that partially comply are accredited as 'B' status institutions. 'A' status NHRIs are allowed to participate in the work and discussion of the UN Human Rights Council and its subsidiary bodies.

The APF adopts the accreditation decisions of the ICC to determine APF membership status.

- **Full members of the APF** are NHRIs in the Asia Pacific region accredited with 'A' status by the ICC. Each full member is represented on the Forum Council – the APF's decision-making body – by a voting councillor. Full members also nominate a jurist to sit on the APF's ACJ.
- **Associate members of the APF** are NHRIs in the Asia Pacific region accredited with 'B' status by the ICC. Associate members are entitled to participate in APF programs and activities, however, they are not entitled to vote on Forum Council decisions or nominate a jurist to the ACJ.

Since its inception in 1996, APF membership has steadily risen. 15 out of its 18 member institutions have 'A' status. Currently the NHRIs of Bangladesh, Maldives and Sri Lanka have been accorded 'B' status by the ICC and are, as a result, Associate members of the APF.

Accreditation by the ICC is an ongoing process which may entail either the upgrading or downgrading of the status of individual NHRIs. The accreditation process aims to be comprehensive, rigorous and transparent. It is conducted by a sub-committee on the ICC comprised of 1 representative from each of the 4 ICC regions of Africa, Americas, Asia Pacific and Europe who are supported by their regional NHRIs secretariats. It considers the following:

- Information provided by the NHRI, including: a 'Statement of Compliance' with the Paris Principles; its founding / empowering legislation or instrument; an outline of its organisational structure, including staffing and budget; its most recent annual report; and any other relevant documents.
- A summary of issues relevant to the application, which is prepared by the National Institutions and Regional Mechanisms Section of the OHCHR and provided to the NHRI for its review and response.
- Reports from other organisations, such as national or regional civil society organisations, that are able to provide information on the work of the NHRI.

Accreditation reviews occur every 5 years. The sub-committee meets twice a year, normally in March and November. The APF's representative plays a very active role in the accreditation process supported by the APF secretariat's Legal Counsel.

At its meeting in October 2011, the Sub-Committee on Accreditation of the ICC developed draft **General Observations** on:

- NHRIs operating as National Monitoring/Preventive Mechanisms;
- the quasi-judicial competency NHRIs; and
- assessing the performance of NHRIs.

Their purpose is to provide guidance to NHRIs in developing their own processes and mechanisms, as well as assist governments address issues relating to a NHRI's compliance with the Paris Principles. The Sub-Committee also uses the General Observations to guide its assessment of applications for accreditation, re-accreditation and special reviews of NHRIs.

During the October 2011 meeting, the Sub-Committee considered:

- applications for **accreditation** from the NHRIs or Ombudsman's Offices of Bermuda, Bulgaria (2 applications) and Macedonia.
- applications for **reaccreditation** from the NHRIs of Argentina, Armenia, Burkina Faso, Costa Rica, Egypt, Mexico, Norway, Panama, Senegal, Slovakia, Tanzania, and Zambia.

In addition, the Sub-Committee considered the situation of the NHRI from Honduras.

The Sub-Committee also met in Geneva from 26-30 March 2012. The NHRIs reviewed by the Sub-Committee in that session included Bolivia, Colombia, Indonesia, Malawi, Peru, Philippines and Rwanda (reaccreditation); Hungary, Kazakhstan, Kyrgyzstan, Mali and Tajikistan (new applications); and Bermuda, Burkina Faso and Slovakia (deferred applications).

6.2 Establishment of NHRIs

The APF sends missions to countries within the region that are considering the development of a NHRI. These missions enter into dialogue with government and civil society representatives, assist in drafting legislation and otherwise provide advice on establishing NHRIs in compliance with the Paris Principles. In a number of cases, the APF provides advisory services in collaboration with other partners in the region, including OHCHR and the Pacific Islands Forum Secretariat (PIFS).

Iraq

With the Iraqi Government in the process of selecting members to form the country's new High Commission on Human Rights, a workshop was held in Beirut, Lebanon, from 2 to 6 July 2011 to support the Committee of Experts, the panel appointed to oversee the selection of Commission members. Participants also involved the six-member secretariat responsible for preparing a shortlist of

candidates to be considered by the selection committee. The program was jointly organised by the APF, UNAMI and the United Nations Development Programme.

The workshop provided members of the selection committee and the secretariat with information and skills to establish a transparent, efficient and accountable selection procedure that meets the international standards set out in the Paris Principles.

The APF's Legal Counsel, the United National Assistance Mission for Iraq (UNAMI) and the Jordan National Centre for Human Rights shared their experiences and perspectives on international standards, existing domestic procedures and best practice in the Asia Pacific region. Participants discussed the role and functions of NHRIs and looked at 'best practice' examples in relation to selection criteria and selection processes. They also engaged in practical exercises around shortlisting, interviews and preparing selection reports.

The legislation establishing the High Commission on Human Rights was passed by Iraq's Parliament in November 2008. A Committee of Experts was initially established in September 2009, however the selection process was suspended following the dissolution of Parliament ahead of the 2010 general elections. The process was restarted at the beginning of 2011 and members of the Committee of Experts were formally endorsed on 16 June 2011.

The Committee of Experts is comprised of eight members of the Council of Representatives; two members of Council of Ministers; two members of the High Judicial Council; two representatives of civil society organisations; and an observer from UNAMI.

It is anticipated that the Committee of Experts will complete the selection process within the coming months. A recommendation of 11 members and three substitutes will be provided to the Parliament for its consideration.

Central Asia

The APF was invited to provide a presentation of the role and functions of NHRIs to Central Asia institutions. The event was organised by the Organisation for Security and Cooperation in Europe (OSCE) and was held from 11 to 14 July 2012 in Vilnius, Lithuania. In addition, at the request of the OSCE and the Government of Lithuania, the APF met with the President of Lithuania and the Minister for Justice to discuss the establishment of a NHRI in Lithuania.

China

The APF was invited to lecture at the China University for Political Science and Law 'Human Rights Summer School' in Beijing. From 18 to 21 July 2012 the APF provided post-graduate students with information on the role and functions of NHRIs and the minimum international standards contained in the Paris Principles. The APF also held discussions regarding the possible establishment

of a NHRI in China. At the conclusion of the summer school the China University publicly announced its proposal for the establishment of a NHRI.

Palau

A week-long series of consultations on the establishment of a NHRI was held with key stakeholders in Palau from 1 and 5 August 2011. The consultations followed a preliminary visit to Palau in April 2011 by the APF and PIFS, in response to an invitation from the Government of Palau to discuss the roles and functions of NHRIs.

Representatives from the APF, the Pacific Islands Forum Secretariat (PIFS) and the Office of the High Commissioner for Human Rights (OHCHR) met with:

- President Johnson Toribiong
- Palau's Council of Chiefs
- Government ministers
- members of the Olbiil Era Kelulau (Palau National Congress)
- the Governors Association
- members of civil society organisations supporting the rights of persons with disabilities, young people and foreign workers
- journalists and media representatives.

The main aim of the discussions was to collect their views on establishing a NHRI and what model would be most appropriate to Palau. The consultations revealed broad support for the idea and a report was prepared for the Government of Palau summarising the key issues raised by stakeholders. The report also set out a clear roadmap for establishing an independent NHRI in line with the international standards set out in the Paris Principles.

An additional component of this visit was to assist the Government prepare for its participation in the Universal Periodic Review (UPR). As part of its UPR presentation to the United Nations Human Rights Council on 3 May 2011, the Government reported on its work in partnership with the APF. During the review, a number of States called on Palau to establish a NHRI in accordance with the Paris Principles.

Vanuatu

At the invitation of the Government of Vanuatu, a regional delegation comprised of representatives from the APF, OHCHR and PIFS visited the Pacific Island country from 19 – 23 September 2011, to discuss with stakeholders the potential establishment of a NHRI.

During the week-long visit, the delegation met with senior members of the Government; parliamentarians; government agencies; the National Council of Chiefs; the Vanuatu Council of Churches; United Nations agencies; and civil society organisations, including the Vanuatu Society for Disabled People.

The goal was to seek their views on establishing a NHRI and what model would be most appropriate for Vanuatu. The consultations revealed broad support for the establishment of a NHRI in Vanuatu. At the conclusion of the week, the delegation shared their preliminary observations with the Minister of Justice and Community Services, the Hon Ralph Ragenvanu.

A comprehensive report of the consultations sets out the concrete steps the Government can take to advance the NHRI establishment process, with assistance from the APF, OHCHR and PIFS. It was delivered to the Government of Vanuatu in October 2011.

Samoa

At the invitation of the Government of Samoa, an APF team visited the Pacific Island country from 24-28 October 2011. While in Samoa, the APF team held comprehensive discussions with representatives of the Attorney-General's Office and the Office of the Ombudsman. They worked closely with both offices to identify the systems, processes, resources and other logistics that would be required to establish a NHRI within the existing Office of the Ombudsman.

During their visit to Samoa, the APF team also met with a number of other key stakeholders, including members of the Law and Justice Sector Committee, the Law Reform Commission, the Ministry of Finance, and the Ministry of Women, Community and Social Development. Based on their research and consultations, the team prepared a report for the Government outlining concrete recommendations about the structure, size, roles and functions of a proposed Human Rights Commission, the resources that will be required and how it can meet the Paris Principles.

The report is part of a close partnership between the APF and the Government of Samoa, which first began in April 2009 when the APF was invited to conduct a scoping mission about the potential creation of a NHRI. The APF met with the Government of Samoa in February 2012, at which time the report had been considered and approved with a view of having the NHRI established and operational by July 2013.

Pakistan

Pakistan's lower house of the National Assembly unanimously passed a bill on 21 December 2011 to establish an independent NHRI with wide judicial powers. The passage of the bill follows years of advocacy from national organisations, with advice and support provided by regional and international organisations, including the APF and OHCHR.

Under the bill, the National Commission for Human Rights will have the power to receive and consider complaints. When undertaking inquiries, it will have the

powers of a civil court and can summon any individual, public or private department. The commission will have the power to intervene in any proceedings involving alleged violations of human rights, to visit jails nationwide and to appoint special investigation teams of officers from police and other law enforcement agencies. It will be required to submit an annual report to the federal government which will then be bound to lay it before parliament.

In addition, the commission will have full administrative and financial autonomy and its accounts will be audited by the auditor general of Pakistan. It will be based in Islamabad and may establish offices in provincial headquarters or other places as appropriate.

Solomon Islands

At the invitation of the Solomon Islands Government, a regional delegation comprised of representatives from the APF, OHCHR and PIFS visited the Pacific Island country from 23 – 27 January 2012 to discuss the potential establishment of a NHRI.

During their week-long visit to Solomon Islands, the delegation met with a broad range of people, including senior Parliamentarians; heads of Government departments; the Commissioners of Police and Corrections; the Law Reform Commission; the Office of the Ombudsman; the Office of the Public Solicitor; the Truth and Reconciliation Commission; civil society organisations working for the rights of children, women, persons with disabilities and rural farmers; trade unions; the media; and representatives of the Regional Assistance Mission to Solomon Islands (RAMSI).

The purpose of the meetings was to collect people's views on the establishment of a NHRI in Solomon Islands. Discussions focused on the value that a NHRI could bring, the roles that it could perform, how it could best complement and augment existing State institutions and fill gaps, and the type of NHRI most appropriate to Solomon Islands' culture and its legal and political systems.

The delegation prepared a comprehensive report on its consultations for the Government. The report, delivered to the Government in March 2012, captured the views expressed by participants, which revealed broad Governmental and public support for the establishment of a NHRI in Solomon Islands. The report also proposed some concrete 'next steps' that the Government could take to advance the NHRI establishment process, with assistance from the APF, OHCHR and PIFS.

Myanmar

The APF visited Myanmar from 8 to 11 April 2012 to meet the Chairperson and Commission members of Burma/Myanmar's newly established NHRI to discuss possible areas of support to develop and strengthen the work of the organisation.

In discussions with the Chairperson and members of the NHRI, the APF undertook to:

- provide technical advice on drafting the Commission's establishing legislation, to promote compliance with the international standards set out in the Paris Principles
- coordinate a high-level dialogue involving Commission members in July 2012
- provide assistance with the Commission's strategic planning process, either later this year or in early 2013
- provide training for Commission staff, as more are appointed.

The NHRI was established by presidential decree in September 2011, as part of reforms taking place in the country. Previously, there had been a governmental human rights committee under the Minister for Home Affairs. The NHRI has 15 members. Its Chairperson, U Win Mra, was formerly the Permanent Representative of Myanmar to the United Nations, as was the deputy Chairperson. Other members are former senior government officials and academics. The Commission currently has 22 staff. The Commission plans to increase staff numbers to 167 over the next three years.

During this first visit the APF also met with the Deputy Chairman of the National League for Democracy and representatives of the international community.

Soon after the initial visit, on 28-29 April 2012, the APF's Legal Counsel travelled to Yangon to take part in discussions on the development of legislation to formalise the NHRI through an Act of Parliament. The APF met with the Chairperson and members of the Commission to discuss all aspects of the founding legislation of a national institution. The two-day meeting provided an opportunity to consider and compare founding legislation from NHRIs in the ASEAN region, the broader Asia Pacific region and other parts of the world, with a focus on highlighting good practice in relation to the structure and functions of a national institution.

The discussions also addressed the international standards relating to the establishment and functioning of NHRIs, the Paris Principles, and the General Observations of the International Coordinating Committee of NHRIs, which seek to interpret and clarify the Paris Principles. Both the Paris Principles and General Observations are used to accredit NHRIs for participation in the United Nations human rights mechanisms.

7 Engage with international and regional human rights mechanisms

This strategic objective is aimed at advocating for member's participation in regional and international mechanisms, promoting APF policy positions and more effectively ensuring NHRI recognition in these mechanisms.

7.1 International Mechanisms

United Nations Human Rights Council

The five-year review of the Human Rights Council, completed in 2011, culminated in the creation of five new contribution opportunities for ‘A’ status NHRIs to the Council’s work. A product of the APF’s advocacy, APF members are now concentrating their efforts on making the most of these opportunities, which includes the use of video conferencing technology to address the Council. This innovation enables ‘A’ status NHRIs to make important contributions to the Council’s deliberations and decision-making processes without incurring the significant costs of travel to Geneva (see impact and outcomes below).

At the March 2012 session of the Council, coalition of 12 NHRIs – including Australia, New Zealand, Mongolia and Thailand from the Asia Pacific region – made a joint statement to the Council welcoming the “the commitment of the Human Rights Council, the Office of the High Commissioner for Human Rights, Special Procedures, Treaty Bodies, non-governmental organisations and human rights defenders worldwide to addressing the issue of violence and discrimination based on sexual orientation and gender identity.” While “working in a diversity of societies and cultures”, the NHRIs expressed their “unanimity in condemning human rights violations whenever and wherever they occur and on whatever basis that they occur.”

The statement drew attention to the November 2011 report of the UN High Commissioner for Human Rights and welcomed “the acknowledgement in the report of the important role of that NHRIs can play in addressing violence and discrimination on the basis of sexual orientation and gender identity”. The NHRIs went on to state that “where possible and appropriate, we will work towards increasing our understanding and capacity in this area to enable us to speak out against discrimination and violations, and welcome the sharing – including through international and regional networks – of experiences and best practice in addressing legal, social, cultural and religious barriers for realising the rights of LGBTI individuals.

“Where appropriate and possible, we commit ourselves to work with relevant authorities and the community to monitor and inform on incidents of discrimination and violence linked to sexual orientation and gender identity, and to commit to continuing to engage with the Human Rights Council and Member States to ensure that these human rights violations are adequately addressed.”

An **impact and outcome** directly linked to the APF’s advocacy is set out below:

Timor Leste

NHRIs from the Asia Pacific added their voice to a number of discussions at the Human Rights Council, with Timor Leste becoming the first NHRI to address the Council by video.

Dr Sebastiao Dias Ximenes, who heads the Office of the Provedor for Human Rights and Justice, presented a three-minute statement as part of the NHRI's follow-up activities to the February 2011 visit to Timor Leste by the UN Working Group on Enforced or Involuntary Disappearances.

Following the review of the work and functioning of the Human Rights Council, 'A status' NHRIs are now able to present statements by video, helping overcoming barriers to participation caused by a lack resources, time constraints and distance from Geneva. "The use of IT at the Human Rights Council will greatly assist national stakeholders in effectively engaging with the Council," Dr Ximenes noted at the start of his statement. He went on to acknowledge that Timor Leste "still has a long way to go to fulfil the right to truth, justice and reparation to those who disappeared and their families", which some groups have numbered in the tens of thousands.

Endorsing several of the recommendations made by the Working Group, Dr Ximenes called for "immediate and effective steps [to be] taken to bring justice to victims, including by investigating all unresolved cases of enforced disappearances and making alleged perpetrators accountable." He also said that Timor Leste should ratify the International Convention for the Protection of All Persons from Enforced Disappearance, amend national criminal law to remove the possibility of granting amnesty for serious crimes of international law and that victims should be included more closely in the process of seeking justice and reparation.

"The Provedoria and civil society will further strengthen their efforts so that the recommendations of the Working Group will be implemented, timely and effectively," he told the Council.

The video statement can be viewed at: <http://www.unmultimedia.org/tv/webcast/2012/03/nhri-timor-leste-item-3-cont-id-17th-meeting.html>.

United Nations General Assembly

In February 2012, the UN General Assembly (GA) launched an open-ended intergovernmental process to strengthen and enhance the human rights treaty body system. The GA's process builds on a two-year multi-stakeholder process led by the UN High Commissioner for Human Rights, to which the APF contributed. In recognition of the contribution that NHRIs have made to the treaty body strengthening project, the GA has taken the positive step of providing for arrangements to be made to enable its process to benefit from the inputs and expertise of NHRIs.

The APF has developed an ICC-adopted advocacy paper that sets out proposed modalities for 'A' status NHRI contributions to the GA's intergovernmental process.

United Nations Commission on the Status of Women

During the reporting period the APF continued a major campaign initiated by APF member institutions and backed by the ICC to ensure that 'A status' NHRIs are able to directly contribute their independent expertise to the United Nations Commission of the Status of Women ('CSW') to better advance the rights of women and girls. Unlike the Human Rights Council, NHRIs cannot participate in their own right at the CSW and can only attend as part of their country's government delegation, if they are invited.

The NHRIs of Jordan (the incoming Chair of the ICC), Australia, Korea, Mexico, Morocco and Qatar attended the 57th session of CSW, held from 27 February – 9 March 2012. The APF secretariat also attended the session to support and coordinate the advocacy of these institutions.

United Nations Open Ended Working Group on Ageing

The APF was invited to make participate and present at the 2nd session of the UN Open-Ended Working Group on Ageing (OEWG) which took place from 1 to 4 August 2011.

The mandate of the OEWG (resolution 65/182 General Assembly, December 2010) includes three aspects:

- To consider the existing international framework on the human rights of older persons
- To identify possible gaps and how to best address them
- To consider, as appropriate, the feasibility of further instruments and measures.

The first working session of the OEWG (18-21 April 2011) focused on the consideration of the existing international and regional human rights framework.

The second working session of the OEWG was held from 1-4 August 2011. Member States, mainly from the Western European and Other Group (WEOG) and the Latin American and Caribbean Group (GRULAC), intergovernmental organisations, United Nations agencies and NGOs were in attendance. A number of panelists were also invited to make presentations and/or facilitate the meeting including representatives from the Afghanistan and Kenyan NHRIs and the APF.

Participants discussed a range of (i) normative gaps (ii) monitoring gaps (iii) implementation gaps and (iv) qualitative and quantitative information gaps with regards to international, regional and national mechanisms and for the protection and promotion of the rights of older persons. Issues that were raised included:

- Age-related discrimination and multiple discrimination
- Ageism, stigma and prejudice
- Poverty
- Violence and abuse of older persons
- Physical and mental health
- Social exclusion
- Equality before the law.

In terms of the (i) normative (ii) implementation (iii) monitoring and (iv) information gaps, at the national level a range of issues were identified including no, or inadequate, legislation, policies and programs and/or problems with a lack of funding and insufficient implementation. A number of States also highlighted law, policies and programs which they considered to be 'good practice' (e.g. age discrimination legislation, anti-stigma campaigns etc).

At the international level there was a split between the European Union States (which believe that the existing international standards are sufficient and that no normative gap exists) and the GRULAC States (which believe that the existing standards, while applicable to older persons, have not offered adequate protection, visibility and specificity to older persons).

A range of proposals were made by Member States including:

- Elaboration of a new international human rights convention on age to ensure universal standards, visibility, a joint international response;
- The appointment of a Special Rapporteur with a specific age human rights mandate to work in parallel with the development of a new convention;
- Strengthening of the use and implementation of the existing international human rights standards and mechanisms to protect the rights of older persons;
- Enhanced governance, policies, coordination etc in the context of the Madrid Plan of Action on Ageing scheduled to start in 2012;
- The Commissioning of further studies and data analysis on the development of indicators, monitoring mechanisms and an analysis of the social and fiscal costs associated with an ageing population.

The APF was subsequently invited to participate in an 'Experts' meeting, which took place from 28 to 31 May 2012, in preparation for the 3rd session of the

OEWG. The meeting made a number of recommendations concerning the format and structure for the 3rd session of the OEWG and formulated a range of questions to be issued to Member States for their consideration and response prior to the commence of the 3rd session.

International Coordinating Committee of National Human Rights Institutions

The APF's four regional representatives, supported by the APF secretariat, participated in the ICC Bureau meeting in Seoul, Korea, on 10 October 2011. ICC Bureau members discussed and endorsed two proposals adopted by the APF members at its 16th Annual Meeting.

The first proposal was that NHRIs agree to formally seek participation rights in the UN Open-Ended Working Group on Ageing. Established in 2010, the working group has been asked to consider the existing international framework of the human rights of older persons, identify protection gaps and determine how best to address them, including the feasibility of developing a Convention on the Rights of Older People.

The second proposal was that the ICC Statute be amended to allow for greater flexibility in timing and location of the ICC International Conference, which is currently held every two years and rotated among the four regions.

APF member institutions and the secretariat also participated in the ICC General Assembly, held in Geneva from 19 - 22 March 2012. At this meeting Dr Mousa Burayzat, Commissioner General of the Jordan National Centre for Human Rights, was elected to lead the ICC. Dr Burayzat will hold the position until March 2013, when the Asia Pacific region's three-year term as ICC Chairperson will rotate to a representative from the African region. He replaces Ms Rosslyn Noonan, former Chief Commissioner of the New Zealand Human Rights Commission, who has led the ICC for the past two years.

The ICC's 25th Meeting was opened with presentations from Navi Pillay, UN High Commissioner for Human Rights; Laura Dupuy Lasserre, President of the UN Human Rights Council; and Shireen Said, UNDP's human rights advisor. The four-day gathering considered a broad range of thematic issues relevant to NHRIs in all parts of the world, including:

- business and human rights;
- the environment and human rights;
- monitoring (with a focus on the Convention on the Rights of Persons with Disabilities, and a focus on the OPCAT and detention);
- the rights of indigenous peoples;
- transitional justice; and

- the right to development.

These panel discussions provided opportunities for NHRIs to share their experiences and listen to the perspectives of representatives from leading NGOs and UN agencies.

There was also a session on the role of NHRIs in following up recommendations made to States in the first cycle of the Universal Periodic Review ('UPR') and their participation in the second UPR cycle, which begins this year.

In addition, a side event was held to discuss issues in relation to the Paris Principles and the ICC's accreditation system for NHRIs.

Optional Protocol on the Prevention of Torture

Representatives of NHRIs from all parts of the world were among 300 invited delegates to the first-ever global forum on the prevention of torture - *Preventing Torture, Upholding Dignity: from Pledges to Actions*, held in Geneva from 10-11 November 2011.

Organised by the Geneva-based Association for the Prevention of Torture, the event was an opportunity to assess progress and challenges five years after the Optional Protocol to the Convention against Torture (OPCAT) came into force.

The UN Special Rapporteur, Juan Mendez, delivered the keynote address, and former and current members of the UN Subcommittee for the Prevention of Torture also attended the conference. One of the key discussions during the two-day conference concerned the use of security concerns to justify torture and ill-treatment of detainees, including in many democratic countries.

The Global Forum included a number of sessions where participants shared national and regional experiences, examples of good practice and strategies to strengthen torture prevention mechanisms. A total of 61 countries have now ratified OPCAT, which establishes a system of unannounced and unrestricted visits to places of detention by independent national and international monitoring bodies. A further 22 countries are signatories, with 12 more expressing interest.

At the conclusion of the Global Forum, delegates identified three strategic goals to bolster the treaty's reach and effectiveness, including:

- to continue the campaign to increase ratification, as well as ensuring that States Parties maintain the political will required to implement the OPCAT;
- to improve the effectiveness of national and international oversight mechanisms required by the OPCAT; and
- to involve new actors in the fight against torture, such as the media, public opinion, trade unions, doctors and donor groups.

The **impact and outcomes** directly linked to this activity are set out below:

Australia

The Australian Human Rights Commission urged its Government to ratify OPCAT. Ratification of OPCAT would establish a coordinated system to regularly monitor facilities such as immigration detention centres, prisons, suburban police cells along with psychiatric wards and closed disability facilities. In its recommendation to the Government, the Commission said it held “serious ongoing concerns” about the treatment of some groups of people who are deprived of their liberty in Australia, including people in immigration detention.

South Korea

The National Human Rights Commission of Korea (NHRCK), in conjunction with the Institute for Medicine and Human Rights, undertook a fact-finding survey looking at the effects of torture on victims. The researchers surveyed 213 torture victims and 10 family members and conducted in-depth interviews with 24 torture victims.

The survey revealed that approximately 60% of respondents experienced severe economic difficulties and 76.5% claimed to have experienced post traumatic stress disorder. Furthermore, 24.2% of respondents had attempted to commit suicide.

The Commission submitted the survey results to relevant governmental agencies, NGOs, torture victims, academics and medical and legal experts in order to develop policy recommendations to eliminate torture and improve human rights protection for torture victims.

In addition, the NHRCK sought to raise public awareness on the issue, establish a support system for the rehabilitation and treatment for torture victims and encourage the Government to ratify the Optional Protocol to the Convention against Torture.

7.2 Regional Mechanisms

Pacific Regional Mechanisms

The merits of a regional human rights mechanism for the Pacific, and possible pathways to establish one within a realistic timeframe, were key discussion topics at a major regional consultation held in Suva, Fiji. The regional consultation, held from 28 - 30 November 2011, was supported by the APF and the PIFS. Organised by the Pacific Regional Rights Resource Team (RRRT) of the Secretariat of the South Pacific Community, the three-day meeting brought together representatives from Government and civil society groups from all corners of the Pacific.

Panel discussions explored a wide range of topics, including:

- the development, successes and challenges of the regional and sub-regional human rights systems in Africa, Asia and Europe;
- the roles and mandates of NHRIs and Ombudsman's Offices; and
- the relationship between national and regional human rights mechanisms.

In recent years, a number of Pacific countries have taken positive steps to establish NHRIs, including Samoa, Palau, Nauru, Vanuatu and Papua New Guinea.

During the consultations, participants highlighted the diversity of peoples, cultures, ethnicities, languages, socioeconomic development and government systems of the Pacific. They also noted that any future regional mechanism should be unique to the Pacific; be based on Pacific values; promote and protect Pacific cultures; and reflect common aspirations for the region.

In addition, there was strong acknowledgment of the positive contribution made by civil society organisations to human rights processes at all levels and the need for them to be involved in ongoing discussions about the establishment of national and regional human rights mechanisms.

Pacific Partnerships

The APF, the OHCHR and the PIFS are developing a new agreement to strengthen their partnership in promoting the establishment of NHRIs in the region.

In a meeting on 15 February 2012, the Pacific Islands Forum Secretary-General and the APF Director welcomed the success of APF-PIFS collaboration, which has grown substantially since the appointment of PIFS' inaugural Human Rights Advisor in 2010. The new agreement will build on a 2009 memorandum of understanding between the APF and PIFS, and the APF's partnership agreement with OHCHR.

The agreement will ensure the sustainability of the work in the region and will highlight the particular areas of expertise that each organisation brings to the partnership. The APF, OHCHR and PIFS are currently working with the Governments of Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands and Vanuatu to set up NHRIs in their countries. OHCHR and PIFS also work in partnership with Pacific Governments and civil society to promote treaty ratification and to support their contributions to the work of the UN's human rights mechanisms, including the human rights treaty bodies, the special procedures and the Universal Periodic Review mechanism.

ASEAN

The APF continued to hold discussions with representatives of the ASEAN Inter-Governmental Human Rights Commission ('AICHR') and its related mechanisms on migrant workers and women.

Principally, the APF invited the Chairperson of AICHR to attend and present at the APF's 16th Annual Meeting and Biennial Conference held in Bangkok, Thailand in September 2011. The Chairperson outlined AICHR's areas of operation and key goals, including the development of an ASEAN Declaration on Human Rights and its working procedures. APF member institutions continued to advocate for the ASEAN Declaration to uphold, and not undercut, minimum international human rights standards and for the role and allocation of formal participation rights for 'A' status NHRIs in the working procedures of AICHR.

The APF subsequently met again with the Chairperson of AICHR during the margins of the 11th Informal Asia-Europe Meeting ('ASEM') Seminar on Human Rights. ASEM is an informal process of dialogue and cooperation bringing together the 27 European Union Member States and the European Commission with 19 Asian countries and the ASEAN Secretariat.

The 11th Informal ASEM Seminar was specifically on the topic of 'National and Regional Human Rights Mechanisms' – and this entailed a focus on the role of NHRIs and AICHR. The Director of the APF was selected by ASEM to be the main Asian Rapporteur to co-write the associated background paper for the Seminar and its final report. Further information can be found at <http://www.aseminfoboard.org/component/rsevents/event/225-11th-informal-asem-seminar-on-human-rights.html>

Asian Civil Society Partnerships

The Asian NGOs Network on National Human Rights Institutions (ANNI) meets each year to exchange updates on pressing human rights issues, as well as developments in relation to the NHRIs in their respective countries.

ANNI held its 5th Regional Consultation in Manila, Philippines, on 23 and 24 April 2012, drawing together 30 participants from Australia, Bangladesh, India, Indonesia, Japan, Jordan, Malaysia, Maldives, Mongolia, Nepal, New Zealand, the Philippines, South Korea, Thailand and Timor-Leste. The APF secretariat and a number of individual NHRIs were invited to attend the meeting

Participating in a panel on NHRI activities at the national, regional and international levels, the APF underlined the importance of the relationship between NHRIs and civil society organisations and suggested a number of areas for future ANNI and NHRI collaboration, which informed ANNI's strategic planning and will be incorporated into the outcome document from the meeting.

8 Effective, efficient and strategic management of the APF

The APF is a member-based organisation made up of NHRIs in the region. It currently has 18 members, representing countries from all parts of the Asia Pacific. The APF operates as an independent, non-profit legal entity, with a 'board of directors' – the Forum Council – that reflects the APF's broad regional diversity.

The key elements of the APF's organisational structure are as follows:

- The Forum Council is the decision-making body of the APF. Established by the APF Constitution, the Forum Council is comprised of 1 voting councillor nominated by each full member. It sets the APF's policies and priorities, decided membership applications and exercises all the powers set out in the constitution.
- The Forum Council elects, from within its membership, a Chairperson and 2 Deputy Chairpersons of the APF.
- Forum Councillors can establish 'Committees of Councillors' to administer different aspects of the APF's operations. A management committee has been established to oversee the operations of the APF.
- The APF secretariat is responsible for implementing the decisions of the Forum Council. The Director of the secretariat reports to the Chairperson of the Forum Council on a regular basis and to the Forum Councillors through the management committee. The Forum Council meets each year as part of the APF Annual Meeting and on other occasions as required. Meetings are run according to the APF Rules of Procedures for Forum Councillors' Meetings.

8.1 Strategy

During the APF's 16th Annual Meeting (APF16), Forum Councillors considered the need to expand the APF's sub-regional presence to help it keep pace with the demands of a growing membership and increased requests for services. A five-member panel, made up of APF Forum Councillors representing each sub-region, will investigate the issue over the coming year and provide recommendations on possible future steps.

The Forum Council also adopted an APF Gender Policy to ensure that a focus on the rights of women is integrated across the organisation's objectives and program areas.

8.2 Management

During the year, the APF secretariat was responsible for the strategic management of the organisation and its operations, which involved:

- Servicing the APF Chairperson, meetings of the full Forum Council and sub-committees established by the Council and providing policy advice to the ICC Chairperson;
- Implementing all the activities approved by the Forum Council in the APF's Strategic Plan;
- Completing all monitoring, evaluation and reporting requirements;
- 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;
- Identifying and implementing risk management strategies for all project activities and the overall operation of the APF;
- Implementing a long-term fund development strategy; and
- The effective, efficient and equitable management of APF financial and human resources.

The APF has continued to implement actions in response to an independent review of the effectiveness of the APF undertaken by a number of the APF's donor organisations in 2009-2010 (the Donor Review Report). The APF has implemented the recommendation to align its reporting timetable with strategic and business planning cycles. The Donor Review also made recommendations on gender analysis in APF programming. In response the APF has adopted a policy on Gender Mainstreaming and have begun to act upon the recommendation.

8.3 Finances

The APF is a non-profit organisation supported entirely by membership fees, voluntary contributions and grants. The APF receives its funding from APF members, UN agencies, governments, foundations, and other NGOs. To ensure its continued independence and impartiality, the APF endeavours to maintain a diversified base of support for its activities.

The APF is very grateful for the generous contributions of its donors and the commitment they share in advancing human rights in the Asia Pacific region. Supporters have included the APF's member institutions through membership fees and other financial and 'in kind' donations, the Governments of Australia, New Zealand, Republic of Korea, Sweden and Thailand (often as a result of the direct advocacy of the NHRIs from those States), philanthropic organisations such as the MacArthur Foundation and the RWI, philanthropic individuals and intergovernmental organisations such as OHCHR and UNDP, and other private donors.

The APF has proficiently transitioned itself from the 1 April to 30 March financial year to the 1 July to 30 June period. The process has transpired smoothly with the external auditing processes along with the Australian regulatory body, the Australian Securities and Investments Commission (ASIC). All financial and statutory obligations have been undertaken.

The APF audited accounts for the financial year 1 July 2011 to 30 June 2012 shall be available upon its completion, after 30 September 2012.

8.4 Compliance

The APF is a company limited by guarantee and is required to meet a range of regulatory obligations. Directors of a company limited by guarantee are subject to all of the duties and obligations for a company as set out in the Corporations Act 2001. This includes the preparation of an audited financial report in accordance with the Australian Accounting Standards and a Directors' report in accordance with the Corporations Act. There are also compliance requirements on companies limited by guarantee relating to health and safety, equal opportunities and industrial relations. In 2011-12 no non-compliance incidents in any of these areas were recorded.

9 Financial Report

Asia Pacific Forum of National Human Rights Institutions AusAID Financial Report for the period 1 July 2011 to 30 June 2012	
<u>Income</u>	\$
Grant received	700,000
Total Income	700,000
<u>Expenses</u>	
Enhance Member Institutions capacity	68,728
Enhance Members communication/engagement	39,926
Paris principles compliance	57,104
Engage with regional & international mechanisms	44,083
Strategic Management	11,245
APF Secretariat	439,556
Total Expenses	660,642
Net Surplus / (Deficit)	39,358

I hereby declare that the Grant funds being acquitted have been expended in accordance with the terms of this Agreement.

Signed:



Kwame Owusu-Akyeampong
Finance Manager