

**Review of the Asia Pacific Forum of
National Human Rights Institutions**

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Executive Summary

Background:

The independent review was conducted on behalf of three donors, New Zealand, Australia and Sweden. The review was a requirement of the partnership agreements between the Asia Pacific Forum of National Human Rights Institutions (APF) and New Zealand and Sweden. More importantly, donors commissioned the review to assess the extent to which the APF had delivered on its mandate, as well as to recommend ways in which donor-APF partnerships might be enhanced. The review was undertaken in accordance with the DAC Joint Donor Review guidelines and the DAC Evaluation Quality Standards. A steering group of representatives of Forum members from each sub-region, Office of the High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP)², Raoul Wallenberg Institute (RWI), the Asian Forum for Human Rights and Development (FORUM-ASIA), the Pacific Regional Rights Resource Team (RRRT), and donors oversaw the review.

To understand the review and the conclusions it draws, it is important to understand the purpose and nature of the APF, as well as to distinguish between the APF itself and the APF Secretariat.

The APF is a member-driven service-providing organisation. Members comprise National Human Rights Institutions (NHRIs) in the Asia Pacific region. There are three categories of membership. Full Members have voting rights. Associate Members and candidate Members do not. Full Members must comply fully with the "Principles Relating to National Institutions for the Protection and Promotion of Human Rights" (the Paris Principles on NHRIs).³

Each Member is represented in the Forum Council the management body that takes all substantive policy and programme decisions. Day-to-day management is provided through the Management Committee, comprising a Chairperson and two Deputy Chairpersons. (The Director of the APF Secretariat, which is the delivery arm of the APF,

¹ It is perhaps worth mentioning that replies received from APF Members were positive and no recommendations for changes were made. This key client group, therefore, support the report and its conclusions.

² While UNDP was not included as a member of the Steering Group in the confirmed TORs, they were subsequently added to the group given the important partnership role they play with the APF, as well as their extensive experience in supporting capacity development within NHRIs regionally and elsewhere around the world.

³ The Principles Relating to the Status of National Institutions (Paris Principles on NHRIs) are the standards accepted by the United Nations (GA resolution 48/134 of December 1993) and used by the International Coordinating Committee (ICC) of National Institution to 'accredit' applicant NHRIs. Only those NHRIs that comply fully with the Paris Principles on NHRIs are recognised as full members of the ICC; only full members of the ICC are recognised as having the authority to participate in their own right in the work of the Human Rights Council. Note that in the NHRI world, the Paris Principles on NHRIs are referred to simply as the "Paris Principles". The more descriptive 'Paris Principles on NHRIs' is used in this report to distinguish them from the Paris Principles on Aid Effectiveness, which is also referenced.

may take operational decisions consistent with the directions given by Forum Councillors.

The primary purposes of the APF are twofold: to strengthen Members' capacity to promote and protect human rights and to assist in the establishment of new NHRIs in conformity with the Paris Principles on NHRIs.

The distinction between the APF – the Members who collectively define policy and establish programmes – and the APF Secretariat – who implement those decisions – must be kept in mind. Unless the context makes it clear otherwise, reference to the APF in this report refers to the organisation, that is, the Members as a collective. The APF Secretariat will be specifically cited when the reference refers to that body.

Methodology:

The review used a variety of methodologies: structured interviews (face-to-face and by telephone); survey questionnaires; file research; literature research; Internet research; expert analysis. It was conducted in a participatory manner. Representatives of the donor community were contacted as to their expectations, as well as their observations on the development programme. The APF Secretariat was engaged throughout to respond to enquiries and comment on issues and findings. A representative sample of APF Members was consulted orally, after having been provided with a list of issues that were to be discussed. All Members were asked to complete a questionnaire rating the management, performance and strategic approach of the APF, as well as to provide examples of impacts of APF programming. Stakeholders, including the OHCHR, the RRRT, a representative of RWI and a representative of the University of New South Wales, were also consulted.

Key findings:

- ▶ The core mandate and fundamental purpose of the APF – the establishment and strengthening of NHRIs – remains relevant given the international, regional and national situation. In fact, developments in all three areas heighten that relevance, as well as the importance of the initiative.
- ▶ The strategic objectives of the APF also remain relevant and important, and respond to APF Members' needs. This was the unanimous view of APF Members.
- ▶ The APF Secretariat has been effective in delivering the APF programmes.
 - Advice given to States has resulted in a growing membership, and there are several outstanding commitments, including from States in the Pacific Islands sub-region, to move forward in this direction. Researchers at the University of New South Wales have noted these successes.
 - Training has improved the skills and knowledge of APF Members, by their own reckoning. A review conducted for the RWI on, *inter alia*, joint training initiatives run by that organisation and the APF found that training has been effective, but makes a series of suggestions for improving the way it is offered,

in particular to strengthen follow-up support, monitoring and evaluation. The APF had already begun to move in this direction even before that review.

- Partnerships have been developed with leading edge organisations to enhance and expand programming offered, and should be considered a 'best practice'. There are opportunities to strengthen those partnerships. The APF is currently discussing an agreement with UNDP and OHCHR in this regard, for example.
 - The APF's information and communications programme, largely centred on its website, has attracted increasing contacts over the years of the programme, including from States in the Pacific Islands sub-region, and the products offered on it are accessible and of high quality;
 - The APF's Annual Meetings (the Annual Meeting of Forum Councillors and the Annual General Meeting) are seen as vitally important to allow sharing between Members, and Members rate it highly effective in this.
 - The APF's Annual Conference has also been seen as an invaluable opportunity to promote dialogue between NHRIs, government and civil society, and should be considered a best practice, even if the decision has been taken to hold these consultative meetings only biennially because of cost and complexity.
 - The Advisory Council of Jurists (ACJ) has served an important role in researching and analysing common or emerging human rights issues of regional importance. However, the APF has determined that its impact could be improved. For this reason, the approach has been adapted to one that is more contextualised and more closely attuned to supporting Members' needs.
 - The APF has played an important role in coordinating regional activities and a lead role in bringing coordinated regional responses to the international level. Members have acknowledged the importance of that role, not only in ensuring coordinated positions, but also in improving the quality of those positions.
- ▶ The APF does apply a gender analysis in programme planning, delivery and evaluation. Members indicate that the APF has been influential in improving their capacity to deal with gender related issues and offer examples of this. However, the APF Secretariat documentation does not sufficiently highlight that a gender focus is applied.
 - ▶ The APF programming has targeted the most disadvantaged and Members point to a variety of examples of how this programming has led to impacts at the national level.
 - ▶ The APF is managed and administered effectively. All substantive APF programme decisions are taken by Forum Councillors, typically through their review and approval of strategic and annual operational plans; the APF Secretariat administers those programmes. Where contingencies arise that require more immediate decisions, mechanisms are in place to facilitate this, usually through contact with Forum Councillors but in exception circumstances through decisions made by the APF Chairperson. There is evidence that establishing sub-regional secretariat units will ensure that better service is delivered to Members. Members support this proposed initiative but recognise that it must proceed with care.
 - ▶ The APF programme delivers value for money. The costs of delivering the programme were: 1,500,125 in 2007/08; 1,863,278 in 2008/09 and 2,079, 231 2009/10. The costs of activities implemented are commensurate with those elsewhere; the documented benefits from the delivery of the programmes are in line

with the cost and effort of programme delivery; delivering programmes through the APF is much more cost-effective than trying to deliver the same programming either directly or through other sources. This last point is particularly important: assuming that donors wish to continue to support the establishment and strengthening of NHRIs in the region, working with the APF is the only realistic 'one-stop' approach possible. The alternatives – working with individual States and/or a plethora of partners – would be considerably more costly and administratively complex.

► There are ways to enhance APF/Donor relationships through better, more streamlined reporting and by ensuring that reporting addresses results and impacts. This process should focus on identifying strategic performance objectives at the front end and reporting on impacts and results against those objectives. In particular:

- Donors and the APF should agree to a common programme in Partnership Agreements - the programme elaborated in the APF strategic plan.
- Donors and the APF should agree to a standard reporting format that mirrors the format used by the APF Secretariat to report on activities to Members. To this end, the APF Secretariat has drafted a proposed framework for defining its programme activity listing five programme priorities, as follows: enhance Member's institutional capacity to promote and protect human rights; enhance institutional and regional communication, cooperation and engagement in order to better promote and protect human rights; promote the establishment of Paris Principles compliant NHRIs; engagement in international and regional human rights fora/mechanisms; strategic management.
- The APF Secretariat should concentrate on reporting programme results and impacts. To this end, the APF has developed an outline for reporting and identified the indicators it will use to track results and impacts. This is attached as **Appendix 7**.
- The APF Secretariat should ensure that its financial reporting is presented by programme objective so that Donors can see where money is being spent.
- Donors should extend their level of support to take into account the changing needs of the APF, as documented in the report. The APF should renew its efforts to expand funding sources. Failure to increase resources will result in either the abandoning of proposed reforms to programme delivery, including adopting a more holistic approach to training and de-centralising the administration of the programme, or a cut-back in the volume of programming delivered.
- To increase predictability for the APF and to take account of the fact that the impacts of many activities will reveal themselves only over time, donors should provide funding for the maximum period possible within their respective legislative frameworks, supported by indicative commitments for following years.
- Donors and the APF Secretariat should continue to meet annually but consider doing so jointly and, in addition, donors should participate in the biennial conference.

Summary of Recommendations⁴ (recommendations involving changing current approaches are in *italics*⁵):

Recommendations directed at donors:

- Donors should continue to support the APF (recommendation 1, page 11);
- *Donors should increase the level of funding for the programme* (recommendation 25, page 44);
- *Donors should provide funding for the maximum period possible and give indicative commitments for following years* (recommendation 27, page 44);
- *Donors should include a requirement to evaluate or review the APF programme in any new Partnership Agreements and time these so that they support the APF strategic planning process* (recommendation 30, page 46).

Recommendations directed towards both donors and the APF:

- *The APF should acknowledge the likely need to expand APF Secretariat personnel resources to support sub-regional expansion and donors should take this into account in their funding decisions*, (recommendation 20, page 32);
- *Once confirmed, strategic objectives should form the basis of Partnership Agreements and reporting* (recommendation 21, page 39);
- *Reports should cover a uniform timeframe, the one used for reporting to APF Members* (recommendation 22, page 39);
- *Financial reporting should be presented by programme objective* (recommendation 23, page 39);
- *APF Secretariat reports should focus on impacts related to programme objectives using the indicators proposed* (recommendation 24, page 41);
- Donors and the APF Secretariat should continue to meet annually preferably individually, *although perhaps jointly with all donors if individual meetings are not possible* (recommendation 28, page 45);
- *Donors should participate in biennial conferences and link the annual APF/Donor meeting in that year to that event* (recommendation 29, page 45).

Recommendations directed towards the APF:

- *APF strategic priorities should remain largely the same; consideration should be given to adding a focus on bringing non-compliance Members into compliance*

⁴ To facilitate understanding, the recommendations are categorised as being directed towards donors, both donors and the APF or the APF only and, within each of these categorisations, as being directed towards staying the course or changing approaches. The sequence of the recommendations given here, therefore, does not match the sequence in which they appear in the report. The recommendation number and the page on which the recommendation is found in the review report is included in brackets to assist those wishing to examine the recommendations and the logic that leads to them in greater detail.

⁵ In many instances the recommendations given in italics (those involving proposed changes to current processes) are consistent with decisions that the APF have already taken or are considering and so are not necessarily 'new' to the APF.

and supporting NHRIs engagement with regional mechanisms (recommendation 2, page 11);

- *Develop a stronger, more strategic partnership with the OHCHR in promoting the establishment of NHRIs, one based on the 'value added' that each partner can bring (recommendation 3, page 17);*
- *Expand that partnership to include the United Nations Development Programme (UNDP) where appropriate (recommendation 4, page 17);*
- *Formalise the strategic partnership with the Pacific Islands Forum (PIF) Secretariat, and include the OHCHR in it (recommendation 5, page 17);*
- *Implement the Sidoti recommendations on the relationship with RWI in training, and expand programming to women's issues and groups (recommendation 6, page 17);*
- *Implement the Sidoti recommendations on training (recommendation 7) page 18);*
- *Continue efforts to ensure that training facilitators and experts are representative (recommendation 8, page 18);*
- *Continue the use of NHRI staff members in the delivery of APF programmes, as is done currently with the self-audit programme, as a way to enhance learning, encourage ownership and assure sustainability (recommendation 9, page 18);*
- *Develop a mechanism to include civil society in the Annual Meeting of Forum Councillors held in those years without the APF Conference (recommendation 10, page 21);*
- *Encourage and facilitate Member contact with local NGOs around the Annual Meeting of Forum Councillors (recommendation 11, page 22);*
- *Use reporting on impacts to focus information exchange at AGMs (recommendation 12, page 22);*
- *Monitor new ACJ process to ensure changes improve contextualisation of references and Member implementation of recommendations (recommendation 13, page 23);*
- *Plan for coordinating Member input to the United Nations (UN) Commission on the Status of Women (CSW) (recommendation 14, page 25);*
- *Continue to coordinate member input to UN human rights mechanisms, including the Human Rights Council (HRC) review process (recommendation 15, page 26);*
- *Better document the gender focus applied in strategic planning, capacity-building programming and scoping missions (recommendation 16, page 28);*
- *Develop capacity-development programmes on gender main-streaming (recommendation 17, page 28);*
- *Conduct a feasibility study on how to improve sub-regional presence and service delivery (recommendation 18, page 32);*
- *Pilot and evaluate the outcomes of the feasibility study (recommendation 19, page 32);*
- *Renew efforts to expand revenue sources recommendation 26, page 44).*

Background

The APF has received funding from a variety of donors to implement its development programme. Three-year funding agreements with several donors (Australia; New Zealand; Sweden) ended in 2009, and this review is a requirement of two of those agreements. Perhaps more importantly, the review was initiated "to assess the extent to which the APF has delivered on its mandate, identifying elements of good practice where relevant, and presenting recommendations for future directions to inform the next APF strategic plan ... [It also was meant] ... to recommend ways that donor-APF partnerships might be improved"⁶. The review is being conducted as a joint initiative of donors. The Terms of Reference (TORs) for the review are attached as **Appendix 2**.

The review was overseen by a steering group of representatives of Forum members from each region, OHCHR, UNDP, RWI, FORUM-ASIA, RRRT, and donors.

The nature of the review is both forward-looking and an examination of past performance. With regard to the former, the review seeks to examine how donor harmonisation and coordination can be improved with regard to the programme, as well as how reporting can be streamlined and improved. As for the latter, the scope of the review focuses on the overall achievements of the development programme as opposed to the implementation of individual programme components. (Achievements in the delivery of individual programme components will be used to illustrate over-all achievements, but the review will not examine the degree to which expectations were met in the delivery of each individual programme component.) This is an important distinction to bear in mind in assessing and considering the comments and recommendations made.

It is also important to understand clearly the nature and purpose of the APF, as well as its management structure, so that there is no misunderstanding as to what it is and how it must operate.

The primary purposes of the APF are twofold: to strengthen Members' capacity to promote and protect human rights and to assist in the establishment of new NHRIs in conformity with the Paris Principles on NHRIs⁷.

The APF is a member-driven service-providing organisation. Full Members, who have voting rights, comprise all Paris Principle compliant NHRIs in the region. NHRIs that do not so comply are classified as 'associate membership' and do not have voting rights⁸. Each Member is represented in the Forum Council and Forum Councillors take all substantive policy and programme decisions. Day-to-day management is provided through the Management Committee, comprising a Chairperson and two Deputy Chairpersons. The Director of the APF Secretariat, which is the delivery arm of the APF, may take operational decisions consistent with the directions given by Forum Councillors.

⁶ The 'Rationale and purpose of the joint review' as described in Schedule 1 of the TORs.

⁷ The APF e-brochure describes this mandate succinctly, but directly.

⁸ Membership can also comprise 'candidate members'.

The distinction between the APF – the Members who collectively define policy and establish programmes – and the APF Secretariat – who implement those decisions – must be kept in mind. Unless the context makes it clear otherwise, reference to the APF in this report refers to the organisation, that is, the Members as a collective. The APF Secretariat will be specifically cited when the reference refers to that body.

The nature of the organisation, member-driven and service minded, is its genius; it is also a source of its limitation. The APF can act only insofar as its Members agree to do so, and in ways and using approaches that are acceptable to that membership⁹. The APF Secretariat is the delivery arm of the APF, but does not have the mandate or authority to define policy or establish programme initiatives: it responds to the wishes and decisions of the Members.

The purpose of the organisation also sets boundaries on what it can do. With regard to membership, it serves to support their capacity to promote and protect human rights, but cannot play a direct role in this itself.

Methodology and Timing

As described in detail in the Mission Assessment Report, and in particular, the Annex to that Report (both attached here as Appendix 3) the review was conducted in a participatory manner, with a representative Steering Group reviewing and commenting at key stages throughout. The APF Secretariat also participated throughout, both in responding to queries posed and in reviewing and commenting on particular sections of the report as deemed necessary.

The review used a variety of approaches to collect data and come to conclusions: general and detailed consultations were conducted with APF Secretariat staff; pertinent APF files and documents were reviewed; structured interviews, in-phone and in-person, were conducted with some APF Members, including most sub-regional representatives; general survey questionnaires looking at management, programming and strategic planning issues were developed and APF Members were asked to complete them; specific survey questionnaires were developed for APF Members involved in programming relating to internally displaced persons (IDP) were developed and those Members were asked to complete them¹⁰; relevant articles and publications were reviewed; structured interviews were held with a variety of stakeholders including the OHCHR, donors, Professor Brian Burdekin of the RWI, Mr Chris Sidoti, who conducted a review of RWI training that included a component of training offered in partnership with the APF, Ms Catherine Renshaw of the New South Wales University and the RRRT.

⁹ The review will show that the capacity of the APF membership to reach consensus and act on some difficult issues is quite remarkable; nonetheless, it must always be borne in mind that the APF, and in particular the APF Secretariat, is not independent of its membership.

¹⁰ The results of both surveys are presented in Appendix 6.

Most interviews were conducted and much of the documents that required review were gathered during the Inception Mission in late January 2010, although conversations with donors and the Director of the APF Secretariat pre-dated that event. Survey questionnaires were sent out during that period as well, although the results were tabulated towards the end of the review process, as there were delays in responses from some APF Members. APF files and documents, as well as the review of relevant articles, were reviewed throughout the process.

Findings, Conclusions and Recommendations

Continued Relevance of APF Mandate and Strategic Objectives

Findings

Internationally, there is a continued emphasis on the importance of NHRIs and their compliance with the Paris Principles on NHRIs, and therefore a growing pressure on States to establish NHRIs where they do not exist and strengthen them when they are not in full compliance. The Universal Periodic Review (UPR) process is giving added momentum towards the establishment of NHRIs, including in the Pacific Islands sub-region (e.g. Tonga's acceptance of France's suggestion that it create a NHRI during the UPR of Tonga in 2008¹¹). This, as well as calls to strengthen existing NHRIs that do not comply with the Paris Principles, has become a feature of the UPR¹² process. This renewed emphasis has been documented with regard to the Pacific Islands¹³.

Regionally¹⁴, the same emphasis is applied, in particular through the regional offices of the OHCHR and UNDP, both of which make the establishment and strengthening of NHRIs a priority. The APF has played an important regional function in facilitating dialogue on trans-national human rights issues between governments, NHRIs and civil society. There is little reason to believe that there will be a regional mechanism established any time soon, given cultural, political and socio-economic diversity of the region. The APF will therefore continue to play an important regional function¹⁵.

¹¹ Institutions for Human Rights Protection in the Pacific, page 5.

¹² Interview with Gianni Maggazzini, Head of the National Institutions Unit, OHCHR.

¹³ An analysis of themes emerging in questioning at the UPR prepared by the RRRT of the Secretariat of the Pacific Community (SPC) on file at NZAID revealed that the need for regional or national human rights mechanisms, or both, were raised 59 times, the fourth most frequent issue to be raised. (Separate analyses show that the pattern held more or less true for the Island nations of Tonga, Tuvalu, Vanuatu and Fiji.)

¹⁴ It is important to note here that the UN classification of the Asia Pacific as a distinct region is applied throughout the report, at least in part as that is the approach is used by the APF. Consequently, other geographic groupings within that region, for example the Pacific Islands, are referred to as sub-regions. Not all commentators accept, given the very real differences that exist between countries in the area, that the Asia Pacific can be considered one distinct region and refer to what this report describes as sub-regions as regions, the example of the Pacific Islands (or more simply, the Pacific) applying here as well. Readers should be aware of this.

¹⁵ "Background Paper for Donor Review of the Asia Pacific Forum of National Human Rights Institutions (2009)" prepared by Catherine Renshaw, page 6 and 7.

The establishment of a sub-regional human rights mechanisms – the ASEAN Inter Governmental Commission on Human Rights - by the Association of South East Asian Nations (ASEAN) both resulted in part from the effort of APF Members from ASEAN and presents an opportunity for strengthening and establishing NHRIs in that sub-region¹⁶.

The PIF offers opportunities for expanding efforts both at the national and sub-regional levels. Efforts to establish a sub-regional mechanism, which some favour¹⁷ given the complexities of establishing NHRIs in small island States¹⁸, would not deter and might actually encourage and facilitate the establishment of NHRIs in the sub-region.¹⁹ The APF draft strategy -formulated after a regional workshop on establishing of national human rights mechanisms in the Pacific - proposes a 'building block' approach "to both NHR establishment *and* sub-NHRI human national rights mechanisms within and across the Pacific region" and recognises that not all national mechanisms established will be compliant with the Paris Principles for NHRIs²⁰.

Nationally, there remain a number of States in the region without the benefit of NHRIs, as well as a few that have NHRIs that do not conform fully to the Paris Principles on NHRIs.

Members unanimously support the continued relevance of existing strategic objectives; however, there are a number of suggestions for additional emphasis. Three, in particular, were mentioned more than once: supporting NHRIs in the region achieve 'membership' status where this was not now the case²¹; supporting sub-regional arrangements and the engagement of NHRIs with these; and, looking at human rights and counter-terrorism efforts²².

Conclusion

The mandate and strategic objectives of the APF concord completely with:

- The international community's recognition of the importance of NHRIs and the need to ensure that they are established in States where they do not yet exist and

¹⁶ "A Tongue and no teeth?: The emergence of a regional human rights mechanism in the Asia Pacific region", Andrea DURBACH, Catherine RENSHAW and Andrew BYRNES, page 213, in *The Sydney Law Review*, July 2009.

¹⁷ Interview with representative of the RRRT. It should be noted that the PIF has a memorandum of understanding with the SPC (RRRT) towards the establishment of a sub-regional mechanism for human rights in the Pacific Islands, in accordance with the Pacific Plan. The Pacific Plan, which was approved by PIF leaders in 2005, links the region's (i.e., the Pacific Islands) developmental initiatives and priorities.

See www.spc.int

¹⁸ See in particular "Pathways to the Pacific", Pacific Island Human Rights Series, Issue 1, Pacific Island Forum Secretariat, for a discussion on the complexities involved, which include: small populations; stressed financial capacities; under-developed infrastructures.

¹⁹ APF Pacific Regional Strategy Paper (version 8 July 2008).

²⁰ Ibid at pages 14 and 15.

²¹ Other stakeholders supported this suggestion as well.

²² Results of the survey of Members conducted for the purpose of this review.

- strengthening where they do exist but do not conform to the Paris Principles on NHRIs;
- ▶ Regional and sub-regional needs and recent advances; and
 - ▶ National lacunae²³.

Members unanimously hold that the APF strategic objectives remain priorities should continue to form the basis for action-planning.

Recommendations

1. The APF's primary objective – to establish and strengthen NHRIs in the region – remains an international, regional and national imperative, and has been given added emphasis through new international processes (UPR) and sub-regional initiatives (ASEAN and PIF). As a consequence, donors should continue their support for the programme.
2. While the overall focus of its strategic priorities should remain largely the same, the APF should consider an additional focus on bringing non-compliant Members into compliance and supporting sub-regional mechanisms, including the engagement of NHRIs with them.

Effectiveness in programming

Advice-giving and Capacity Development

Findings

The APF, largely through the work of the APF Secretariat, has been very successful in supporting the strengthening and establishment of NHRIs²⁴. Prior to the incorporation of the APF in 2002, there were 8 Members – all were accredited as conforming to the Paris Principles on NHRIs²⁵; today there are 17 Members of which 15 conform to Paris Principles on NHRIs²⁶.

As will be discussed later in the report under “Management and Administration”, the APF management structure is such that Forum Councillors take all substantive decisions on APF programming, including in providing advice to States on the establishment and strengthening of NHRIs. At a practical level, the APF Secretariat – usually through the Director and/or Legal Counsel – may engage at a distance with those seeking advice since this involves minimal costs. Other more substantive engagements – community

²³ This conclusion responds to Objective 1 as set out in the TORs.

²⁴ “A Tongue and no testis: The emergence of a regional human rights mechanism in the Asia Pacific region”, Andrea DURBACH, Catherine RENSHAW and Andrew BYRNES, page 218, in *The Sydney Law Review*, July 2009.

²⁵ “Joining the Club”, Andrew BYRNES, Andrea DURBACH and Catherine RENSHAW, page 76, in *Australian Journal of Human Rights*, December 2008.

²⁶ Data drawn from www.nhri.net.

consultations, meetings with government officials, advice on legislative drafting – will usually first be discussed with other appropriate partners and stakeholders – the OHCHR, UNDP, in-country and regional contacts – to assess the degree to which they are legitimate and likely to be fruitful. They then will typically be included in annual plans and be approved by Forum Councillors before they are acted on. All of these checks ensure that APF Secretariat activity in this area is directed towards serious ends. If and when urgencies arise, contingencies exist (as discussed under “Management and Administration”) to obtain the approval of Forum Councillors at exceptional meetings or through electronic means or, if even that is not possible given the urgency, to seek approval from the APF Chairperson.

The accreditation process established by the APF has been effective in assisting NHRIs in the region towards compliance with the Paris Principles on NHRIs; it is argued that networking theory means that the very existence of the APF and the norms it represents leads to this end.²⁷

Best Practice: The APF's early and on-going work on accreditation ensured both that the normative framework of the Paris Principles was understood and that compliance with the Paris Principles by NHRIs could be monitored for this same end.

The APF Secretariat has conducted programming²⁸ in the Pacific Islands sub-region in support of the establishment of NHRIs. While no new NHRIs have as yet been established in that sub-region, there has been progress. The governments of Samoa, Papua New Guinea, Palau, the Solomon Islands, Nauru and the Cook Islands are at present working with the APF Secretariat and the OHCHR to establish NHRIs²⁹. The APF Secretariat has also set out a ‘way forward’ agenda for the establishment of NHRIs in both Samoa and Nauru³⁰.

The APF Secretariat has developed a number of partnerships – with the OHCHR, UNDP, RWI, PIF, the Association for the Prevention of Torture (APT), the International Service for Human Rights (ISHR) and the Diplomacy Training Program (DTP) – in the delivery of programming.

They work with the OHCHR both in the conduct of workshops and in advising States on the establishment of NHRIs³¹. This is a natural and potentially powerful partnership given the key role the OHCHR plays within the UN system with regard to NHRIs. In particular with regard to work involving the establishment and strengthening of NHRIs, there may be ways to strengthen this partnership by recognising the particular value added that each of the two partners brings to the activity. (The APF has recently

²⁷ “Joining the Club”, *Australian Journal of Human Rights* pages 91, 92.

²⁸ APF Scoping Mission Reports (Samoa and Nauru).

²⁹ “Institutions for Human Rights Protection in the Pacific”, Catherine Renshaw, Andrew Byrnes and Andrea Durbach, page 37 (Article provided by author in WORD format).

³⁰ Scoping mission reports produced by the APF.

³¹ The scoping mission to Nauru was conducted jointly with the OHCHR, for example.

developed a tri-partite partnership proposal – “Partnership Framework for Cooperation and Collaborating in Human Rights in the Asia Pacific Region” – involving itself, the OHCHR and UNDP. UNDP has indicated the framework was “a clear proposal for a way forward for our tri-partite partnership in the Asia-Pacific region”³².)

UNDP, OHCHR and the APF Secretariat have worked at developing a self-audit tool for NHRIs, one that leads to a series of recommendations for improving the capacity of the institution doing the audit. While it is still early days – only two audits have been completed (but UNDP indicates that several other NHRIs have expressed interest³³) – this partnership is promising, and the self-audit may offer a systematic, non-obtrusive way to evaluate the existing operations of NHRIs, to identify challenges and potentials and to spur NHRIs to make improvements.

The ‘self-audit’ also includes a feature that applies more generally across other APF programming – a member of the NHRI that has undergone an audit becomes part of the facilitation team supporting the subsequent audit. This peer-to-peer approach serves to strengthen the capacities of the initial NHRI (providing a ‘learning through doing’ reinforcement opportunity), promotes NHRI ownership of the product and eases concerns that any recipient NHRIs may have (knowing that a peer has both gone through the process and found it helpful enough to want to support the process directly).

Enhanced collaboration between the APF and UNDP is clearly possible, and potentially beneficial. UNDP, of course, has country offices in many States in the region and reports that many of these country offices have capacity development programmes for NHRIs. Harmonising and linking existing UNDP programmes to the APF programme initiatives would serve to reinforce and strengthen both.

The precise parameters of this collaboration

- In programming, whether APF programming at the regional or sub-regional levels ‘leads’ to UNDP sponsored training at the national level using a TOT model, for example; or
- In coordination, setting up a mechanism to ensure that UNDP activity does not replicate but builds on APF activity and vice versa, for example

should be determined in the process of negotiating the APF-UNDP-OHCHR partnership agreement already mentioned.

The APF Secretariat and RWI collaborate in training in the region and have done so for some time, as it has with other partners, namely the APT, ISHR and the DTP. The APF also utilises experienced consultant NHRI practitioners from around the region for its training programme.

The APF Secretariat works closely with the PIF Secretariat in engagements in that sub-region, and the APF Secretariat wants to include a Pacific Island focus in the APF’s

³² Letter on file from Helen Clark dated 13 April 2010.

³³ UNDP also indicates that NHRIs in other regions are expressing an interest in the tool and so its impact may well extend beyond the region.

strategic plan and ensure that that plan "affirms a partnership approach with the key partners being the PIF Secretariat and the OHCHR"³⁴. The success that the APF Secretariat and its partners have had in securing a senior human rights officer within the PIF Secretariat³⁵ both speaks to the effectiveness of APF Secretariat partnership approaches in the sub-region and lays the groundwork for stronger further engagement.

As will be discussed under "Annual Meetings", the APF Secretariat is reviewing how best to engage with civil society more generally, and there may be possibilities for strengthening partnerships in this area as well.

The above-mentioned partnerships both expand and enhance programme delivery and, of course, do so in a way that reduces costs for both sides.

Best Practice: The APF has managed to enhance the capacity of civil society organisations to improve the quality of their work, to improve the effectiveness of their work, and to ensure availability for the community to be provided by a number of able-bodied people.

Best Practice: The APF Secretariat has developed self-audit tool for purposes of assessing the capacity of NHRIs, which is a self-audit tool for the development of a self-audit, non-threatening approach to capacity assessment and improvement.

The APF Secretariat has also developed tools, such as a template for the establishment of a NHRI, draft 'model' legislation and a self-audit kit (in progress) that support its programme to establish and strengthen NHRIs.

Annual Members surveys, exit surveys for workshops and training initiatives (reviewed on a random basis) all provide strongly positive assessments of the APF Secretariat's capacity-building programmes. A survey conducted for this review, supports this³⁶.

An independent review of a RWT training programme in the region, including one component which was delivered in partnership with the APF, found that the programme had "led to significant institutional strengthening in participating NHRIs"³⁷ and calls for a closer, more strategic partnership between the two organisations³⁸.

Member surveys agreed. One member said that APF-sponsored training had a positive impact on the capacity of "commissioners and staff members in the areas of monitoring

³⁴ APF Pacific Regional Strategic Plan (July 8 2009 version).

³⁵ The officer in question assumed office on March 1 2010 and the APF and NZ HRC are scheduled to visit the PIF Secretariat to assist in the development of a work programme.

³⁶ See Survey results in Appendix 6.

³⁷ "Review Of The Regional Program On Human Rights Capacity Development Activities In Asia 2007-2010 Of The Raoul Wallenberg Institute", Chris Sidoti, December 2009, at page 71.

³⁸ Ibid, at page 21.

human rights, complaints handling and investigation, conducting national inquiries". Another indicated that a workshop on migrant workers allowed it "to conduct an internal session on the topic and enhance other staff's awareness of the issue and how it falls within the Commission's mandate". Yet another pointed out that their association with the APF enabled them to have "international experts come ... to work with us ... as we take up our responsibilities under the Optional Protocol to the Convention Against Torture". Still another indicated that skills training to staff gave it the capacity to make "recommendations on the reform of the legal framework for putting national legal norms with international ones".

Over the years, the APF has since its establishment focused on developing an effective and efficient approach to providing and enhancing its support to the role of the national human rights institutions. The approach has evolved to include a range of activities and is based on the following main components: (i) the development of a range of training programmes for individuals with a role in the national human rights institutions or the broader human rights community; (ii) the development of a range of training programmes for individuals with a role in the national human rights institutions or the broader human rights community; (iii) the development of a range of training programmes for individuals with a role in the national human rights institutions or the broader human rights community.

APF training programmes are largely based on training needs assessments developed through extensive consultation with Members. (An assessment was done in 2005; another was concluded earlier this year.)

Some sub-regional representatives and Members did, however, suggest that the training was not holistic enough in its approach. The review of the APF/RWI Secretariat training programming picked up on this same point and made a number of recommendations on how to improve that training programme, including by adding a Training of the Trainer (TOT) component to it, conducting pre-training on-line, requiring the development and implementation of a plan as a component of the training, and facilitating networking and mentoring.³⁹ These proposed changes are consistent with the APF Secretariat's own desire to be more holistic and effective in its training processes⁴⁰. They are also consistent with approaches taken elsewhere⁴¹.

There can be no doubt that these recommendations are valid ones; however, they are not cost neutral, as the Sidoti review made clear. If they are to be implemented, the APF Secretariat will either have to obtain additional resources or cut programming elsewhere.

In the event, the APF Secretariat had already acted on many of the comments made in the Sidoti report even before that report was prepared. It has begun on-line training, for example, as a pilot, and it has incorporated the notion of 'a plan to implement knowledge gained' as an aspect of several programmes.

³⁹ Ibid, at pages 28 to 40.

⁴⁰ Interviews with APF Director, Deputy Director and staff.

⁴¹ Review of approaches used by Equitas, a leading international training institute based in Canada.

For the most part, training is still mainly directed at NHRI staff. Members have indicated a need to provide training to Commissioners as well (human rights and governance)⁴², the Sidoti review raised this as well and suggested that this be considered within a broader training needs assessment,⁴³ which has now been completed⁴⁴.

The APF Secretariat has already been taking steps to provide training to Commissioners. A "High Level Dialogue for new Commissioners" programme was piloted with the Philippines Commission in 2009. Other similar dialogues are planned for 2010. Commissioners from some Member institutions have also voluntarily attended training workshops for staff.

The APF Secretariat has expressed a commitment to be representative, including with regard to gender equity, in programme delivery, both with respect to those availing themselves of programmes and those delivering the programmes.

The degree to which NHRI personnel involved in programming directed at capacity building are representative cannot be guaranteed since it is Members themselves that determine who will participate, although all are asked to consider this issue in doing so⁴⁵. Nonetheless, a random sampling of participants at training sessions, as well as those entering into staff placements, suggests that those who participated in programming were representative.

It seems that gender balance applies to those delivering training and conducting workshops. What is not so clear is whether those same experts are as representative of the entire region as might be desirable⁴⁶. This seems to be changing, however, and it appears that regional representation of experts in programme delivery is increasingly becoming the norm.

Conclusions

The APF has developed the necessary approaches, tools and partnerships needed to successfully implement one of its primary objectives – the establishment of NHRIs in conformity to the Paris Principles on NHRIs – and has had considerable success in doing this. While there remain gaps, in particular in the Pacific Islands sub-region, advances towards this goal have been made.

⁴² Telephone survey of Members.

⁴³ The Sidoti Review, at page 47.

⁴⁴ UNDP has indicated that it could support this initiative given its substantive expertise and networks on governance issues.

⁴⁵ The Sidoti review, at page 48, shows that the RWI provides general criteria for those attending courses and 'strongly encourages' the nomination of female candidates. While some recommendations are made, none deal directly with parity of participants. It may be that parity exists already, as seems the case given the results of the random sampling done in this review.

⁴⁶ The Sidoti review strongly affirmed the need to use practitioners from the region for training purposes and said, at page 44, that this was a distinguishing feature of the RWI approach – all trainers are practitioners from the region. It did not specify, however, if these experts came from all parts of the region. Some Members interviewed indicated that there should be greater effort in finding training experts who represented less developed States within the region.

The APF Secretariat, in partnership with others, has developed and implemented a wide variety of programming to support the capacity development of Members and internal evaluations and the results of this review suggest that they have been successful in this. At the same time, the APF Secretariat recognises the need to be more holistic in its approach, in particular to training, and to better monitor and evaluate results.

The successes of the APF in this regard indicate that it has met several of its own strategic objectives including: responding to Members' needs through practical support programming; assisting in the establishment of NHRIs in the region, including in the Pacific Island sub-region; being representative of the region in programme delivery and in seeking sustained partnerships with the OHCHR and other UN agencies⁴⁷.

Recommendations

Establishing new NHRIs

3. The APF Secretariat should develop a stronger, more strategic partnership with the OHCHR in promoting the establishment of NHRIs in the region generally, and the Pacific Island sub-region in particular. That partnership should take account of the relative 'value added' that each organisation can bring to the programme. The OHCHR should play the lead role in engaging at the governmental level, given the status it brings and the pressure it can bring to bear. The APF Secretariat should focus more on supporting the development of a broad 'core group' support for a NHRI as well as providing advice on legislative best practice and practical (practitioner) advice throughout.

4. The APF/OHCHR partnership should be expanded at the appropriate point (when it seems likely that a NHRI will be established) to include the UNDP so that efforts towards developing technical assistance programmes that may be required to support the strengthening of newly established NHRIs are in place in a timely manner.

Establishing sub-regional human rights mechanisms

5. The APF Secretariat should continue to develop cooperative ties with the PIF Secretariat, and the APF should assent to including this focus in its strategic plan. The partnership should also include the OHCHR and be such as described above.

Training

6. This review supports the Sidoti recommendations regarding a closer more strategic relationship between the APF and RWI in training, as well as an expanded focus to include programming directed at women's issues and groups.

⁴⁷ This responds largely to TOR objectives 2 and 4, as well as objective 5 (donor obligations – in this case AusAID) as set out in the TORs.

7. This review also supports the many recommendations made in the Sidoti review to enhance the training experience. In particular, and if nothing else, the APF should consider how best to ensure that training is more broadly shared, including by implementing a TOT approach and/or other programmes that facilitate the transfer of skills and knowledge more broadly; how best to reinforce training outcomes, including by developing follow-up peer-to-peer networking or other mechanisms; how best to monitor the implementation and sharing of skills and knowledge and skills, as well as to measure the impacts of training.

8. The APF Secretariat should continue its efforts to ensure that training facilitators and experts are representative, where possible, of all sub-regions.

Other

9. The APF Secretariat should continue the use of NHRIs staff members in the delivery of APF programmes, as is done currently with the self-audit programme, as a way to enhance learning, encourage ownership and assure sustainability.

Information and Communications

Findings

The APF website is the most visible vehicle through which the organisation delivers its information programme⁴⁸. Specific information dissemination products, notably the e-brochure and the e-newsletter, are delivered through that medium.

Statistics⁴⁹ show that over the period in review (starting in June 2007 when the new website was launched) there has been a steady increase in usage of the website from 13,500⁵⁰ in 2007 (a seven month period) to 61,500 in 2009⁵¹. Factoring in the differing time periods, this represents a 267% increase in usage over the period. A similar pattern of increase in usage can be charted for users from the Pacific Island sub-region (excluding Australia and New Zealand), up from 130 in 2007 to 438 in 2009.

⁴⁸ The only other 'deliverable' identified in the Strategic and operational plan that is not part of the website are talks and speeches delivered, and these are so few in number that they can be discounted as a separate product for the purpose of this review. In addition, the APF indicates that its role as both regional coordinating contact for the ICC and key regional coordinator, contact and clearinghouse for the UN and OHCHR is part of the programme. This role, undertaken by the Director as well as all other staff members in relation to each of their program areas, involves a significant flow of information and advice to member NHRIs on all aspects of the APF's program objectives.

⁴⁹ Statistics provided by James Iliffe, the consultant engaged to manage the website.

⁵⁰ All numbers presented are rounded to the nearest '00 in the case of large numbers and to the nearest '0 in the case of smaller ones in order to ease understanding.

⁵¹ What is represented here are total individual 'hits'. These would include users who access the site more than once. However, the increase is even sharper for 'unique' visitors with the increase there being from 8,700 in 2007 to 47,800 in 2009.

The website also has the capability to track exactly what field the user accessed when on the site. If we disregard the 'homepage', which understandably led the list for all years by far, the three most common areas visited were 'members', 'about' and 'issues'.

With regard to the main information 'products' the e-brochure and the e-newsletter⁵², the use of the e-brochure cannot be tracked directly, although it is found under 'about' and so it is possible that it is well-used since that particular area, as noted above, is consistently one of the most used pages on the site. The e-newsletter requires a subscription and so the increase in usage can be charted. As with the use of the site generally, there has been a steady increase in the subscription rate from an estimated 700⁵³ in December 2007 to 1,290 in November 2009. (Because 'country' is not a required field and as many email addresses do not carry the country tag, it is not possible to determine whether the e-newsletter is reaching particular sub-regions or not.)

The APF e-bulletin⁵⁴ provides news and information that is meaningful to all its Members. The 'spotlight' section addresses issues that are of serious concern, including many that relate to the most disadvantaged and vulnerable⁵⁵ in society. The regional news (presentation of work done by Members) shows a good balance, with contributions from all sub-regions and most Members. That work also reflected serious and sometimes sensitive national issues⁵⁶ and therefore likely encouraged other Members to deal with similar issues themselves.

At present there is no evaluation system built into the website to determine whether users are satisfied with it; however, the APF Secretariat is apparently going to add this feature by the end of the year.

Conclusions

The APF information programme has been effective in providing easy and ready access to important information on the organisation, its objectives and its programmes, including to those in the Pacific Island sub-region⁵⁷.

⁵² The e-newsletter is the same product as the APF e-bulletin available on the site and which is discussed later.

⁵³ This is estimated since a 'bounce' feature – showing whether the email had actually been delivered – was not added until 2008.

⁵⁴ I randomly reviewed five newsletters (issues selected by drawing numbers from a hat): April 2008; August 2008; April 2009; November 2009 and March 2010.

⁵⁵ The spotlight articles in the issues reviewed were on: the disability convention; corporate responsibility for human rights; children's rights; hunger; women's rights.

⁵⁶ The regional news included the following topics: gender equality in Qatar; caste discrimination in Nepal; illegal activity of Palestinian authorities; detainees rights in Philippines; indigenous rights in Australia; possible election fraud in Maldives.

⁵⁷ This responds in part to objective 5 (donor obligations – in this case AusAID) as set out in the TORs.

Annual Meetings

Findings

The Annual Meeting of Forum Councillors is the centrepiece of the APF, in many ways its *raison d'être*. The meeting serves a variety of functions: planning; decision-making; evaluation; developing contacts; as well as the sharing of experiences and the discussion of problems, concerns, ideas and approaches.

Together with the APF Conference, which promotes constructive engagement between NHRIs, governments, Non-Governmental Organisations (NGOs) and other stakeholders, these meetings assist member NHRIs become more effective in what they do.⁵⁸

The value of the Annual Meeting of Forum Councillors to Members is confirmed in evaluations done of those meetings⁵⁹, and the importance of information sharing to Members cannot be under-estimated. Indeed, Members feel so strongly about it that they have asked for a change to existing practice so that more time is available for them to share amongst themselves. The Annual Meeting of Forum Councillors will continue to be held every year, while the APF Conference, involving the participation of government, civil society and other human rights stakeholders, will now take place every second year. This will both save money and leave more time for Members to interact. This change holds a sting: there is a worry that holding meetings involving government and civil society only biennially may diminish the important regional function the APF Conference has played (as discussed earlier), as well as slow the momentum towards the establishment of sub-regional NGO groups⁶⁰. It should be noted that NGOs expressed the desire to continue to engage somehow with NHRIs at the Annual Meeting of Forum Councillors, at least in 2010, and the APF has agreed to consider the possibilities of doing so⁶¹.

The APF Secretariat is considering not only this, but more generally how it can enhance dialogue and sharing between it and the NGO community.

⁵⁸ Andrew Byrnes, Andrea Durbach and Catherine Renshaw advance the argument that 'belonging to the club' can bring institutions, and individuals in them, to adhere to the dominant norm – in the case of the APF to be effective in protecting and promoting human rights. See "Joining the club: the Asia-Pacific Forum of National Human Rights Institutions, the Paris Principles, and the advancement of human rights protection in the region" in December 2008 edition of the Australian Journal of Human Rights. The authors are also currently carrying out research on this exact point.

⁵⁹ By far, the majority of Members rate the value of the Annual Meetings as 'excellent' and virtually all rate them as either 'excellent' or 'good' according to evaluation results prepared by the APF.

⁶⁰ "Joining the Club", at page 9.

⁶¹ See Concluding Statement of AGM 14 at paragraph 13.

Best Practice: Notwithstanding the recent decision to limit the nature of the APF decision to open the APF Conference to government and civil society, a significant number of members doubly committed to a better understanding of NHRIs' work in these sectors, as well as of those created by NHRIs. It also promoted the kind of exchange and cooperation that is required by the Paris Principles on NHRIs and encouraged similar activity at the national level.

Some Members, and the APF Secretariat, have noted that the Annual Meeting and Conference does not adequately support a sufficiently vigorous and frank exchange of views. Some Members indicated that language may be a barrier to this. The proposed changes to the practice of holding the Annual Meeting of Forum Councillors in conjunction with an Annual Conference are intended to address some of these concerns and the APF Secretariat should continue to assess ways in which the quality of internal dialogue between Members can be enhanced.

Conclusions

The Annual Meeting of Forum Councillors and the APF Conference have played an effective role in providing opportunities for Members to share information; they have also been effective as a vehicle for promoting positive dialogue between NHRIs, governments, civil society and other stakeholders.

Efforts may be needed to assure that member interaction is sufficiently robust and to ensure that NGOs continue to have a regular voice at the meetings. They may also be needed to strengthen the relationship that the APF Secretariat has developed with the NGO community, as well as to determine how best to promote the strengthening and growth of NGO sub-regional groups.

It would be tempting to call for the APF to reconsider its decision on biennial conferences involving government and civil society. Meeting the legitimate requirement to augment time for information sharing by Members at the Annual Meeting of Forum Councillors cannot co-exist with rescinding that decision without extending the timeframe for the meeting. This would increase cost and complexity and, most damaging, might cause Members to over-stretch their involvement in regional activity at the expense of their national obligations.

The same risk applies if meetings were broadened to include programme implementation officers in order to engage them in dialogue.

Recommendations

10. The importance of encouraging cooperation and collaboration between NHRIs and civil society cannot be over-stressed. Notwithstanding the decision to limit the conference to biennial events, the APF should develop a mechanism to include civil society in the Annual Meetings of Forum Councillors, if only through allowing them to provide written briefs.

11. The APF should encourage, and where necessary facilitate, individual Members to meet with local, nationally-based NGOs, including groups representing women, prior to and after Annual Meetings and bi-annual Conferences. The APF Secretariat should similarly engage regionally-based NGOs in the most effective, appropriate and cost-effective manner. The meeting before the Annual Meeting of Forum Councillors should aim towards obtaining their perspectives on human rights issues that will be addressed at the Meeting. The post meeting should focus on explaining the outcomes of the Annual Meeting.

12. The APF should consider how best to encourage a frank exchange of opinions during the Annual Meeting of Forum Councillors. Part of this focus should be towards examining the specific impacts that APF programming has had. (This will be addressed in greater detail later.) Possibilities include: identifying a particular focus for that dialogue, based on identified need, and preparing background material to support the discussion; allowing and facilitating sub-regional small group dialogue and presentations at plenary to ensure all views are heard (if APF Secretariat sub-regional offices are established, these small group discussions might be held before the AGM with decisions reached circulated in advance.); charging a smaller group of representative Members to 'lead' roles in the development of presentations that might then be more generally discussed; ensuring, through the appropriate use of moderators, that the discussion reflects the needs and stage of maturity of all Members (e.g. what constitutes useful information on the features of a complaint management system will differ widely as between a more mature and better resourced NHR than one that is not so fortunate; the dialogue must be structured so that both sets of needs are met.)

Advisory Council of Jurists

Findings

The Advisory Council of Jurists (ACJ) was, at the time it was established, a revolutionary concept. NHRIs in the Asia Pacific region, unlike their fellow NHRIs in other regions, could not draw on the decisions or recommendations of a regional human rights court or commission to develop their understanding of, or advocacy for, human rights.

The ACJ was therefore established as an advisory/recommendatory body to the APF, and its reports were intended to facilitate NHRIs understanding of, and advocacy for, key human rights issues at the domestic level. Additionally, it was hoped that its reports and recommendations, together with action by NHRIs, would over time facilitate the development of regional jurisprudence.

The quality of the ACJ's work has received acclaim, and various reports can be seen as having had an important and ongoing impact on the work of NHRIs and the APF. By way of example, the ACJ's report on Torture included the development of 'Minimum Interrogation Guidelines', standards which are now taught throughout the region in the APF's ongoing training program on torture.

Notwithstanding these positive achievements, it is also clear that the ACJ has not reached its potential⁶². In recognition of this, the APF conducted a review of the ACJ in 2008. While it found strong support for the ACJ, the review highlighted support for:

- changes to the way in which reference topics are determined;
- more focussed and contextualised terms of reference;
- more focussed reports and recommendations; and
- a greater focus on implementation and monitoring⁶³.

During the current review, Members reiterated these concerns, stating that ACJ reports have been insufficiently directed towards their practical needs. Members noted however that as a result of the 2008 review, the APF had fundamentally changed the ways in which the ACJ operates so as to address the concerns outlined above. This new approach will be tested in the context of the current ACJ reference.

Best Practice: the notion of engaging a non-regionally representative jurisdiction on important regional issues was evolutionary and had the potential to be transformative. Difficulties experienced notwithstanding, the notion remains a best practice, especially if, given the new direction impacts achieved to date, it will be maintained.

Conclusion

The ACJ has not achieved all the impacts originally intended.

The APF has acted responsibly to this lacuna by changing the focus of the ACJ to more directly reflect and respond to Member needs, as well as to focus more on practical support to Members by the ACJ in implementing their recommendations.

Recommendations

13. The APF Secretariat should set a process of ongoing monitoring and review to determine whether the new process adopted for improving the ACJ programme activity is having the impacts intended and take measures to revise the approach, as needed. Of critical importance is determining that Members are implementing ACJ recommendations.

⁶² "Background Paper For Donor Review Of The Asia Pacific Forum Of National Human Rights Institutions (2009)", prepared by Renshaw, at page 10.

⁶³ Forum Councillor Paper – APF 13 "Strengthening the Advisory Council of Jurists: Outcomes of the ACJ Workshop, Delhi, 2008, at page 1.

Regional and International Activities

Findings

The APF is considered the leading regional association of NHRIs⁶⁴.

The normative impact of the APF's membership criteria process has already been discussed. While that has changed since the International Coordinating Committee of NHRIs (ICC) basically adopted an equivalent approach, the APF Secretariat will be increasingly involved in supporting Members' accreditation and re-accreditation processes, as well as assisting them⁶⁵, where necessary, come into compliance with the Paris Principles on NHRIs.

Interviews with regional representatives and some Members referred to the valuable support that the APF Secretariat offered in the accreditation and re-accreditation process. Documents provided by the APF Secretariat show the ways in which the APF Secretariat supported the NHRIs of Timor Leste, when its original application for ICC accreditation as fully compliant was rejected, to the NHRIs of Sri Lanka when it was down graded at re-accreditation and to Malaysia during the accreditation process.

The APF Secretariat has played a useful role in coordinating APF Members' contribution to a variety of international fora, for example, their input into the negotiation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on Torture. As one member put it, the APF Secretariat allowed Members to pool their collective resources and come to better, not just more coordinated, positions internationally.

The APF has also provided information on UN mechanisms – the UPR, Treaty Bodies, Special Rapporteurs – to Members.

⁶⁴ Interview with Gianni Maggazzini, Head, National Institutions Unit, OHCHR; the Review of the RWI quotes the RWI as saying as much, at page 20

⁶⁵ "Background Paper For Donor Review Of The Asia Pacific Forum Of National Human Rights Institutions (2009)", prepared by Renshaw, at page 11

Best practices for APF are on... information... capacity... improvement... international... Second... international... the international... they fully recommended...

The APF is recognised as the leader in developing positions and policies that inform approaches ultimately adopted by the ICC. This has included work in securing the recognition of the right of "A" status NHRI to participate in the work of the Human Rights Council in 2007. It currently is spearheading the efforts to come to the same end with regard to CSW.

For the period 2010-2013, the Asia Pacific region will hold the ICC Chair; a position assumed by the New Zealand Human Rights Commission. APF support for this role will require the investment of significant APF Secretariat human and financial resources.

Further, in 2011 the Human Rights Council is required to undertake a review of its work and functioning and to report to the UN General Assembly. As the parameters of the review remain ill-defined, APF leadership is again required to ensure the preservation of NHRI participation rights at the Human Rights Council and its subsidiary mechanisms.

Conclusions

The APF has played a leading role in developing cutting-edge positions that have subsequently been adopted by the ICC. This involved the effective coordination of Members inputs at a regional level.

The APF Secretariat has also played a key role in informing Members about UN protection mechanisms and how they can be used to support improvements in the human rights situation at the national level⁶⁶.

Recommendations

14. That the APF now begin to consider how best to support coordinated input from NHRIs in the region to the CSW, on the supposition that NHRIs will be granted the recognition before that body that they are seeking. This might provide the opportunity to use the ACJ expertise, tied with member implementation programmes, to highlight potential region or sub-region-wide initiatives to deal with common gender issues.

⁶⁶ The conclusions drawn responds, in part, to objective 2 of the TORs in relation to the APF strategic objective to promote international, regional and sub-regional cooperation and coordination.

15. That the APF support the coordinated input of its Members to UN human rights mechanisms. It should also continue its work to preserve NHRI participation rights at the Human Rights Council by actively engaging in the Human Rights Council review process.

Promoting Gender Equality

Findings

Several APF initiatives have specifically targeted gender equality issues, for example: efforts towards developing a regional approach to combat trafficking⁶⁷ and to enhance national abilities in that area; APF's regional workshops on the rights of women; and a recent project on the rights of women and sexual reproductive rights being undertaken in cooperation with UNFPA, for example. Some programming, notably APF training sessions dealing with torture, included a specific component on gender.

The APF also plans to run a 'blended' learning⁶⁸ on torture which will include components dealing specifically with the human rights of women and hopes to pilot this course with South-East Asian NHRIs and academic institutions. Currently, the APF Secretariat has been heavily involved in seeking to secure recognition of NHRIs before CSW. If this is accomplished, it will no doubt help capacity development on women's issues within NHRIs.

The APF has also undertaken a range of activities on child rights. These include specific training and advisory services on Convention on the Rights of the Child (CRC) itself and the Committee on the Rights of the Child, child soldiers, child labour, the sexual exploitation and trafficking of children and children in detention. The specific needs of children are also incorporated into relevant APF training programs such as investigation techniques and monitoring of places of detention. Finally the APF's ACJ has examined the issue of child pornography and the right to education and made recommendations to APF Members.

Clearly, Members believe that APF programming has enabled them to enhance their own capacity to carry out work towards gender equality. One member indicated that APF-

⁶⁷ Trafficking, of course, affects both genders, and includes children. The Background Paper prepared for the ACJ, however, indicated that trafficking was primarily an issue involving women and children. (*Summary of the Advisory Council of Jurists' Background Report on Trafficking – 2002-* at page 3.) The US State Department 2009 report on trafficking indicates that the International Labour Organisation estimates that 12.3 million individuals are in forced labour, bonded labour and commercial sexual servitude at any given time. This includes 1.39 million in commercial sexual servitude. Of those in forced labour 56% are women and girls. (*Trafficking in Persons Report - 2009 -* at page 8.) It seems, therefore, that the pattern documented in the Background report holds.

⁶⁸ As discussed under training, the APF has re-focussed its training approach and is moving towards combining distance learning – to ensure that all trainees have the basics and are at roughly the same level – with face-to-face training for those who 'graduate' from the distance learning programme.

sponsored capacity development programmes aimed at advocacy enabled it to carry out programmes encouraging greater political involvement of women, including more ministerial posts. Another pointed to successful efforts to convince cabinet to change archaic legislation relating to so-called 'honour killings' and replace those provisions with normal criminal provisions. Another referred to a joint effort being undertaken with a UN agency towards strengthening the law as it relates to sex-selection of babies in order to better prevent 'gendercide'. Two NHRIs referred to the creation of specific centres within their organisation tasked to respond directly to gender issues and to ensure that programming targets gender concerns⁶⁹.

The APF Secretariat indicates that gender issues are mainstreamed into APF activities. They assert that given the universality of human rights and the broad mandate of NHRIs, gender issues are addressed in the conduct and delivery of all APF training and advisory services. For example, in the conduct of regional or sub-regional activities, representatives from UNIFEM are invited to make presentation on gender human rights impacts.

Given the APF Secretariat's position, the evidence that programming does consistently address gender issues and the testimony of Members that APF programming has enhanced their capacity to work towards gender equality, it must be concluded that gender is taken into account in programme planning, implementation and evaluation⁷⁰.

That being said, the documents on file do not indicate exactly how this is done. The strategic and operational plans do not overtly address gender issues, although, to the extent that APF Councillors, some of whom are women, approve the strategic plan and business plans, it may be concluded that women played a role in their development⁷¹. A review of the scoping mission documents to Samoa and Nauru, shows that women's issues were addressed in the consultations, but did not directly state that 'pluralism', a fundamental requirement of the Paris Principles on NHRIs, required gender equity in membership and staffing, specifically provide that women's groups must play a role in supporting the establishment of NHRIs or highlight the role that a NHRI could play in promoting and protecting women's rights. A random sample review of training and workshop programmes⁷² showed that the training programme did not always specifically indicate that the programme would address gender issues, nor did the evaluation mechanisms attempt to determine the degree to which gender issues had been successfully addressed.

⁶⁹ All findings drawn from the Survey of Members conducted for the purposes of this review. (See Appendix 6.)

⁷⁰ The *DAC Guidelines for Gender Equity and Women's Empowerment* provide that "gender analysis is most effective when it is an integrated aspect of policy, planning, monitoring and evaluation processes, rather than a separate activity" (at page 9) and notes that the emphasis should be on gender equality as a development objective.

⁷¹ The *DAC Guidelines* require that women have a voice in development strategy decision-making, see page 15.

⁷² Investigation Training for the Commission of South Korea (2007), Sub-regional Workshop on National Inquiries (2007), Media and Communications training for the Maldives Commission (2008), Sub-regional Training on the International Human Rights System for ASEAN NHRIs (2009).

Conclusions

The APF, it would appear, has mainstreamed women's rights within its operations, but has not demonstrated in its documentation exactly how this was done.

APF Members report that APF activities have had an impact on their capacity to promote gender equity.⁷³

Recommendations

16. The APF Secretariat should better document the gender focus it applies:
 - In the development of its strategic plan. (This should include identifying the key women's rights issues that exist regional and/or sub-regionally, reviewing other defined programme priorities to identify whether these include a gender component and to examine the potential impact of priority programming to determine how to avoid any gender-based inequities in results.)
 - In capacity-building programming. (This should include documenting how programmes, in particular training programmes and workshops, are planned and implemented so as to ensure that they include women's rights issues as part of core programming, and that evaluation and on-going monitoring measure the degree to which training has been successful in this, including whether there have been any differential impacts based on gender.)
 - In scoping missions on the establishment of national or regional mechanisms. (This should include efforts taken to ensure that women's groups are included in core group and steering committees developed to support the establishment of such mechanisms and include a focus on the role these institutions can and should play in promoting the rights of women.)
17. The APF should consider developing capacity-development programmes that deal with mainstreaming gender issues successfully in NHRIs, drawing on its own experiences, as well as those of Member institutions that have been successful in this in order to support the application of this principle in all NHRIs in the region.

Targeting Most Disadvantaged Groups

Findings

Several programmes initiated by the APF Secretariat directly address issues that affect the most disadvantaged: the trafficking programme discussed above in the examination on gender issues, the programming that targeted IDPs, international efforts in the negotiation of the Convention on the Rights of Persons with Disabilities, and, most

⁷³ The conclusions drawn respond to TOR objective 4 relating to gender equity.

recently, efforts to deal with issues affecting the homosexual, lesbian and trans-gendered community.

Members strongly felt that APF initiatives enhanced their ability to deal with issues affecting the most disadvantaged populations within their national boundaries and provided examples of how this was done. One Member indicated that APF training to enhance its capacity to monitor and report on economic and social rights at a national level allowed it to develop the capacity to subsequently produce annual reports on these issues. Another referred to coordinated efforts led by the APF Secretariat to ensure that the (then draft) Convention on the Rights of Persons with Disabilities was fully responsive to the needs at hand and noted that the result - the Convention - provides the necessary standards and benchmarks that can support national programming⁷⁴.

ACJ references have tended to address important issues as well as ones that impact on the most vulnerable⁷⁵.

Scoping mission reports show that the national situation is analysed and assessed to identify the most serious human rights situations in the country as a way of highlighting the importance of the establishment of a NHRI as well as identifying the challenges such an institution might face.

Conclusions

The APF has focussed efforts on dealing with the most disadvantaged groups and Members report that these efforts have had positive impacts on their capacity to develop and deliver programming in these areas.

Management and Administration

Management Issues

Findings

The APF is a member directed organisation. Structurally, the governing body of the APF comprises the Chairperson, Deputy Chairpersons and Forum Councillors, with Forum Councillors ultimately making all substantive decisions. Since, by constitution, the Chair of the APF is the NHRI that hosted the most recent AGM, while the Deputy Chairs are the past and subsequent Chair, not only is continuity assured but also all Members can participate in leadership of the APF. One goal of the organisation is to be representative of the region. The rotating nature of the Chair and Deputy Chairs, as well as the pluralism⁷⁶ of Members, ensures that this goal is achieved.

⁷⁴ *Ibid.*

⁷⁵ See www.asiapacificforum.net for a list of references.

⁷⁶ Pluralism is a fundamental requirement of the Paris Principles on NHRIs and is typically interpreted to include gender equity both as regards NHRI commissioners and with respect to NHRI staff.

The Forum Councillors meetings are scheduled annually. This meeting serve as the normal basis for decision-making, including on the strategic plan and the annual operational plans that devolve from that plan, but also for issues that might arise that fall outside the scope of the strategic plan. Within this framework, the APF Secretariat has broad discretion to implement agreed-upon activities.

Where contingencies arise – e.g., opportunities/requests for action that does not fall within the strategic plan, or resource requirements that are significantly above those forecasted in plans – several options exist. The Forum Councillors may convene a meeting when they are in attendance at an ICC meeting to come to a decision on the matter. If the matter requires a more immediate response, electronic meetings may take place. If the matter is truly urgent, and other possibilities simply cannot be used, the APF Chairperson is mandated to make decisions on behalf of the Councillors.

Members express confidence in the management and governance structure of the APF and feel that both allow decision-making in a timely and effective manner while being sufficiently flexible to ensure that the APF is capable of responding to emerging needs. Members also strongly believe that the APF management and governance model is responsive to their needs⁷⁷.

The APF also has sub-regional Member representatives, and sub-regional groupings of Members have been organised. This reflects the reality on the ground given the geographically large and diverse nature (with regard to culture, political systems and level of socio-economic development) of the region.

Conclusions

The APF mode of management is effective and ensures the relevance and sustainability of management decision-making, as well as representivity⁷⁸.

Administrative Capacity

Findings

The APF Secretariat is the implementing arm of the APF but has no substantive decision-making authority: Members decide on all issues related to programming. They do this by reviewing and approving operation plans developed by the APF Secretariat, in consultation with Members.

The APF Secretariat, while it has expanded over the period under review, remains small in size, comprising seven persons: Director, Deputy Director, Legal Advisor (part time), Project Manager, Development Manager (part time), Training Manager and Finance Manager.

⁷⁷ Results of the Survey of Members conducted for this Review. (See Appendix 6.)

⁷⁸ These conclusions respond to TOR objective 3 regarding management and governance structure, as well as, in part, to TOR objective 2 on meeting strategic objectives.

Observations made already with respect to the likely growth in demand for services and the desire to take a more holistic approach to training, including developing better peer-to-peer networking, will put further strain on it since these initiatives will require the APF Secretariat to devote time and energy to additional tasks in addition to ones they already support.

As membership increases in the sub-regions, and given the size and diversity noted above, the APF will have to examine how it can best serve its Members⁷⁹, including in programme planning, delivery and evaluation.

The APF is considering the establishment of sub-regional secretariat offices to provide more localised services for Members. This seems consistent with the development of sub-regional groupings of Members that has been noted earlier. A recent training-needs assessment conducted on behalf of the APF Secretariat showed that, while there was no such uniformity at the regional level, there was an expression of communality as between Members in sub-regions. Member interviews and survey results also show that Members are keen to move forward on this. One did note, however, that this should be done only in a way that does not damage the APF Secretariat in any way, including financially.

Establishing sub-regional Secretariat offices pose a variety of challenges: management, financial, administrative and operational. Issues relating to reporting structures, in particular the role, if any, that Member institutions from the sub-region have in management, the nature of the reporting line between the head of sub-regional secretariat and the Director of the Secretariat, need to be thought through. Questions relating to financing also require thought: will all funds be channelled through the APF or will sub-regional offices be structured and mandated to solicit their own funds? How will funding inequities as between sub-regions, if any, be managed? Are there sufficient overall funds to allow for both substantive sub-regional secretariats and a functioning, vibrant APF Secretariat, and, if not, where will cuts be made? How will reporting be controlled so that there is consistency as between the reports of sub-regional offices in order to facilitate the APF Secretariat's own reporting responsibilities to membership and donors? What degree of independence will sub-regional offices have with regard to developing and delivering programming⁸⁰ and, to the extent that the APF Secretariat is responsible to membership and donors on the quality and results of that programming, what oversight role should it play in this? What additional resources are required for this?

These issues, while real, are not new to those Members that have established regional offices and so there will be significant internal experience in dealing with them. What appears to be critical is that the APF think these issues through fully so that the sub-

⁷⁹ *Background Paper For Donor Review Of The Asia Pacific Forum Of National Human Rights Institutions (2009)*, prepared by Catherine Renshaw, at page 6.

⁸⁰ APF Secretariat sub-regional offices might have full flexibility to design and deliver programme that are in line with the APF's strategic plan, for example. Alternatively, the centre might develop programmes themselves and sub-regional offices would be mandated only to modified them as necessary to reflect sub-regional conditions.

regional offices are credible and that expectations are not inflated beyond the capacity of the APF to deliver. At the same time, one member noted that the track record of the APF is to move ahead in a tempered and cautious manner, and only when the time is ripe for success, and these qualities will be applied to this initiative in order to assure success.

Conclusions

The establishment of sub-regional offices presents a very large opportunity to the APF to ensure that programming for Members is geared directly to their unique needs and are presented in a manner that makes them fully accessible. The impact of changing the administrative structure also might have benefits for regional initiatives. For example, sub-regional secretariat might support dialogue and activity at the sub-regional level that can benefit regional strategic planning initiatives and information exchanges at Annual Meetings.

Establishing sub-regional offices also pose tremendous challenges that must be managed carefully. Luckily, many Members will have faced similar challenges nationally and this experience should buffer the APF.

Recommendations

18. The APF should mandate the Secretariat to conduct, or cause to have conducted, a thorough feasibility study on how to improve sub-regional presence and service delivery, including the possibility of opening of sub-regional offices. APF Members should, based on their own experience with improving regional presence and service delivery, develop a comprehensive list of issues that need to be addressed in the study. Given the importance of this, a sub-management committee should be established by Forum Councillors to oversee the study, as well as possible actions that are taken subsequently.

19. The APF should pilot the results of the feasibility study with one or two sub-regions to test and validate the approach and revise it as necessary. Changes to service delivery models should be introduced organically, according to defined need, cost-benefit analysis and management, administrative and financial capacity.

20. The APF, and donors, must take seriously and act on the likelihood that the APF Secretariat will need to expand its personnel resources to ensure: coordination with and between sub-regional secretariats; initial and on-going training of sub-regional secretariats; on-going evaluation and follow-up of sub-regional activity and programming.

Effective administration of programmes

Value for money

Findings

Table: income and Expenditures⁸¹

Income (forecast)		Expenditures (forecast)	
Donations	240,390	ACJ	26,857
Grants	1,668,748	Annual Meeting	217,682
Other	255,255	APF Secretariat	252,065
		Capacity Building	514,374
		General Advisory Services	257,153
		Information & Communication	91,208
		Regional and int'l cooperation	612,202
		Strategic Management	107,690
TOTAL	2,164,393	TOTAL	2,079,231

Income		Expenditures	
Donations	87,769	ACJ	72,530
Grants	1,538,096	Annual Meeting	242,726
Other	228,554	APF Secretariat	238,175
		Capacity Building	501,109
		General Advisory Services	185,108
		Information & Communication	88,664
		Regional and int'l cooperation	418,154
		Strategic Management	116,812
TOTAL	1,864,419	TOTAL	1,863,278

⁸¹ Note that figures for 2009/10 are unaudited. Figures for 2007/08 and 2008/09 are audited but the breakdown by programme area is estimated.

2007/08

Income		Expenditures	
Donations	250,702	ACJ	145,767
Grants	1,124,098	Annual Meeting	196,411
Other	111,334	APF Secretariat	230,878
		Capacity Building	429,562
		General Advisory Services	124,070
		Information & Communication	122,658
		Regional and int'l cooperation	155,779
		Strategic Management	95,000
TOTAL	1,486,134	TOTAL	1,500,125

The New Zealand Agency for International Development (NZAID) Value for Money Guideline makes clear that 'value for money' is not adopting the cheapest way to implement programming but rather achieving the best possible outcomes relative to cost and ensuring that "resources are used effectively, economically and without waste"⁸². The Guidelines also provide examples on assessment tools that might be used to gauge this. Three of these are useful in the context of this review: comparisons, cost-effectiveness analysis and opportunity cost analysis⁸³.

The financial tables included above break out costs along the six defined strategic objectives of the APF, and the resources devoted to the APF Secretariat. APF internal financial data breaks these costs down further so that it is possible to determine how much was spent for virtually every programme activity. Finally, budgets are developed and reconciled for each individual activity and so it is also possible to examine how resources for each programme activity were spent.

Cost comparisons show that APF training and workshop costs are not out of line with the norm. The APF Secretariat advises that a previous evaluation compared APF costs for running regional training, workshops and meetings with the costs of running similar events by the UN and showed that the APF did so more economically. This situation is likely unchanged, and the observation is consistent with my experience in UN programmes I have developed, run or evaluated. Sample costs associated with regional training initiatives run by EQUITAS, an established international training organisation based in Canada, are comparable with the costs associated with such programmes run by the APF.

Much of the APF programming is directed towards capacity development. In 2009 this included: regional and sub-regional training on NHRIs (1), the international human rights

⁸² Operational Guideline: Value for Money in NZAID, at page 1.

⁸³ *Ibid*, at pages 4 and 5.

system (1); on-line training on human rights basics (1); and regional and sub-regional thematic workshops on torture (3), human rights defenders (2), capacity development (1) national inquiries (1) and migrant workers (1). The total cost allocated for these activities in 2009 was just over \$500,000. The outcomes of these activities were enhancements to the capacity of NHRIs to undertake their core functions, to plan and conduct national enquiries, to deal with issues of torture, human rights defenders and displaced workers and to engage effectively and appropriately in the international human rights system. All training and workshops involved the use of recognised experts in the area. It is hard to envisage another mechanism through which these programmes could have been administered in a more effective or cost-effective manner. Further, in considering benefits, one must take into account the extrapolated impacts that are achieved as these seventeen agents of social change deliver programming in human rights at the national level.

An 'opportunity cost analysis' asks the question: "what could be done with this money otherwise if it were not spent on this current initiative?" It has resonance with regard to the APF development programme to this extent: if donor agencies wish to support the establishment and strengthening of NHRIs in the region, the question might be "is supporting the APF the best way of doing so?" Here the answer seems 'yes' for at least two reasons. First, there is no other regional organisation with the attributes, skills and experience of the APF that could carry out this function. (In fact, it is arguable that there are no such other organisations, regional or not.) Second, direct engagement with a large number of NHRIs as well as States that may be thinking of establishing NHRIs or, alternatively, with a variety of separate programme delivery agents – the only other logical approaches – would be neither efficient nor cost-effective. In this sense, engagement with the APF offers a variety of opportunities that simply do not exist elsewhere.

The APF programme, measured against the defined standard, therefore offers value for money: its programming costs are comparable to others; its programming, given outcomes, is cost-effective; there are no other reasonable opportunities available that would allow the achievement of these same ends either more effectively or more efficiently.

Annual reviews conducted as per many of the Partnership Agreements, including those with the Australian Agency for International Development (AusAID), NZAID and the Swedish International Development Cooperation Agency (SIDA), did not note any problems either with the effectiveness of programme delivery or the costs associated with that.

Evaluations conducted at each Annual Meeting show that Members are entirely satisfied with the effectiveness of programme delivery. This finding is replicated by the results of the survey of Members conducted for this review, which also provided evidence about the relevance of the programming, as well as the impacts that it has had on NHRIs in the region.

That is not to say that there are no issues to be addressed in this area. There are a number of ways to improve the approach taken to training, for example. These are, as already indicated, spelt out in detail in the Sidoti report. These problems, however, do not result from a lack of vision, failure to understand good practice or shortage of ability within the APF Secretariat, but rather from the lack of personnel and financial resources to act on noted areas of weakness given the heavy workload Secretariat staff face given the tasks that they are already charged with and a limited budget.

More to the point, it is a sign of a strong and mature organisation that the APF recognises when programme initiatives are not meeting expectations and acts on that knowledge. For example, problems in the approach taken in training were noted by the APF even before the Sidoti report and this has led the APF to develop a new, holistic framework for training, including follow-up measures to better ensure both long-term effectiveness and sustainability⁸⁴. Similarly, it was the APF, and not an outside source, that noted problems in achieving the expected outcomes with the ACJ programme and undertook a review of that programme. This review led to fundamental changes in approaches in order to correct the deficiencies noted.

Best Practice: The APF Secretariat has an inbuilt system of ongoing assessments and critical analysis of programme achievements so that, when programme outcomes and results are not meeting expectations, it is able to identify reasons or explain away problems. It acts on information to ensure to recalibrate programming towards achieving results.

Conclusions

The administrative of programme delivery is effective and provides value for money.

The APF Secretariat has the strength and maturity to identify weaknesses in programming approach and to take corrective action as necessary.

Funding Levels

Findings

The APF Secretariat has expanded the total funding it has available for programme delivery, as well as expanded the donor base. In some cases they developed programme proposals and sought donor funding to support these initiatives; in others donors, impressed with the work of the organisation approached them.

⁸⁴ In June 2008, for example, the APF developed a project proposal for an investigators per-to-peer network because of the recognised need to reinforce learning and broaden the sharing of knowledge and experience. Funding was not secured for the project, however.

That being said, certain planned activity was not implemented in part due to lack of funding (although the lack of sufficient personnel resources might have led to the same end in any case). Given the need to grow the Secretariat's capacity, the desire to adapt and improve some programme areas, and the move towards establishing sub-regional secretariat offices, increasing the funding base will be a continuing challenge for the APF Secretariat⁸⁵.

Conclusions

The APF has been successful in attracting more funding and increasing the diversity of its funding. Nonetheless it remains reliant on donor funding and specifically donor funding from those State aid agencies that are currently involved in the programme.⁸⁶

Improved (coordinated) donor-APF relationship

Reporting (General)

Findings

At joint donor coordination meetings with the APF Secretariat and in the context of this review, donors have expressed confidence in the APF and its work. They seem ready to continue to support the APF assuming that they are satisfied that APF programming is effective and relevant and that their respective organisations' aid priorities continue to target human rights activities in general and assistance in supporting the strengthening of the human rights environment in the region in particular. The APF Secretariat, for its part, has not expressed fundamental concern about any part of the relationship, while noting that differing requirements puts a strain on it administratively⁸⁷.

The need to improve the APF-Donor relationship therefore does not stem from any inherent, deep dissatisfaction with the current relationship. It stems in part from the 'light hand' vision for development assistance that is set forward in the Paris Declaration of Aid Effectiveness and Accra Agenda of Action and in part on the recognition on both sides that greater streamlining was both possible and desirable, and could help enhance the effectiveness of APF programming and therefore of the development initiative.

Currently, APF Secretariat reports to donors largely mirror the report they provided to Members, except that the reporting periods differ. The report is structured using the format of the annual plan so that descriptions of results relate to defined programme

⁸⁵ This issue – the need for increased donor funding and the consequences of not obtaining it – is addressed more fully in the section dealing with APF/donor relationships.

⁸⁶ This conclusion relates to TOR objective 5 (donor requirements – in this case AusAID.)

⁸⁷ For example, the APF reports to donors cover differing time periods, since the fiscal years of donors vary. While the content of the reports will be substantively the same, some tailoring is required to ensure that matters reported on fall within the fiscal year that the report covers.

activity and are usually descriptive rather than analytical. There are certain irregularities and potential points of confusion on how activities fit within given programme areas⁸⁸.

Financial reports included in annual reports differ in format: those provided to NZAID and SIDA provide breakdowns as to programme area so that donors understand what 'services' were delivered at what cost. Those provided to AusAID match the audited statements given to APF Members and cannot be assigned to any particular programme area. The first approach is both the most common and the most informative.

Donors have expressed a preference for a single set of expectations and objectives for funding and reporting⁸⁹. They expect reporting to be done at the macro, not programme activity, and that impacts, direct or indirect, will be identified and reported to the extent that these relate to the work of APF Secretariat or its Members. They note, and the APF Secretariat accepts, that there is a need to ensure that reporting is more analytical and less descriptive. These changes, it is felt, will improve the relationship between APF and donors by reducing the reporting burden and assisting the APF Secretariat to measure achievements in the future.

This has been discussed with the APF Secretariat and, based on that discussion and samples prepared, the Secretariat has developed a draft schematic for defining programme objectives as follows:

Program Objective 1: Enhance member's institutional capacity to promote and protect human rights⁹⁰. This would include all activities associate with capacity assessment and the provision of training, research (AC) and Secretariat), advice and information.

Program Objective 2: Enhance institutional and regional communication, cooperation and engagement in order to better promote and protect human rights. This would include all activities associated with the Annual Meeting, Peer Networks, Biennial Conference, as well as communications (website, e-bulletin etc).

Program Objective 3: Promote Establishment of Paris Principles compliant NHRIs. This would encompass all activities associated with the establishment and strengthening of NHRIs, (including advice, missions and consultations). It would also include participation in, and strengthening of the international accreditation process, and support to APF Members in the accreditation process.

Program Objective 4: Engagement in international and regional human rights fora/mechanisms. This would encompass all activities associated with the engagement

⁸⁸ For example, both the 'advice-giving' and the 'capacity building' functions refer to activities in support of the establishment of NHRIs, and training is listed as an activity under 'capacity building', but follow-up to training is considered 'advice giving'.

⁸⁹ They also accept that the report for donors should be the same as the report prepared for APF Members.

⁹⁰ It is understood, here and elsewhere in reference to APF activity, that human rights encompass women's rights and therefore that a gender focus will apply.

and participation in international and regional human rights and NHRI fora. It would also include engagement with regard to NHRI participation in the establishment of regional human rights mechanisms, and particularly the recognition of NHRIs within that framework.

Program Objective 5: Strategic Management. This would encompass all activities associated with the Annual General Meeting, including the adoption of past activity reports and accounts, and prospective annual and strategic plans.

The APF Secretariat proposes that these strategic objectives (as they might be modified during the strategic planning process and after consultation with Members) form the basis of Partnership Agreements. They also propose that subsequent annual reporting would focus on results and impacts achieved as they relate to these strategic objectives as opposed to a description of the programme activity that was used to achieve them. Finally, financial reports would be standardised and show how funds were spent in relation to each of these strategic objectives.

Conclusions

The APF Secretariat's reports have been largely descriptive and has not allowed donors, or Members, to easily understand what impacts the APF programming has had. It is important for understanding what the APF does, as well as the costs associated with doing this, that the schematic for strategic and annual planning be logical and understood by all. The proposed schematic for programme objectives seems to meet this test.

The donor expectation that there be a single set of expectations and a standard report, and that this be the same that is developed for APF Members, is consistent with the Paris Declaration and Accra Agenda of Action. It also implies that the reporting will cover a uniform time period, that being what is used for Member reporting purposes.

Recommendations

21. That the APF, based on its strategic planning process, confirm the strategic objectives it has defined. Once this is done these should form the basis of subsequent Partnership Agreements between the APF and donors, as well as the focus of reporting.
22. APF and donors should agree that reports cover a uniform timeframe, the one that is adopted for reporting to APF Members.
23. The APF Secretariat should uniformly structure its financial reporting to show how donor contributions were spent in relation to each programme objective. This same method of financial reporting should be used for APF Members (as an addition to, not instead of, the audited statement).

Regarding reporting on impacts and results

Findings

The history of human rights results indicators is not altogether happy. It is notoriously difficult to define human rights results indicators especially at the impact level since it is often hard to find causality between one action or set of actions and a result and/or because doing so would be so expensive it would not be worth the effort⁹¹. Some work has been done towards assessing the effectiveness of NHRIs, but these have not been definitive in identifying appropriate indicators. The publication "Assessing the Effectiveness of National Human Rights Institutions", for example, sets out a discussion of indicators, but at least as regards impact indicators, the examples presented tend to involve rather elaborate or expensive processes, or rely on subjective judgements⁹².

That being said, it remains that identifying impacts is an important part of programme management, and is clearly necessary to justify donor support.

This too has been discussed with the APF Secretariat and several possible approaches were advanced. Based on this, the Secretariat has developed a draft template for results indicators, based on the strategic programme objectives defined. This is attached as **Appendix 7**.

With regard to impact indicators (called 'outcome indicators' in the template), the use of membership reports will be a major source of information. The APF Secretariat intends to take a more directive and structured approach in this process, and believes that the initiative will also foster enhanced dialogue at the AGMs. The APF Secretariat also intends to track and analyse developments as these relate to APF programme objective areas and present these illustrative examples in donor reports. The Secretariat has identified a series of indicators that will track progress towards the establishment of a NHRI and the bringing of non-compliance Members into compliance⁹³. These indicators reflect commonly accepted milestones; some reflect internationally accepted 'best practice.' As noted below, the APF cannot necessarily control whether these milestones will be achieved, only that they are communicated and supported. Finally, the APF Secretariat has defined quite specific impact indicators for its programme objective related to international and regional engagement, in particular with respect to interactions with UN human rights mechanisms and the degree to which this interaction has informed the outcomes.

⁹¹ This is discussed in the Sidon review at page 59.

⁹² "Assessing the Effectiveness of National Human Rights Institutions" prepared for the International Council on Human Rights and the OHCHR, at pages 34-37. One suggestion, for example, is to conduct a survey of prisoners before and after training to determine the impact of training of prison guards; another is to conduct focus groups to reveal the impact of radio or TV advertisement.

⁹³ As discussed in the sub-section on "Advice-giving and Capacity Development", engagement with States in this regard is taken only when the legitimacy of the request has been determined and the APF Secretariat has received approval from the Forum Councillors to proceed.

Two caveats should be raised with regard to some proposed indicators. First, the APF Secretariat is a service provider. APF Members, most often the recipients of these services, are independent, government-sponsored institutions with unique, national mandates that operate within a particular economic, social and political environment. Not all will be in a position to institutionalise or immediately implement APF advice, positions or recommendations. The inability to do so is neither a reflection on the APF programme or, necessarily, the Member itself, and this should be remembered in judging performance. Second, the APF's responsibility in providing advice to States on establishing and strengthening NHRIs is to let them know of the widely accepted principles, approaches and best practices that apply. Ultimately, it is the State that must decide if and how to proceed. The APF therefore cannot control the acceptance of recommended approaches, for example the establishment of a participatory process involving a representative core group to spearhead the establishment of a NHRI. Where a State chooses to follow the advice given, this is clearly an indicator of results; where it does not, no negative implication can necessarily be drawn about the APF programme⁹⁴.

Conclusions

Defining the results and impact of programme interventions in the human rights area is difficult.

The best way forward involves defining strategic programme objectives and indicators of success and tracking these without necessarily attributing causality to one programme intervention or another, or indeed to the programme at all. This approach has the following benefits: it would force the APF to think through the rationale for what it does and what it wishes to accomplish; it allows the possibility of providing meaningful information on impacts at the macro level; it is most likely to be actually successfully implemented without overly burdening the APF Secretariat or Members.

Recommendations

24. That the APF Secretariat's substantive reports track and report on impacts as they relate to these programme objectives without necessarily attributing them to given programme interventions using the template provided as Appendix 7 as a guide.

Funding level and Partnership Timeframes

Findings

The APF stands at a bit of a cross-roads: it has a proven track record of achievements, but to build on that, as well as to improve on service delivery, requires a new way forward. Several challenges converge:

⁹⁴ That being said, it will be incumbent on the APF Secretariat to document where and why these situations occur and to consider how it might adapt processes to increase the likelihood that advice is accepted in the future.

- The renewed effort required to support the engagement of NHRIs in the establishment and functioning of regional and national human rights mechanisms and the opportunities that international pressures bring to this goal;
- The need to make its training initiatives more graduated, holistic and longer term not just for the 'blended training' concept but more generally, including by developing more sustainable and effective peer-to-peer networking;
- The need to focus ACJ activity more directly towards supporting member NHRIs;
- The need to be more concerned with monitoring and evaluating the results and impacts of its programming;
- The financial implications of supporting the Chair of the ICC, recently assumed by an APF Member;
- The need to develop sub-regional capacities to better meet the needs of Members

With regard to the first, as already discussed, the APF and OHCHR should develop and deliver a coordinated, longer term programme to build on the initiatives already begun, as well as the added political impetus that the LPR has given to the prospects. This will require more on-site visits, as well as more support for local groups championing the establishment of NHRIs. This means more resources over a longer timeframe. It also means that more, and more effective, NHRIs will likely be established.

As for the second, the notion of a more holistic approach to training comprises a number of factors: blended programming; attaching greater emphasis on follow-up support including peer-to-peer networking, preferably with on-line monitors to support learning; better monitoring and evaluation of the impacts of training and follow-on activities. All of this will require time, effort and money that are beyond what is now spent on face-to-face training. The opportunities of greater efficiencies – especially through the use of on-line training – exist, but the real value-added is the richness, the effectiveness and the sustainability of the training experience writ large, as well as the greater emphasis on monitoring and evaluation.

It is too early to know the exact cost of revisions to the ACJ process, the third challenge noted. Some efficiencies will be generated by targeted ACJ references and recommendations more focussed towards the needs of Members; this may be more than offset, however, by the cost of ensuring the engagement of Members more directly and more frequently with the ACJ. The impact of the change will likely take some time to measure given the nature of the issues that the ACJ addresses, which are typically serious and long-standing, but it should result in ACJ recommendations having greater impact on the day-to-day operations of NHRI Members, and consequential impacts on the human rights situation nationally, sub-regionally and regionally.

While it is also difficult to quantify the needs associated with assuming the ICC Chair, it is noted that the previous Chair had a small unit of two to three supporting her activities, although their duties were not exclusively for that purpose. In addition, costs associated with the conduct of ICC business – mainly travel and accommodation – are not insignificant.

As for the last, final conclusions on the cost-impact of enhancing sub-regional service delivery can only be made when a full feasibility study is done (assuming that the recommendation to undertake such a study is agreed to). However, the open that has been raised - developing APF Secretariat sub-regional offices - even if it is effected in a gradual manner, will clearly not be cost-neutral, although again, some efficiencies may be generated by bringing the implementation arm of the APF closer to Members. That being said, for the outset in any case, the establishment of sub-regional secretariat offices will not only require hiring staff capable of carrying out the kinds of programming now carried out through the Secretariat, but also training, on-going coaching, close monitoring and evaluation of progress by the existing Secretariat. There may also be some costs associated with facilitating communications and reporting between sub-regional Secretariats and the existing Secretariat. The benefits will include programming that meets the particular sub-regional needs of Members, services that are closer to those that need it and programmes and services that, as possible, are available in local languages. It may also be that other regional programme activity, and management processes such as planning, will benefit from an initial sub-regional examination. Currently, it may be that particular sub-regional viewpoints are lost in the more general review, given language and other constraints. Having sub-regional offices may therefore also improve the quality of regional work carried out through the APF Secretariat. It is not hard to see this in application at the Annual Meetings, especially if specific issues are being considered in that fora. Pre-caucusing at the sub-regional level will enhance the breath of the dialogue at the regional level and help ensure that all voices are being heard.

In sum, the opportunities that are present to expand and improve services come with a price tag, and the need for secure funding over a longer timeframe - because in many instances, the anticipated results for the changes introduced can only be achieved over time. (At the same time, there are legal constraints on some donors as to the length of time for which they can commit funding. The need for predictability and security of funding cannot, of course, be guaranteed, but donors should do what they can to achieve these aims.)

That being said, the APF too must shoulder the responsibility to securing the funding it needs to carry out its programming. Its efforts to expand revenue sources must continue, including by fund-raising activities and through expanding the donor base. The new reporting approach may be helpful in this in that the APF will be able to point to specific impacts its programming has had. To the extent that this is appropriate and possible, existing partners might assist the APF in this by steering potential donors towards the APF and, to the degree that they accept the conclusions of this review, by highlighting the successes of the APF programme.

The consequence of getting increased funding should be programming that is increasingly more effective at improving the capacity of member NHRIs and consequential improvement in their capacity to influence positive change at the national level. This is, of course, the core mandate of the organisation.

If funding remains at the same level as it is now, the APF will either be forced to limit its engagements to accommodate the increased scope and complexity of its programming and programme implementation structure, or to renege on some or all of the opportunities presented to improve its programming.

If funding is decreased, then reduced programming is assured, and the opportunities presented for improving service will likely be lost.

Conclusions

The APF has the opportunity to advance the quality and level of programming and programming delivery mechanism, but can only do so if it receives the funding it needs to do so. It cannot both sustain activity at the current funding level and initiate the changes it wishes.

Recommendations

25. That donors increase the level of funding for the programme to allow the APF to initiate the modifications to programme design and delivery it has proposed.

26. That the APF renew its efforts to expand its revenue sources.

27. To increase predictability for the APF and to ensure that impacts can be measured, donors should provide funding for the maximum period possible within their respective legislative frameworks, supported by indicative commitments for following years.

Annual Partnership Meetings

Findings

The APF and donor partnership agreements currently require an annual meeting between the parties. Donors have indicated that these may not be necessary if the reporting system is re-structured to better analyse and present programming results and impacts.

The APF Secretariat finds value in annual face-to-face meetings with donors and would like them to continue. This should not be seen as a burden and may help donors contextualise the reports they receive and avoid misunderstandings. The APF Secretariat also points out that meeting individually with donors facilitates the exchange of views and opinions between parties and allows them to renew personal connections, or to establish new ones when personnel changes take place. It may be possible, if annual individual meetings are not possible, to have a combined donor meeting, or to have one donor represent others at the meeting. The proposed changes to reporting - that there be essentially one report for all donors - would allow this.

In addition, it would provide value-added to donors to participate in the biennial conferences, given the expanded opportunity this would present to allow them to hear first-hand from Members on their achievements. Donor attendance might also give greater import to the APF Secretariat proposal to seek enhanced reporting from Members on the impacts of APF programming.

Conclusions

There continues to be a need for donors and the APF Secretariat to meet annually.

Recommendations

28. That donors and the APF Secretariat continue to meet annually, preferably individually, but if this is not possible that consideration be given to holding one meeting which all donors attend or for which a single donor is named to represent all donors.

29. That donors participate in biennial conferences to hear first hand about the impacts of the APF work as reported by Members. The annual meeting with the APF Secretariat should be held at the conclusion of those meetings.

External Evaluations of the APF Programme

Findings

As has been indicated earlier in the review report, the APF Secretariat is actively and continuously engaged in programme delivery. This leaves little time for them to reflect on the degree to which their programme initiatives are meeting expectations or to consider alternative approaches. The change to reporting described earlier will help with this; however, there may also be a need for more in-depth analysis on a periodic basis. In particular, conducting reviews or evaluations as part of the strategic planning exercise would help ensure that the APF programme continues to deliver quality, effective programming in innovative, cost-effective ways. This could be accomplished by adding a programme evaluation component to APF Secretariat functions, but the simplest, and surest, way of proceeding would be to include this as a requirement in any new partnership agreements.

To be useful for the purposes described above, and given the nature of the APF, the review or evaluations team established would preferably include someone with a deep understanding of NHRIs generally, and of the NHRIs in the region in particular.

Conclusion

Periodic reviews and/or evaluations of the APF programme should remain a feature of any new partnership agreements.

Optimally, the review or evaluation would be timed to feed into the APF strategic planning process and thus inform both the APF programme of activity and, if recommendations given above are adopted, new partnership agreements.

Preferably, the review or evaluation team would include someone with significant expertise in the work of NHRIs.

Recommendations

30. Donors should include a requirement to evaluate or review the APF programme in any new partnership agreements and time these so that they support the APF strategic planning process.

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APPENDIX 1: GLOSSARY OF TERMS

ACJ	Advisory Council of Jurists
AGM	Annual General Meeting
AICHR	ASEAN Inter-Governmental Commission on Human Rights
APF	Asia Pacific Forum of National Human Rights Institutions
APT	Association for the Prevention of Torture
ASEAN	Association of Southeast Asian Nations
AusAID	Australian Agency for International Development
CRC	Convention on the Rights of the Child
CSW	Commission on the Status of Women
DTP	Diplomacy Training Program
GA	General Assembly
HRC	Human Rights Council
ICC	International Coordinating Committee
ISHR	International Service for Human Rights
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NZAID	New Zealand Agency for International Development
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
PIF	Pacific Island Forum
RRRT	Pacific Regional Rights Resource Team
RWI	Raoul Wallenberg Institute
SIDA	Swedish International Development Cooperation Agency
SPC	Secretariat of the Pacific Communities
TOT	Training of the Trainer
UN	United Nations
UNDP	United Nations Development Programme
UNSW	University of New South Wales
UPR	Universal Periodic Review

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APPENDIX 2: TERMS OF REFERENCE FOR JOINT REVIEW OF THE APF

1. Asia Pacific Forum of National Human Rights Institutions

The Asia Pacific Forum of National Human Rights Institutions (APF) is a regional association of national human rights institutions (NHRIs) from the Asia Pacific region. It was established by National Human Rights Commissions from four countries - Australia, India, Indonesia and New Zealand - following the first United Nations (UN) sponsored Asia Pacific Regional Workshop of National Human Rights Institutions held in Darwin in July 1996. Since 1996, membership has expanded rapidly with 17 member institutions (15 full members⁹⁵) and two associate members⁹⁶. Further countries (Bahrain, Bangladesh, Cambodia, Iraq, Japan, Pakistan, Papua New Guinea, Samoa, Solomon Islands and Yemen) are in the process of establishing NHRIs.

The APF was founded to facilitate the creation of NHRIs where these do not yet exist and to encourage more extensive cooperation between existing NHRIs within the Asia Pacific region to protect and promote the human rights of the peoples of the region. More generally, the APF aims to advance the human rights agenda arising from the 1993 World Conference on Human Rights and its resulting Vienna Declaration and Programme of Action.

The Forum is an independent non-profit organisation that supports, through regional cooperation, the establishment and development of NHRIs in order to protect and promote the human rights of the peoples of the region. (See Annex for details of Organisational Structure)

2. Rationale and purpose of the joint review

Multi-year funding provided for APF by NZAID, AusAID and Sida expired on 30 June 2009. Funding by all three donors has been extended by at least one year to allow the review to take place so that its findings can be used to make decisions about future funding, including the purpose, length and amount of funding.

The purpose of the review is twofold, first to assess the extent to which APF has delivered on its mandate, identifying elements of good practice where relevant, and presenting recommendations for future directions to inform the next APF three-year strategic plan. Second, to recommend ways that donor-APF partnerships might be improved for mutual benefit.

3. Scope of the review

The review will encompass APF activities covering the most recent three-year contracts with NZAID, AusAID and Sida, that is, 1 January 2006 – 30 July 2009.

⁹⁵ Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Mongolia, Nepal, New Zealand, Palestine, Philippines, Qatar, Republic of Korea, Thailand and Timor Leste.

⁹⁶ Associate members are National Human Rights Institutions that currently do not comply with the Paris Principles and that are unlikely to be able to comply with them within a reasonable period. These currently include Maldives and Sri Lanka.

The review is expected to be completed by Mar 2010, based on approximately 6 weeks of consultant's time. The management of competing priorities of time, budget and objectives will be taken into account by the reviewer when designing the review methodology, maximising existing opportunities such as using regular APF meetings/workshops to interview stakeholders.

The review will consider all APF's work, including the Secretariat, Forum Council, Forum Members and the Council of Jurists, to the extent each delivers on APF's mandate.

The review shall be based on the five evaluation criteria of relevance, efficiency, effectiveness, impact and sustainability as stated in the OECD/DAC Evaluation Quality Standards as well as the OECD/DAC Guidelines for Joint Donor Reviews, the OECD/DAC Guiding Principles for Aid Effectiveness, Gender Equality and Women's Empowerment, and the OECD/DAC Glossary of Key Terms in Evaluation and Results-Based Management.

4. Objectives

The main objectives of the review are to assess the following and make recommendations on how to improve organisational effectiveness and better support to APF's mandate:

1. The relevance of APF mandate and the strategic objectives to the current political, organisational, international, regional, sub-regional and national context.
2. The effectiveness of the APF in meeting its strategic objectives as stated in the current Strategic Plan and funding requirements.
3. The APF mode of operation, management and governance structure.
4. The extent to which gender equality has been promoted through its activities.
5. The extent to which APF has met donor expectations (as per contracts/partnership agreements), and how donor relationships and support to APF might be improved in order to simplify and strengthen the relationship for mutual benefit, incl. greater donor harmonisation and coordination.
6. To identify measurable and realistic performance indicators for APF to monitor and report on its performance and impact, including a simplified annual report format that will meet APF and donor requirements.

5. Management and governance of the review

The review will be commissioned by NZAID, which will select a consultant to undertake the review, in consultation with AusAID and Sida.

A steering group of donors and partners will be established by NZAID including a representative of AusAID, Sida, NZAID, APF Secretariat, Forum members from the 5 sub-regions and OHCHR, RWI, FORUM-ASIA, and Pacific Regional Rights Resource Team (RRRT).

The steering group will provide feedback and comments on:

- a preliminary proposal on review design and methodology
- the inception report
- draft review report
- final report

The steering group is an email group only, and will not involve any face-to-face meetings, other travel or financial costs. Views and feedback will be coordinated by NZAID as part of the review management tasks.

6. Methodology

Development of the review design and methodology will be one of the first tasks of the reviewer, in accordance with these terms of reference and the DAC Evaluation Quality Standards (attached at Annex 1). New Zealand, Australia and Sweden are member countries of the DAC, so have adopted these standards for the review.

The review will be conducted by a consultant, selected by NZAID in consultation with the other donor partners. The review will follow a participatory approach. This will include (at a minimum) pre-review briefing with stakeholders (in this case a range of APF donors, members, and staff) to explain the purpose and method of the review, and the University of New South Wales' Human Rights Centre for a briefing on findings from its review of APF activities, and a debriefing at the end of the information gathering phase to check that the draft findings and recommendations are representative of the stakeholder views.

The reviewer will, as the inception stage, develop a draft design and plan for the review methodology, based on relevant research, reports and other documentation; briefings with donors and partners; and APF staff and members. The reviewer may carry out field work during the inception stage if necessary. The steering group has the opportunity to review and provide comments to the design prior to finalisation. See Annex II for expected components of a review design and plan.

The approach taken in the methodology will ensure the views of a reasonable proportion of APF staff and APF members, and all donors are heard and incorporated into the findings of the review. It will specify the roles and responsibilities of the reviewer. The draft design of methodology and timeframe for the review will be submitted to the NZAID for consideration by all three donors, and refined as necessary.

It is anticipated that only a very few visits to member countries will be feasible within the timeframe and budget. Stakeholders will be interviewed via telephone or video-

conferencing and through email communication if face-to-face interviews are not possible.

Where possible, the reviewer is expected to include concise case studies in their report to illustrate the achievements of the APF.

The reviewer will:

1. Review background material, consult with appropriate stakeholders and develop a proposed review design and methodology
2. Attend an in-country briefing with NZAID in Wellington, NZ,
3. Meet with APF staff, (as well as AusAID and Sida, if feasible) and UNSW Human Rights Centre in Sydney, Australia
4. Provide a final proposed review design and methodology (inception report)
5. Conduct the review
6. Provide a summary of findings in a short briefing paper for consultation with participants and other stakeholders
7. Present a draft report (no more than 20 pages, plus a maximum of 10 pages of technical annexes) to the steering group
8. Present a final report within 5 working days of receiving feedback from the steering group (coordinated by NZAID)

7. The Reviewer

The reviewer will be commissioned by NZAID in consultation with AusAID and Sida and will ideally have strong demonstrable professional skills and expertise in:

1. The Asia-Pacific region
2. Familiarisation with NHRIs and how they work in the region and sub-regions
3. Participatory evaluation methodologies
4. Human rights promotion and protection, including UN human rights system
5. Institutional strengthening
6. Demonstrated analytical and report writing skills
7. Facilitation and cross-sectoral consultation
8. Excellent communication skills (including report writing)
9. Evaluation (preferably accreditation)

The reviewer will be responsible for producing a quality report on time, in the agreed format (including size), and which meets the terms of reference. In particular, the reviewer is responsible for ensuring the report is analytical (rather than merely descriptive), and that its recommendations are specific and clearly linked to and supported by the findings.

8. Outputs and reporting requirements

The reviewer will produce the following outputs:

- Output 1: A draft proposed methodological framework (i.e., review plan, including timetable) for discussion with the steering group and NZAID at the outset of the review
- Output 2: Inception Report: a final proposed methodology framework (i.e. review plan, including timetable) following discussion with the steering group and NZAID at the outset of the review.
- Output 3: Summary of Findings: a concise summary of findings at the end of the visits and information gathering in a short briefing paper for consultation with participants and other stakeholders.
- Output 4: Draft written report.
- Output 5: Final written report within five days of receiving feedback from steering group, coordinated through NZAID

The structure of review and evaluation reports will comply with the formatting and structure, as set out Annex III. The reviewer shall ensure the assignment is carried out with due diligence, efficiency and economy in accordance with the time specified in the contract, observing sound management and technical practices, and complying with professional consulting standards.

The steering group will appraise the draft report, decide whether it should be peer-reviewed and whether further work and/or revision of the report is required (if it is considered the report does not meet the ToR or the quality is not of an acceptable standard).

The report should comply with the OECD/DAC Evaluation Quality Standards.

Sources of written information (to be supplied)

- NZAID/APF Strategic Partnership Arrangement
- NZAID MAARAF Review of APF
- NZAID Letter of Contribution (as an example of future funding arrangements)
- NZAID Guideline on Participatory Evaluation.
- Sida In-depth assessment memo of APF, Nov 2005
- Sida-APF Agreement of Cooperation 2006-2008
- Sida decision on extending the cooperation with APF, July 2009
- Amendment to the agreement between Sida and APF, July 2009
- AusAID-APF contract
- APF Annual reports/acquittals
- APF Strategic Plan 2007-2009
- Transcripts and research findings from UNSW Human Rights Centre (from Catherine and Andrea)
- Transcripts and Report of the Australian Parliamentary Inquiry into Human Rights Mechanisms and the Asia-Pacific
http://www.aph.gov.au/house/committee/afad/asia_pacific_hr/index.htm

Annex II: A Review Design or Plan

The review terms of reference identify the principles underpinning the evaluation (i.e. DAC QS), and the review questions to be answered by the review. It is the task of the reviewer to design a detailed methodology, as part of a review plan, to answer or address the review questions set out in the TOR, while adhering to the principles and approach specified in the TOR.

The review plan will be submitted to NZAID for approval, in consultation with AusAID and Sida.

It should include:

- The guiding principles used (i.e. DAC QS)
- Who will be involved and how?
- Clarification about what is understood by effectiveness, impact and sustainability from the perspectives of those affected by APF's activities? Are all relevant? Why not?
- Timetable for the review
- Whether a participatory approach is appropriate? In what way will it be participatory? E.g. in the design? Carrying out the review?
- How will honesty and openness be ensured in the process?

The evaluation plan (or a summary of it) should be appended to the report.

Annex III: Structure of Review and Evaluation Reports

This guideline sets out the minimum requirements for an evaluation report.

It assists consultants to prepare review and evaluation reports in such a way that they 1) ensure the ability to search effectively through evaluations and draw out cross-organisational learning, and 2) facilitate the process of making report summaries available on the NZAID website.

All NZAID Development Programme Managers are required to give a copy of this guideline to NZAID staff and partners, and to consultants involved in carrying out reviews and evaluations for NZAID.

The Structure of the Report

1. Title Page
2. Executive Summary
3. Main body of the report
4. Appendices

A physical and electronic copy of each NZAID review and evaluation must be logged in the system (see NZAID guidelines on dissemination and reporting). In order to ensure the ability to search effectively through evaluations and draw out cross-organisational learning, it is important that certain information is included in all evaluations reports. As a minimum, each evaluation report should include:

1. Title Page

- Title of report (including project/programme evaluated, country, region etc)
- NOTE: If a cover page is used, the title on the cover should exactly match the title on the title page. A subtitle, if used, should be printed beneath the title.
- Author(s) name(s) and affiliation(s) including designation
- Date (month and year) and location (e.g. Wellington)

A cover page template is appended at the end of this guideline.

2. Executive Summary

The Executive Summary should be no more than three pages. It should include:

- A brief background of why the review or evaluation was carried out
- A succinct description of the methodology used, who was involved, how? This section ought to describe how project/programme stakeholders participated in the evaluation
- Key findings. Where appropriate this should include intended and unintended changes/impacts as well as a description of how primary stakeholders – both men and women – perceive the changes brought about by the intervention(s).
- A section on value for money. How much has the intervention(s) (i.e. core funding to APF in the present case) cost – what have been the comparative results?
- Recommendations and suggested follow up action

3. Main body of the report

The main text of the report will vary according to the specific study. However, it is important that this section contains:

- A description of the background of the review or evaluation and the main users of the findings/report
- Methodology used (including who participated, how and at what stage)?

- The timing of the review or evaluation
- Findings and conclusions:
 - What changes have been brought about by the intervention – positive and negative, intended and unintended, qualitative and quantitative?
 - What have been the differential effects of the intervention on men and women?
 - What has been the cost of the intervention(s) compared to the programme results? Has NZAID obtained value for money?
 - Other cross-cutting issues (e.g. environment, gender, etc)
 - Implications of the findings on future activities.

4. Appendices

These should include:

- Glossary of acronyms used (see DAC Glossary)
- Terms of Reference for the review/evaluation
- Evaluation methodology and implementation plan
- List of data sources
- Diagrams, drawings, photographs generated through the participatory processes, etc (if appropriate). Refer to page 11 of the NZAID Guideline on Participatory Evaluation.
- A Confidential Annex, if necessary

NOTE: NZAID intends to place a summary of each review or evaluation on its website and will release the full report on request. To facilitate this, information that could prevent the release of the report under the Official Information or Privacy Acts, or would breach evaluation ethical standards should be placed in a Confidential Annex. A checklist for identifying such material is available from NZAID if required.

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**APPENDIX 3: EVALUATION METHODOLOGY AND IMPLEMENTATION
PLAN**

Inception Mission

**Draft Review/Evaluation Plan – For
Discussion**

**John Dwyer
January 26 2010**

1. Inception Mission

The consultant visited Sydney, Australia, and Wellington, New Zealand, during the inception mission. The inception mission served three purposes: to garner feedback on the pre-inception mission review design and methodology report; to collect further information on the functioning of the APF and the situation on the ground that might influence the review design and methodology; and to begin to gather information and points of view from various stakeholders relevant to the review itself.

In Sydney, the consultant met with the APF Secretariat and reviewed operational and administrative documents concerning, or relevant to, the APF programme. The process was iterative: interviews and document reviews led to further interviews and document reviews. The consultant sincerely thanks the APF Secretariat staff⁹⁷ for providing the time, information and documentation that was requested.

The consultant also met key stakeholders: Professor Brian Burdakin, now with the RWI but formerly a Special Advisor to the UN High Commissioner for Human Rights and the Chief Commissioner of the Australian Human Rights Commission, as well as a recognised expert in NHRIs internationally and regionally; Chris Sidoti, a human rights consultant and teacher who, in one of many former lives, headed the ISHR, a partner to APF, and who also is a former Chief Commissioner of the NHRC and a recognised expert in NHRIs internationally and regionally; Roslyn Noonan, Chair of the New Zealand HRC and regional representative of the APF on the Steering Group; Susan Roberts, the Executive Director of the Australian Human Rights Commission, delegated member of the APF Management Sub-Committee and member of the Senior Executive Network of the APF; Catherine Renshaw of the University of NSW who, with colleagues Andrew Byrnes and Andrea Durbach, has published a number of informative papers on the APF and NHRIs in the region and who is currently working on a study - "The National Human Rights Institutions in the Asia Pacific Region Project" - also with the same colleagues.

In addition, the consultant organised structured telephone interviews with key non-governmental organisations so as to develop a better understanding of the 'impacts' that the APF programme may have had in the region, from their unique perspective. He talked to representatives of RRRT and Pacific Island Forum.

Finally, the consultant also organised structured telephone interviews with some NHRIs in the region, including sub-regional representatives of the APF on the Steering Group. This was meant to gather information on the APF programme from the perspective of members and to inform further potential contact with members. He spoke with representatives of the Jordanian, Korean, Malaysian, Mongolian, Philippines, and Thai

⁹⁷ Unfortunately the Director of the Forum was not available throughout the mission due to family circumstances, but he did meet with the consultant for half a day. The Project Manager and Financial Officer were also unavailable since they were on leave. Nonetheless, the consultant is satisfied that the information and documentation provided by staff who were around was more than sufficient for his purposes.

Commissions. (As indicated already, he met face-to-face with representatives of the Australian and New Zealand Commissions.)

2. Guiding Principles

As required by the Terms of Reference (TORs), the review will be conducted in accordance to DAC Quality Standards, as well as the DAC principles on gender equality. The terms used in review reports, including the evaluation criteria, will therefore also assume the meaning given them in the DAC glossary, as found at the OECD website.

The review, in particular the review questions and recommendations, will be guided by the principles enunciated in the Paris Declaration and Accra Plan of Action, as well as the Pacific Aid Effectiveness Principles.

3. Who is involved and how?

Who is Involved	How
Asia Pacific Forum Secretariat	<ul style="list-style-type: none"> ➤ Provide information and documentation on the APF functioning, including activities and structure ➤ Provide comment on issues/concerns relevant to the review ➤ Respond to survey questions ➤ Provide feedback on draft reports
Donors	<ul style="list-style-type: none"> ➤ Provide information and documentation ➤ Provide comment on issues/concerns relevant to the review ➤ Respond to survey questions ➤ Provide feedback on draft reports
Steering Committee	<ul style="list-style-type: none"> ➤ Provide feedback on draft reports
Stakeholders	<ul style="list-style-type: none"> ➤ Provide information and documentation ➤ Provide comment on issues/concerns relevant to the review ➤ Respond to survey questions
Forum/Councillors (Members)	<ul style="list-style-type: none"> ➤ Provide information and documentation, including examples of integration of acquired knowledge and skills and examples of impacts ➤ Provide comment on issues/concerns relevant to the review ➤ Respond to survey questions

3. Understanding of DAC criteria for evaluations in context of APF review

The TORs provide that the review be both forward looking – see objective 1, objective 3 (implied), the last part of objective 5 and objective 6 - and retrospective – see objective 2, objective 4 and the first part of objective 5. The TORs also require an examination of development programme and activities, APF mandate and objectives, APF operations and management structures and partnership arrangements. The precise meaning given to DAC evaluation criteria will differ depending on the nature (forward looking or retrospective) and focus (developmental programme and activities, mandate and strategic objectives, management structure or partnership arrangement) of the issue being examined. Definitions for the DAC evaluation criteria, as set out in the first section of this report, have therefore been tailored to reflect this, as described below.

It should be noted that the TORs attach specific DAC evaluation criteria to certain review objectives – see objective 1 and 2. For these objectives, only that criterion will be examined unless the context suggests otherwise.

CRITERIA 1: RELEVANCE

Re the APF programme

The APF programme will be considered relevant if it responds to the needs of members in the region and those needs can be linked logically to the promotion and protection of human rights. Establishing relevance includes determining that those targeted by activities either directly requested the support provided and/or other evidence is at hand to show that the need is real.

Re mandate and strategic objectives

The current mandate and strategic objectives of the APF will be considered relevant if they continue to meet the defined needs of member institutions, are generally supported by stakeholders, and are justified and achievable given the situation in the region.

CRITERIA 2: EFFICIENCY

Re the APF programme

The APF programme will be considered efficient if the results and impacts it makes, or may make, represent value for money and no other more efficient mechanism exists to achieve the same aims.

Re mode of operation, management and governance structure

The APF mode of operation, management and governance structure will be considered efficient if decisions can be made in a timely and effective manner; decision-making authority is delegated appropriately and the needs and concerns of all members can be heard, understood and responded to in a timely manner.

Re APF-Donor relationships

Current and proposed APF-Donor relationships will be considered efficient if:

- Donors' decision-making allows the APF to plan and implement activities without undue delay;
- Time-frames for support are sufficiently long to ensure that strategic objectives can be realised;
- Reporting and other requirements are streamlined to the extent possible so as to avoid unnecessary duplication and are harmonised insofar as possible, so that, for example, the production of similar reports covering dissimilar time periods and the provision of unnecessary information is avoided;
- The APF can respond to Donor requirements in a timely manner without incurring undue costs;
- Important information is communicated in either direction in a timely manner.

CRITERIA 3: EFFECTIVENESS (INCLUDING IN PROMOTING GENDER EQUALITY)

Re the APF programme

The APF programme will be considered effective, including in promoting gender equality, if planned results are being achieved, in that:

- NHRIs are increasingly being established in the region and these are accredited with "A" status, that is, they comply with the Paris Principles.
- There is continued movement towards establishing NHRIs in the region and efforts to date suggest that, if those efforts succeed, the newly established NHRI will comply with the Paris Principles.
- Existing NHRIs in the region are being strengthened as a result of APF efforts and maintain their "A" Status at re-accreditation.
- Coordinated regional positions on human rights matters are being developed.

Re mode of operation, management and governance structure

The APF mode of operation, management and governance structure will be considered effective if:

- Evidence shows that roles and responsibilities are clear and exercised consistently;
- Members feel that their needs and concerns, including those of specific sub-regions, are recognised and responded to in a satisfactory manner;
- Planning processes are inclusive and involve members directly and include a gender focus;
- Strategic and operational objectives are modified as necessary to respond to emerging situations;
- Gender equity is both a consideration in the governance structure and demonstrated in fact.

Re APF-Donor relationships

Current and proposed APF-Donor relationships will be considered effective if:

- Problems and issues can be identified and resolved quickly;
- Donors feel that annual reports provide them with the information they need to know that their financial contributions are well spent and accounted for and that expected results are being achieved, including with regard to gender impact, and that this information is easily accessed;
- The APF understand what Donors require in reporting and can meet these needs without undue hardship or cost.

CRITERIA 4: IMPACT (INCLUDING WITH REGARD TO GENDER EQUALITY)

Re the APF programme

The APF programme will be considered to have had an impact if results achieved lead to improvements in the protection and promotion of human rights, in that:

- Activity to support the establishment of NHRIs has led to coalitions and partnerships of organisations that share a commitment to establish NHRIs in conformity to the Paris Principles.
- NHRIs in the region can demonstrate they are improving the human rights situation nationally, including for women and the most disadvantaged population.
- Coordinated regional positions have led to, or have the potential to lead to, an improved human rights situation on the ground.

CRITERIA 5: SUSTAINABILITY (INCLUDING WITH REGARD TO GENDER EQUALITY)

Re the APF programme

The APF programme will be considered sustainable if activities to establish NHRIs could carry forward even without the continued intervention of the APF; newly established NHRIs maintain their "A" status upon re-accreditation; existing NHRIs demonstrate a willingness and capacity to strengthen themselves through internal mechanisms; coordinated regional positions are codified in international or regional law or practice; NHRIs in the region demonstrate a commitment to gender equality in their make-up and in their programming.

4. Time Table

Activities and sub-activities	Dec	Jan	Feb	Mar
Develop Draft Review Design and Plan	■			
Undertake inception Mission		■		
Revise Review Design and Plan				
Submit Inception Report			■	
Undertake review			■	
Submit Draft Report				■
Finalise Report				■

5. Participatory Nature

The review is to be fully participatory.

The participatory approach extends throughout the review process: consultation will be ongoing. A large number of relevant stakeholders have been contacted prior to the design of this draft review plan and methodology. As set forward in the TORs, the Steering Group will be formally consulted at the time the Inception Report and Draft Final Reports are delivered. The review methodology features several mechanisms to elicit information from stakeholders (telephone interviews, face-to-face meetings and questionnaire), all of which are consistent with a participatory approach.

6. Ensuring Honesty and Openness

Honesty and openness will be assured in a variety of ways. Information will be cross-verified whenever possible and attributed, unless the nature of that information is such that it cannot or should not be. Stakeholders will be asked to comment on information provided by others, as appropriate. Whenever possible, original source documents will be reviewed.

The structure, representative nature and responsibilities of the Steering Group also encourage and ensure honesty and openness.

Dealing this far with stakeholders – the APF, members, donors, and civil society - have featured frank exchanges of comment and opinion as well as a significant commonality of opinion, which in itself suggests honesty and openness.

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APPENDIX 4: LIST OF DATA SOURCES

Note: This list does not include material drawn from the APF files or website or information provided by the APF at the request of the reviewer, nor does it include material related to Partnerships Agreements, including the agreements themselves, covering letters, amendments to agreements and annual reports made under the agreements.

Websites:

APF Website www.asiapacificforum.net
NHRI Website www.nhri.net
OHCHR Website www.ohchr.org
SPC Website www.spc.int

Publications:

Assessing the Effectiveness of National Human Rights Institutions, 2005, International Council of Human Rights Policy
Professional Training Series No. 4: National Human Rights Institutions, 1995, United Nations

Articles:

Asian HI Watch, The Asian NGOs Network on National Institutions (ANNI), March 2009
A Tongue and no teeth?: The emergence of a regional human rights mechanism in the Asia Pacific region, The Sydney Law Review, July 2009
Institutions for Human Rights Protection in the Pacific, provided by author (Catherine Renshaw)
Implementing Human Rights in the Pacific Through National Human Rights Institutions: the Fiji Experience, University of New South Wales Faculty of Law Research Series, 2008
Joining the Club: The Asia Pacific Forum of National Human Rights Institutions, the Paris Principles, and the advancement of human rights protection in the region, Australian Journal of Human Rights, December 2008
NHRIs in the Asia Pacific Region, provided by author (Catherine Renshaw)
Report on the Performance and Establishment of NHRIs in Asia, The Asian NGOs Network on National Institutions (ANNI), 2008

Promoting and Protecting Human Rights in the Asia Pacific: the relationship between National Human Rights Institutions and Non-Governmental Organisations, Human Rights Defender, August 2008

The Globalising Paradox and the Implementation of International Human Rights: the Function of Transnational Networks in Combating Trafficking in the ASEAN Region, paper presented to the ISAANZ Conference, W(h)ither Human Rights, December 2008

Other:

Accra Agenda For Action

Background Paper for Donor Review of the Asia Pacific Forum of National Human Rights Institutions, Catherine Renshaw, 2009

DAC Guidelines for Gender Equality and Women's Empowerment in Development Cooperation, OECD, 1999

DAC Guiding Principles for Aid Effectiveness, Gender Equality and Women's Empowerment, OECD, December 2008

NZAID MAARAF Review of APF, 2005

Operational Guideline: Value for Money in NZ AID

Pacific Aid Effectiveness Principles, Pacific Island Forum, July 2007

Paris Declaration on Aid Effectiveness

Pathways to the Pacific, Pacific Island Human Rights Series, Issue 1, Pacific Island Forum Secretariat

Review Of The Regional Program On Human Rights Capacity Development Activities In Asia 2007-2010 Of The Raoul Wallenberg Institute, December 2009

Terms of Reference for the ASEAN Intergovernmental Commission on Human Rights

APPENDIX 5: APF STRATEGIC OBJECTIVES (CURRENT)

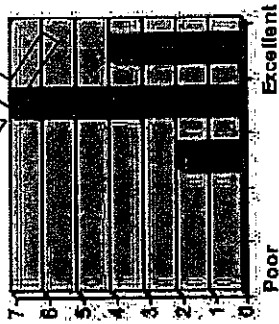
1. Assist in the establishment and strengthening of NHRIs in the region in compliance with the Paris Principles
2. Respond to the needs of its member institutions through the delivery of practical support projects.
3. Promote regional and international cooperation and coordination.
4. Actively engage in international human rights mechanisms.
5. Be representative of the region in the organisation, participation and implementation of its activities.
6. Strengthen the APF secretariat's capacity to meet the needs of its growing membership.
7. Achieve a level of funding that is sufficient to deliver the APF's Mission and Vision.
8. Ensure that the organisation and its activities are administered effectively.

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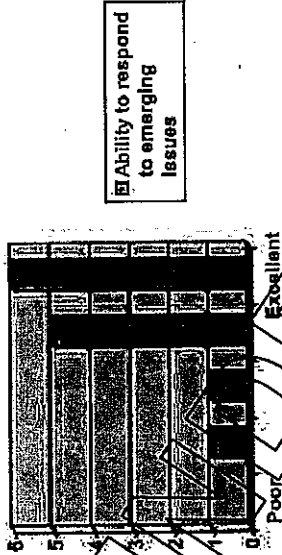
APPENDIX 6: MEMBER SURVEY RESULTS

1. General Survey Results (13 responses received, a 76% response rate)

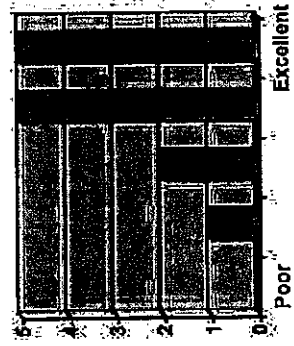
Management Structure



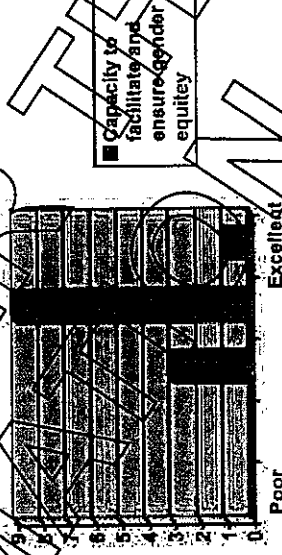
■ Respondents agree to member needs



■ Ability to respond to emerging issues



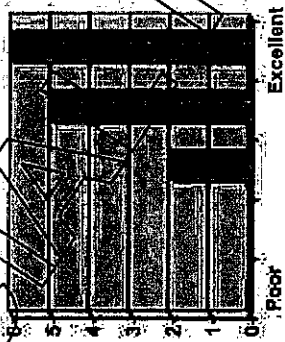
■ Ability to take timely, effective decisions



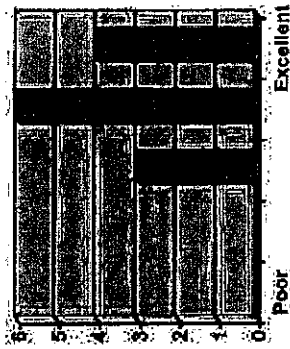
■ Capacity to facilitate and ensure gender equity

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SUCCESS OF PROGRAMMING IN ENHANCING MEMBER CAPACITIES

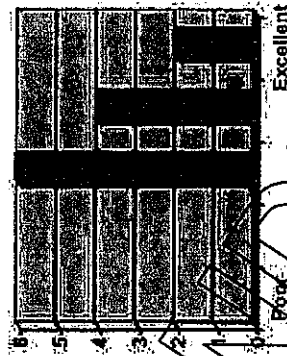


To promote and protect human rights



To deal with issues of most disadvantaged groups

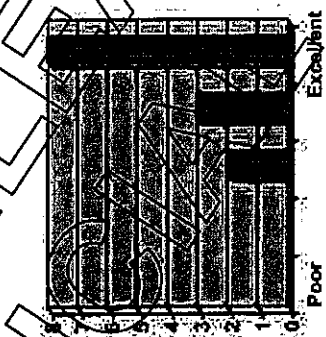
One member did not respond to this question.



To deal with gender equity issues

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Assessment of APF Secretariat Effectiveness

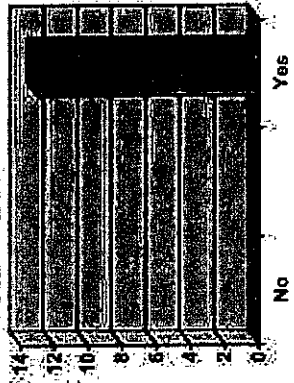


In supporting the APF



In supporting your needs as a member when asked

Continued Relevance of Strategic Objectives



Are Existing Strategic Objectives relevant?

General Survey Results (Narrative Questions)

Examples of how APF programme enhanced member's capacity to fulfil national mandate

- ▶ The APF training programs has positive impact on the technical knowledge of the AIHRC's commissioners and staff members in the areas of monitoring human rights complaints handling and investigation, conducting national inquiries, and strengthening the NHRC's capacity to fulfil its mandate in accordance with the Paris Principles.
- ▶ The Commission attended the APF sponsored workshop on migrant workers in Dili on 7 to 11 September 2009. The Commission had previously had limited exposure to this issue and as a result of the workshop, it was able to conduct an internal session on the topic and enhance other staff's awareness of the issue and how it falls within the Commission's mandate.
- ▶ APF association with the Association for the Prevention of Torture which has enable the NZ Commission to have international experts come to NZ and work with us and the other National Preventative Mechanisms as we take up our responsibilities under the Optional Protocol to the Convention Against Torture.
- ▶ The Investigation Training co-organized by APF, NHRC of Australia, NHRC of Korea was a good experience to share the investigation methodologies and best practices.
- ▶ One of the APF's projects on administering the guidelines on IDPs to our institution is the major one which had helped to fulfil its mandate as there was one of the major

problems during the conflict period in Nepal was Internal Displacement. This project was important to us to work on IDPs as the NHRC Nepal had limited resource to work on this issue as our institution was new at the time. Also we were newer for the working modalities and were in the position of learning. Sometime small support may be the crucial for the organization. This APF's brooking berns project on IDPs was very important to find the way of working on IDPs in Nepal for the commission. We did monitoring and investigation on the cases of human rights violation due to the Internal Displacement during the conflict period. We became able to do the researches by this project. They are the research on Rapid Assessment on IDPs and IDPs research on Dhanusha district. Also we prepared and published the five years report on activities on NHRC on IDPs. As a result commission became able to monitor and make guidelines on this issue and recommended to the government on the same which resulted to returning of some IDPs to their home after the comprehensive peace agreement between the conflict parties.

APF has assisted HRCM in several ways: One APF programme that has enhanced the capacity of HRCM would be the training held on "Building an Effective Media and Communication Programme" for HRCM Staff and Commission Members, some NGOs and Media personnel. It has helped staff to develop an understanding of how the news media works, how news is selected and framed and gave an understanding of effective approaches for engaging with the media on human rights issues. The training also provided practical support and advice in the development

of the organisation's strategic communication plans to promote human rights awareness among stakeholders and the broader community.

► Institution building particularly in the CHRP accreditation before the ICS, studies conducted and prepared by the Advisory Council of Jurists, strengthening of linkages with other NHRIs specifically within the Asia Pacific region through our participation and/or hosting of regional and international conferences and workshops and enhanced capacity on human rights investigations which enabled the Commission to emphasize the HR perspective in our investigation processes.

► The annual Training Programme which the APF organized in cooperation with the Raoul Wallenberg Institute is useful for staff members of the NHRCT in terms that it is the opportunity to learn about basic knowledge of international human rights law and standards including international humanitarian law, which are necessary to the works of the NHRCT. In addition, it provides the opportunity to know and learn experiences of other institutions, and enhance the cooperation with staff members of other institutions.

► The APF has agreed to assist ICHR with training and capacity building for our senior staff and board of commissioners in promoting and protecting human rights, which is very important for our institution to carry out its duties and mandate in a more efficient manner.

i. **Training Workshop on National Inquiry (7 - 9 December 2009, Kuala Lumpur, Malaysia):** This training has strengthened SUHAKAM's ability to fulfil its mandate, to work towards promoting and protecting human rights. The program was of particular benefit to

SUHAKAM's staff as the Commission was only established 10 years ago and is lacking of experience in tackling issues of human rights abuses. Following the training, SUHAKAM is considering to conduct a National Inquiry.

ii. **Capacity Building on Human Rights and Migrant Workers in the Asia Pacific Region - A Training Program for Advocates (7-11 Sep 2009, Dili, Timor Leste):** The Program has improved the practical skills of the participant from SUHAKAM in the areas of advocacy, lobbying and in formulating strategies to assist the Commission to campaign for the rights of migrant workers.

iii. **Regional Training Programme on Human Rights for Representatives from NHRIs in the Asia Pacific (Annual programme of RWI & APF):** The Programme has provided a greater understanding among the staff of SUHAKAM who attended the training on human rights issues as well as international human rights mechanisms.

iv. **Sub-regional Workshop on National Inquiries (23 June 2008, Jakarta):** The programme enabled application of inquiry process in investigative research pertaining to economic, social and cultural rights.

► In the overview, our commission considers that all of the APF programme have particular importance as they are unique in their own goals and vision. However, staging out the most of it, we would confirm that the skill development of NHRIs has been very helpful. Going through this programme, the personnel of the organization has obtained more in-depth information on their duties and

on the ways that it can be done. Since the time of its establishment, our Commission has seen success in lobbying the ratification, inter alia, of two of the UN core treaties such as CAT and CRPD. We have been also submitting recommendations on the reform of the legal framework for putting national legal norms with international ones.

- ▶ APF in collaboration with RWI is playing a significant role in terms of skill development for HNRs officials from time to time especially by regional training workshops
- ▶ Sub Regional Workshop on National Inquiries on June 2008. Since last year, Komitas HAM formed a National Inquiries Team on Migrant Workers. This workshop enhanced the capacity of Komitas HAM staffs who involved in Migrant Workers Team.
- ▶ National inquiries: This workshop make the Institution look into the issues in a manner and in the mandate accordingly.

Examples of how APF engagement led to national programming targeting the most disadvantaged groups

- ▶ The knowledge, gained by the AIHRC's commissioners and staff members from different training workshops organized by APF, has been effective in monitoring economic and social rights at national level. The AIHRC so far has produced several annual report on economic and social rights that highlights the degree of people's access to social and economic services provided by the government, indicating the level of poverty and providing the Government and other key stakeholders in Afghanistan

with appropriate recommendations. The reports are available on the AIHRC's website: www.aihrc.org.af

- ▶ The Commission's active engagement in the APF's work on gender identity and sexual orientation informed and complemented the Commission's inquiry into financial entitlements for same sex couples.

In the *Same-Sex: Same Entitlements* report the Commission recommended that the Australian Government amend laws which discriminate against same-sex couples and their children in the area of financial and work-related entitlements and benefits. Following the report, at the end of 2008, the Australian Government amended 84 laws which discriminate against same-sex couples in a wide range of areas including taxation, social security, employment, Medicare, veteran's affairs, superannuation, worker's compensation and family law.

- ▶ Disabled people are amongst the most disadvantaged groups in NZ. Through APF we have been able to participate in the negotiations on the Convention on the Rights of Persons with Disabilities and APF had the collective resources to ensure as NHRIs we could contribute effectively to those negotiations. For disabled people in NZ, the Convention provides much-needed standards and benchmarks.

- ▶ Migrants Rights (2008)
- ▶ The HRCM has conducted a Study on the situation of the most disadvantaged groups in the country which is in its final stages of completion.

- ▶ The CHRP was able to sustain its advocacy on the role of NHRIs in the promotion and protection of the rights of internally displaced persons and continues to advise

government to provide protective measures for the IDPs including proposed legislation on the protection of their rights and translation of the DNGPID into domestic law.

The NHRC joined the APF programme, in cooperation with Brookings Institution on Internal Displacement in 2004. The NHRC had the opportunity to work with

academics and experts on the IDPs, who came to visit Thailand with the APF Secretariat co-ordinator. The visit

provided the NHRC with the opportunity to work with local and international non-governmental bodies on the

issue, and applied related international human rights standards to help promote and protect the rights of hill-tribe

people who are stateless and regarded as IDPs on the ground. However, it will be more useful if there will be an

activity to monitor and draw lessons learnt in conducting IDPs project with other APF members from the project.

In result with close engagement with the APF, our commission focus on the realisation of the rights of persons

with disabilities. Following this, we gave much emphasis on the active participation of people belonging this group in

their social life and enhancing their awareness. Awareness raising activities have been also given to others who

surround this vulnerable group, such as their family members, law enforcement official etc.

There is no specific activity on the issue with the APF. However, the NHRC is deeply concerned about the equity

and quality of life of the disadvantaged groups. The Commission has selected 28 backward districts in various

States to create awareness on various issues relating to human rights among the district level administration and

aids strict compliance so that disadvantaged groups gets benefit and bring them in the mainstream.

- ▲ Komnas HAM is part of Working Group of Migrant Workers in APF and also has a National Inquiries Team on Migrant Workers.
- ▲ Visiting mechanism of NHRIs

Examples of national programming targeting gender inequality

General knowledge gained by the AIHRC's commissioners and staff members from the APF sponsored training workshops, seminars and conferences, the APF Annual Meetings and Conferences enhanced the advocacy capability of the AIHRC that as a result of this advocacy,

many women were encouraged to nominate them as people's representative at Provincial Council that

fortunately a quite good number of them voted. Very recently the AIHRC in joint efforts with civil society

organizations pushed the president to introduce more women for ministerial post in the Afghan Parliament. At

national level the AIHRC has always pushed the Government to consider gender equality in all strategies

making process.

1. The Commission in September 2008, lodged its longest parliamentary submission with its Submission to the

Senate Inquiry into the Effectiveness of the Sex Discrimination Act 1984 (Cth) (SDA). While there had

been significant progress in reducing direct sex discrimination since 1984, when the SDA was passed by the Australian Parliament. The application of the SDA over a quarter of a century has highlighted some serious limitations with its current form and content.

The Commission's submission detailed how the SDA needs to be amended to:

- Address the problems with existing provisions which have emerged in the quarter of a century since its adoption;
- Enhance its ability to actively progress substantive gender equality and promote systemic reform; and
- Fulfil our international legal obligations.

The Submission made 54 recommendations for immediate reform of the SDA and proposed a more extensive second stage of inquiry to consider 11 more extensive reform proposals.

- ▶ National/NZ Census on women and leadership provides robust empirical evidence on how well women are participating in positions of leadership in business, government, politics and academia etc has led to programmes to address the massive inequities.
- ▶ The Commission conducts monitoring and research projects to examine the human rights status of women who are particularly vulnerable. The research outcomes often include or entail recommendation of measures and actions

towards improvement. The themes or target groups of the past projects include:

- Human rights conditions of female inmates in detention and correctional facilities
- Working conditions of irregular women workers (contractual or temporary workers) with a focus on telemarketers
- Sex discrimination against female civil servants in employment (placement and promotion)

We made the "Guidelines preparation on Gender Equality" by the support of CMP II project. Also we made one study on "Concluding Remarks of UNO on periodic report of CEDAW and status of implementation of recommendations". These were the recent functions of NHRC on gender equality and we have done the series of recommendation to the government on the violence against women. These work supported for the advocacy on gender equality and we can see the gender friendly decisions by the courts too in Nepal in the recent days.

All awareness raising programmes and trainings held by HRCM stressed on gender equality and has involved female representatives in order to achieve gender equality, during the last three years. As almost all senior officials in the regions comprise male gender, HRCM involvement of women in these programmes has given them equal opportunities to express their opinions and in participating in activities conducted at local level.

▶ The Commission has set up its Women's Human Rights Center (WHRC) and has been designated under the newly

enacted Magna Carta of Women to be the country's Gender Ombud. The WHRC is tasked to ensure the promotion and protection of the rights of women through the holding of gender sensitivity trainings, investigation of violations and advocacy activities.

The NHRCT established the Sub-Commission on the Promotion of Equal Opportunity to address women's rights and equality, and other gender-related issues. The Sub-Commission received complaints from individuals and undertaken a number of activities to promote women's rights. They include research on public policies related to women's rights and equality, reviewing domestic legislation to ensure that existing laws adequately address women's rights, sensitizing the judiciary to gender-discriminatory practices against women in the justice system, countering negative myths and stereotypes about women and addressing trafficking in women. In terms of the interaction with other national authorities for the advancement of women, the NHRCT has promoted the use of the complaint mechanism under the Optional Protocol to CEDAW. In collaboration with the Office of Women's Affairs and Family Development, the Ministry of Social Development and Human Security and UNIFEM, the mechanism was introduced to actors and stakeholders working within the field of women's rights through workshops and other forms of mutual-learning process.

The Commission has undertaken a research project entitled "Research and Review to Strengthen Pre-conception and Pre-natal Diagnosis Techniques (Prohibition of Sex-Selection) Acts Implementation Across Key States" along with United Nations Population Fund.

ICHR has been a reference point for women's human rights organizations and the Palestinian Ministry of Women's Affairs for the development of specific suggestions to abolish discriminatory provisions against women threatened with murder under so called Honor killings within the Jordanian Criminal Law applicable in the Palestinian-controlled Territory. Lobbying efforts have finally materialized into a concrete decision by the Palestinian cabinet to abolish specific provisions of the law and address those crimes as ordinary crimes.

SUHAKAM held a discussion with the representatives from Ministry of Women, Family and Community Development, Non-Governmental Organizations and other relevant stakeholders to discuss on the removal of Malaysia's reservations on CEDAW. In addition, SUHAKAM, through its annual reports, has been urging the Government to withdraw all the reservations on CEDAW and take into consideration of the recommendations of the CEDAW Committee.

Gender equality is very dynamically evolving issue in our country. Following with a National Committee on Gender Equality has been established, with which our Commission has tight cooperation and information sharing. The major initiative that is up and running is the gender equality bill that is being drafted and circulated for comments. With adoption on this legal framework, it will give more contribution to the struggle against discrimination in various levels of the society. In this relation, APF is leading regional NHRIs for mainstreaming the rights of women at UN level and further on.

► Since 2007, the mandate of Komnas HAM returned to its function which is education, research, investigation and mediation. This resulted on the absence of the Commission activities related to gender equality. However, the Commission still participates and involves in gender equality activities with other institution such as National Commission on Women Against Violence, Rael Wallenberg Institute.

► No idea

Proposals for new strategic objectives

► In lights of increasing terrorism activities and counter-terrorism efforts, the APF needs to monitor focus its efforts on the observation of the International Humanitarian Law, protection of civilians and treating detainees in the Asia-Pacific region.

► The APF could include a strategic issue that is not static but rather that is refreshed from time to time (perhaps at the same time as the biannual conference) that is particularly topical within the region – for example child trafficking. By having a theme it could give a focus for its other strategic objectives and may make it easier to evaluate or quantify if the strategic objectives are being achieved by being able to do so against one particular human rights issue rather than across the plethora of them that exist in the region.

► The current list covers everything we need to keep doing even better that we do now

► To promote strategic cooperation with regional human rights NGOs in the Asia-Pacific (beyond Australian

NGOs); To encourage nations without a NHRI to establish the NHRI.

► Advocate and pressure creation to make accountable to the states of member institutions on human rights.

► We believe that APF should also focus on the developments in the ASEAN. Particularly, emphasis should be focused on the relationship between and among the APF, SEA NHRI Forum and the ASEAN Inter Governmental Commission on Human Rights, including other emerging mechanisms in the ASEAN. The APF might also want to conduct a comparative study on the effectiveness of regional mechanisms on the protection and promotion of human rights especially in the enforcement of international norms and standards.

► The APF Strategic Plan should take more focus on sub-regional development in human rights. For example, in Southeast Asia, there is an establishment of the ASEAN Inter-Governmental Human Rights Commission in last October. And the Commissions related to women and children, and migrant workers will be established soon. If the APF can respond to the development together with member institutions in the sub-region, the APF will be more relevant and well responds to the needs on the ground. So far, the APF secretariat has started the consultation process with the NHRI in the sub-region. However, the concrete measures or programmes are yet to be determined.

i. Human Rights and Counter Terrorism

ii. Trafficking in Persons

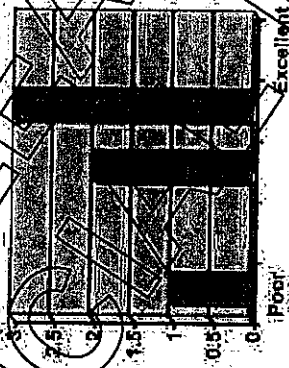
iii. Follow-up to the participants who have participated in APF's training programmes to obtain an

evaluation on the effectiveness of the training as well as suggestions for appropriate training methods towards enhancing the capacity development of APF and its member institutions.

- ▶ The APF should emphasize for strengthening NHRIs in the region and give support to B-status NHRIs to up-grade them to A-status/NHRA.
- ▶ Sharing the experience of NHRIs

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2. Survey of Members Participating in IPD Programme



Examples of results

- ▶ The Commission, together with the other stakeholders, has been advocating the passage of the IDP Bill which reached second reading in the last Congress. At the same time, the CHR and Balay (a non-government organization aimed at providing rehabilitation services for the IDPs) worked hand in hand in the conduct of several IDP fora in different areas in the country. The fora emphasized the UN Guiding Principles on Internal Displacement and the national responsibility framework among others. The conduct of these fora resulted in the formulation of a National Action Plan for the IDPs.

- ▶ The APF's support to our commission for the preparation of guidelines on Internally Displaced Persons is very much appreciable. This grant was utilized to survey for the questionnaires while preparing the guidelines. These guidelines became the instructions and first booklet on IDPs in Nepal during and post conflict period. This booklet became the tool for the advocacy on the issue of IDPs in Nepal. The problem of IDPs is one major problem in Nepal during the 10 years conflict period. This became able to give some ideas about the rights of IDPs and knowledge to register the cases to the office like human rights commission as well by the victims. By this support NHRC Nepal has conducted the program on IDPs however it took more time as committed on contract between the two parties. There was one focal person on Protection and Monitoring division to coordinate on this issue and the project. We did monitoring and found the status of some victims and could be able to prepare guidelines and one final report of the project by this grant. We did the investigation on the cases registered in NHRC on the violation of human rights due to the internal displacement. We utilized this project to research on Rapid Assessment on IDPs and the report was published. There was another research on IDPs in Dhanusha district. Altogether we became to carry on two researches. Also this helped on guidance for profiling the IDPs. We prepared and published one five years report on activities of NHRC on IDPs. By the recommendation of our commission some IDPs became able to return their homes as government supported some expenses such as the bus fare to reach the home.

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The pilot project was undertaken in the Northern part of Thailand to deal with ethnic minorities. In fact, there are a number of human rights related problems in the area. For example, a number of them are stateless people, and they live their lives as nomads travelling along the mountains, and previously growing opium. The government has invented development projects for these hill tribes people with an aim to improve their standards of living, but somehow failed to recognize their basic rights and needs. The IDPs project supported by the APF helped people and authorities concerned to recognize their rights as IDPs. However, it requires a holistic approach, apart from the introduction of the rights of the IDPs, to address the crux of the problem.

- ▶ There is no specific activity with APF on the issue. However, India had organised a national conference on relief and rehabilitation of displaced persons on 24-25 March 2008 in New Delhi. In this meeting, senior officials from all States/ Union Territories, Union Ministries, Academics, NGOs, States' Human Rights Commissions and UN Agencies participated.
- ▶ Komnas HAM has conducted IDP's Rights Training in December 2005 in Ambon (Maluku Province) and Pontianak (West Kalimantan Province). The participants were Commissioners Komnas HAM from regional office, Local Government, IDP's themselves, Local NGO's and local community leaders.

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APPENDIX 7: TEMPLATE FOR RESULTS INDICATORS - APF PROGRAMME

Programme Objective	Outputs	Outcomes	Measurement Tool	Outcome Indicators ¹	Output Indicators
Enhance member's institutional capacity to promote and protect human rights	Provision of: <ul style="list-style-type: none"> - training - research - information - advice Institutional capacity assessments undertaken	Members have improved the institutional skills, knowledge and capacity required to discharge their responsibilities	Annual Member survey and analysis Members report with qualitative data on impact etc. APF tracking and analysis (output indicators)	Member evaluation of APF programs, their impact on institutional programming and improvements to programs APF evaluation of APF programmes	Training <ul style="list-style-type: none"> - no. courses - no. participants - no. manuals - type of trainings - assessment Research <ul style="list-style-type: none"> - ACJ stats - workshops - papers Information <ul style="list-style-type: none"> - website stats - e-bulletin stats - emails Advice <ul style="list-style-type: none"> - advice stats CA finding adopted; Action Plans developed and implemented

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Programme Objective	Outputs	Outcomes	Measurement Tool	Outcomes Indicators	Output Indicators
<p>2. Enhance Institutional and stakeholder communication, cooperation and engagement in order to better promote and protect human rights.</p>	<p>Hold APF - Annual Meetings - Biennial Conferences Creation of, and support for Peer Networks</p>	<p>Greater exchange of information and knowledge on current and emerging human rights issues Greater exchange of information and knowledge on functioning of effective NHRIs Greater exchange of information and knowledge, and cooperation amongst key stakeholder groups Members cooperate in developing and pursuing common priorities and positions</p>	<p>Annual Member survey and analysis Members report with qualitative data on impact etc. APF tracking and analysis (output Indicators) Stakeholder reports if available</p>	<p>Members reports and evaluations highlight effectiveness of meetings, networks and policy positions Key stakeholders engage with the APF in various fora including the Biennial Conference and other relevant meetings</p>	<p>Meetings conducted Networks - SEO</p>

Programme Objective	Outputs	Outcomes	Measurement Tool	Outcome Indicators ¹	Output Indicators
<p>3/ New and existing NHRIs are Paris Principles compliant.</p>	<p>Advise and assistance on international standards and the ICC SCA is provided.</p> <p>Participate in ICC Accreditation process</p> <p>Advice and assistance to members undergoing accreditation</p>	<p>Decisions makers are made aware of the international standards applicable to the establishment and functioning of NHRIs</p> <p>Decisions makers aware of deficiencies in domestic legislation</p> <p>APF advise is considered in the context of legislating for NHRIs</p> <p>Existing non-conforming Members seek to address deficiencies</p> <p>ICC Accreditation process is robust, procedurally fair and transparent</p> <p>Members participate effectively in accreditation process</p>	<p>APF tracking and analysis</p> <p>OHCHR and ICC confirmation where possible</p>	<p>NHRI action plan developed and milestones are met</p> <p>International Standards are considered in the process of establishing NHRIs</p> <p>Core stakeholders participate in the consultation phase.</p> <p>Legislation or other changes are introduced</p> <p>NHRI established or strengthened</p> <p>NHRI accredited at A-status</p> <p>ICC Accreditation review process is completed and findings are endorsed by Members</p>	<p>Advice: no. provided</p> <p>Missions: no. undertaken</p> <p>Consultations: number undertaken</p>

Programme Objective	Outputs	Outcomes	Measurement Tool	Outcome Indicators ¹	Output Indicators
<p>4. International and Regional Engagement: Actively support and promote relevant engagement with regional and international human rights mechanisms</p>	<p>Advocate for NHR participation rights in relevant human rights fora</p> <p>Actively support member engagement in relevant human rights fora</p> <p>Actively promote APF policy positions in relevant international fora</p> <p>Actively promote the implementation of international human rights law</p>	<p>APF and Member advocacy greater awareness of and compliance with human rights norms, better access for NHRs and more effective international and regional mechanisms</p>	<p>Annual Member survey and analysis</p> <p>Members report with qualitative data on impact etc.</p> <p>APF tracking and analysis (output indicators)</p>	<p>Action plan developed</p> <p>Milestones met</p> <p>Benchmarks (interventions and interaction with HRC, treaty-body and special procedure mandate holders, including reflection of content in recommendations; ratification of treaties; removal of reservations)</p> <p>OCHR/ICC confirmation if available</p> <p>State/ IIR mechanism confirmation if available</p>	<p>Development of policy positions and papers on new and emerging issues of regional and international importance</p> <p>Participate in the NHR bodies (ICC and Regional fora)</p> <p>Participate in UN and other relevant fora</p> <p>Participate in the development of international standards</p> <p>Members promote APF positions in relevant fora</p>

Programme Objective	Outputs	Outcomes	Measurement Tool	Outcome Indicators ¹	Output Indicators
Ensure the effective, efficient and strategic management of the APF consistent with the legal regime under which it is incorporated	<p>APF Annual General Meetings conducted</p> <p>Production of relevant reports.</p>	<p>APF is effectively and strategically managed to meet its objectives</p> <p>APF complies with corporate legal regime and ASIC reporting requirements</p>	AGM report	<p>Members endorse APF directors report</p> <p>Members endorse APF audited accounts</p> <p>Members endorse APF prospective strategic plan</p> <p>Members endorse APF directors report</p>	<p>AGM is convened</p> <p>Relevant reports are prepared</p>

¹ Illustrative examples to be included in the Annual Report.

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