

The Evolution of the Asia Pacific Forum of National Human Rights Institution's Regional Training Program

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NATIONAL HUMAN RIGHTS INSTITUTIONS' (NHRIs) are institutions that have been established by law, with mandates specifically focusing on the promotion and protection of human rights.¹ Worldwide, these institutions typically undertake a range of research, educational and advisory activities as part of their mandates.² These institutions also often cooperate with international human rights mechanisms and processes, thereby helping to bridge the gap between the international and national human rights spheres. Unlike NHRIs in Western Europe, in the Asia-Pacific region, NHRIs also have quasi-judicial powers that provide them with a range of powers, including the competence to accept and consider complaints of alleged human rights violations, conduct public hearings and national inquiries, and visit places of detention.³

Independent and effective NHRIs have an important role to play in the human rights scheme within the Asia Pacific region. Unlike other regions, the Asia-Pacific region still does not have its own regional human rights mechanism.⁴ In the absence of a regional human rights mechanism, independent and effective NHRIs are often the only accessible source of protection for victims of human rights violations to turn to. For NHRIs to be truly effective in fulfilling their roles and responsibilities, the human faces behind these institutions need to be equipped with knowledge of international human rights law and an understanding of good NHRI practices.

Over the years, the Asia Pacific Forum of National Human Rights Institutions (APF) has been providing training to help build the capacity of NHRIs throughout the Asia Pacific region. This article explores the various stages in the development of the APF regional training program, while considering the path that lies ahead in the future evolution of the program.

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The APF

The APF is a regional, membership organization of the NHRIs in the Asia Pacific.⁵ The APF was established in 1996 by the NHRIs of Australia, India, Indonesia and New Zealand, following a meeting in Larrakia, Australia. As of October 2010, the APF currently has seventeen member institutions from the following countries: Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Maldives, Mongolia, Nepal, New Zealand, Palestine, the Philippines, Qatar, Republic of Korea, Sri Lanka, Timor Leste and Thailand. Membership in the APF is based on an institution's level of compliance with the 'Paris Principles,' as assessed by the International Coordinating Committee of National Human Rights Institutions (ICCNHR). While membership in the APF is only open to NHRIs, governments and non-governmental organizations (NGOs) are key partners in the implementation of the many of the APF's activities and strategic objectives.

The main roles of the APF are: (1) to encourage the establishment of new NHRIs in the Asia Pacific region; (2) to help strengthen the capacity of NHRIs in the region; and (3) to encourage regional and international human rights cooperation with and among NHRIs. The regional training program is a core component of the APF's capacity-building services to its member institutions.

Regional Training Program: Key Phases of Development

I. Early years

From the early years of the APF's establishment, the APF began organizing regional workshops on thematic issues of shared concern to its member-institutions. This included regional workshops on collaboration between NHRIs and non-governmental organizations (1999), women's rights (2000), rights of persons living with HIV/AIDS (2001), economic, social and cultural rights (2001), human rights education, racism and the media (2002), and the rights of persons with disabilities (2003). The overarching aims of these thematic workshops were to raise awareness of emerging international human rights standards, and to encourage exchanges in viewpoints and experiences between APF members and other stakeholders. Representatives from civil society organizations and international organizations participated in these thematic workshops.

In addition to thematic workshops, in 2002, the APF also organized a regional workshop focusing on investigations skills and techniques.⁶ This workshop was the first “skills-based” training activity which the APF had organized. The starting point for the development of the investigation training program was a short needs assessment survey to the APF member-institutions, which aimed at elucidating the legislative backgrounds, investigations workload, and internal investigative capacities of the APF member-institutions.

II. 2003 – 2005

With the growth of the APF’s membership, the need for a more targeted and holistic approach to its training activities became apparent. Following an independent performance review of the APF in 2003, the APF took steps to begin the development of a more comprehensive training and capacity building program for its member-institutions.⁷

In late 2003, the APF organized a pilot, in-house training workshop on investigations skills for the Sri Lankan Human Rights Commission. The course was run for the APF by senior and experienced investigators from the Australian Human Rights Commission. This workshop was the first tailor-made training activity designed by the APF for one of its member-institutions. The in-house method of delivery enabled the APF to provide tailored and highly contextualized support to meet the specific needs of the Sri Lankan institution, while allowing for a larger number of persons from the institution to participate in the training. Over the next two years, the APF organized other contextualized, in-house training workshops on investigations techniques for the Philippines Commission on Human Rights, and for the National Human Rights Commission of Thailand.

In 2005, the APF piloted its second training course – this course focused on media and communication skills. The aim of the media and communications skills course was to help individual APF member NHRIs develop partnerships with the media, and increase media reporting of human rights issues. This course was run ‘in-house’ for the NHRIs of Jordan, Malaysia, New Zealand, and Palestine in 2005. A Commissioner from the New Zealand Human Rights Commission, and a senior media consultant to the APF led those training programs.

In the same year, the APF also organized two thematic regional workshops. These regional thematic workshops focused on trafficking in women

and children (2005), and on internally displaced persons (2005). While these workshops were not strictly training activities, they nonetheless played an important role in helping to mobilize regional cooperation among APF member-institutions on the issues at hand.

Overall, while progress was being made in the right direction, the APF recognized that there was still a critical need for further coherence and direction in the APF's training strategy for its member-institutions.

III. From 2006 to the present

The focus of the APF's service delivery has always been rooted in the need to ensure that services cater to the specific needs and circumstances of its member-institutions. In 2006, the APF contracted the International Service for Human Rights (ISHR) to conduct a regional assessment of the training needs of the APF member-institutions.⁸ The aim of the assessment was to help facilitate the development of a holistic, regional training program by and for the APF member-institutions. All APF member-institutions at that time participated in the training needs assessment.

The final report of the 2006 training needs assessment made a number of recommendations. Some of the core recommendations are important to highlight, because they form the basis for the APF's overall approach to training to this very day.

First, the assessment recommended that the APF develop a regional training program focusing on core skills and knowledge which NHRIS would need to help them carry out their responsibilities. This would include training on investigations skills, conducting national and public inquiries, and engaging with the international human rights system.

Second, the assessment emphasized the importance of induction training for new Commissioners, and for continuing human rights education opportunities for other Commissioners. The assessment noted that many Commissioners come into their positions with limited awareness of the roles which they are expected to play, and in some instances, also limited exposure and experience with international human rights law and standards.

Third, the assessment called upon the APF to adopt a tripartite approach to the delivery of its training courses, not only involving training at the national level, but also at the regional and sub-regional levels. The assessment noted that the APF would have to take into consideration a variety of factors, including cost, accessibility, language issues, and availability of fund-

ing, when determining the number of courses to be delivered on each of these levels.

Fourth, the assessment suggested that the APF develop professional training resources, including manuals and teaching modules, to supplement the various components of the APF regional training program.

Fifth, the assessment recommended that the APF organize exchange programs between the APF member-institutions, to facilitate the cross-pollination of knowledge and experience among the APF member-institutions.

Finally, the assessment noted the need for the APF develop its own ability to increase its training service delivery to its member-institutions. The assessment recommended that the APF identify experienced NHRI trainers from among the APF membership, develop partnerships with human rights NGOs to jointly run training workshops with the APF, and strengthen the internal capacity of the APF secretariat to coordinate and manage the delivery of APF training courses.

All of the above recommendations have helped to mold the structure and scope of the APF regional training program, and form the crux of the APF's current training strategy.

Since the 2006 training needs assessment report, the APF has progressively expanded the extent of its delivery of training services to its member-institutions. The number of training activities run by the APF has increased from a total of six workshops and staff exchanges in 2007, to a total of thirteen workshops and staff exchanges in 2009. The APF's roster of training courses has diversified to include a number of new topics, including: (1) induction training for new Commissioners; (2) conducting national inquiries; (3) engaging with the international human rights system; (4) foundation course for NHRI staff; (5) protecting human rights defenders; (6) preventing torture; and (7) rights of migrant workers. Every year, the APF training plan includes courses that are run at the national, subregional and regional levels. All of these activities are planned in advance in consultation with the APF member-institutions, within the context of the APF's Annual Planning process.

The APF has also developed professional training resources and training modules to accompany some of its core courses, including a DVD documentary and training modules on conducting national inquiries, a written guide and CD-ROM documentary on preventing torture, training modules on the international human rights system, and training modules on human rights

defenders. Some of the modules include “planning components”, which require participants to implement projects and activities utilizing the knowledge they have gained during the courses.

The increase in the roster of APF training courses was made possible primarily through the collaboration and support of NHRI and non-NHRI training partners, and also through strengthened capacity within the APF secretariat. The majority of the APF’s core skills training courses are led by experienced NHRI practitioners from the region.⁹ As far as possible, the APF tries to use former (and sometimes current) NHRI Commissioners and senior staff members as its trainers, because these NHRI practitioners have a direct understanding of the challenges and situations typically faced by their fellow NHRI trainees. In addition to tapping into the expertise of NHRI practitioners, the APF has been collaborating with academic institutions and specialist human rights NGOs with experience in providing training to NHRIs. The APF’s main training partners include the Raoul Wallenberg Institute for Human Rights and Humanitarian Law (RWI), the Association for the Prevention of Torture (APT), and the ISHR. The APF has worked with these organizations on a number of occasions to jointly run training courses, and jointly develop professional training materials and resources.¹⁰ In addition to building external partnerships, the APF also took steps to increase its internal capacity, by appointing a former NHRI staff member to work in the APF secretariat, to coordinate and manage the development and implementation of the APF regional training program.¹¹

Going beyond the scope of the recommendations of the 2006 training needs assessment, the APF has started to explore the use of new technology to further professionalize its training service delivery. The initial motivation of the APF in foraying into online training service delivery was to supplement its roster of face-to-face courses with additional opportunities for NHRI staff (and members) to do more in-depth learning at their own time, from the ease and comfort of their own institutions. Participants of face-to-face workshops often comment that there is not enough time for them to read and reflect during workshops. Online training was therefore envisaged by the APF as a cost-effective means of providing more accessible, supplementary learning opportunities to the NHRIs from across the region. In 2009, the APF approached the Human Rights Education Associates (HREA) with a proposal focusing on the delivery of online training courses for the APF member-institutions. That same year, the APF and HREA piloted a joint

online foundation training course for NHRI staff. The course was run by the HREA's instructors, and involved the participation of NHRI staff members from across the region. A second online foundation course for NHRI staff was run in collaboration with the NHRIs in 2010, this time using the APF's own NHRI facilitators. This venture into online training represents a new innovation in the APF regional training program.

Taking even further the potential for technology to improve the APF's training service delivery, in October 2010, the APF piloted its first 'blended-learning' course for its member institutions. This pilot blended-learning course was held in partnership with the APT, and focused on the prevention of torture. The course was divided into two core components, namely a six-week-long online course, followed by a subregional face-to-face training workshop. It is the APF's hope that the online and blended learning courses will help to provide more thorough and in-depth learning experiences for trainees from the APF member-institutions. As part of its organizational growth, the APF is currently developing its own technical infrastructure to enable the APF to run more online and blended-learning courses for its members in the future.

The future

The woods are lovely, dark and deep
But I have promises to keep
And many miles to go before I sleep
And many miles to go before I sleep

(Robert Frost, *Stopping by the Woods on a Snowy Evening*)

Notwithstanding the considerable improvements made over the years, much room remains for even further improvement and professionalization of the APF regional training program. While the APF's training roster has expanded significantly over the years, there are still gaps in the program, including some relating to core skill areas in the 'promotion' aspect of NHRIs mandates.

Another issue which the APF will have to confront is the challenge of ensuring the sustainability of its training service delivery, in the face of the increasing growth and diversity of the APF's membership. While the APF is fortunate to currently have a pool of expert NHRI trainers, comparatively, it

is still a small pool. The APF's membership has been growing over the years. In just fourteen years since the APF's initial establishment, the APF's membership has grown from just four institutions, to seventeen institutions from across the geographic spectrum of the Asia-Pacific region, including three Arabic speaking institutions from West Asia. The APF expects its membership to increase to twenty institutions within the next year or so, with the recent establishment of NHRIs in Bangladesh, Bahrain and Oman. Other countries in the Asia-Pacific, including Cambodia and Samoa, are considering the establishment of NHRIs. Such diversity inevitably brings about more challenges, the most acute for service delivery being language, cost and geography. Further increase in the number of APF members will inevitably require additional training resources to service these institutions.

Third, how can the APF help facilitate greater institutional impact of training when many of the APF member-institutions are confronted by high staff turnovers. Institutional 'brain-drain' is a fact in many of the NHRIs in the region. Many NHRIs have lost highly skilled and trained staff members, often in search of greener pastures elsewhere. Recognizing this reality, what are the ways of ensuring that the training does not just stop at the individual trainee, and for knowledge to filter on through to the institutional level? What are the ways of ensuring the retention of knowledge gained from training at the institutional level?

The above are some of the questions, challenges and issues which were revealed during the course of a second regional training needs analysis of APF member-institutions, which was conducted in 2010.¹² The 2010 needs assessment produced a number of recommendations, which are likely to guide the future direction of the APF regional training program.

Some of the core recommendations include the development of a training-of-trainers course and trainer accreditation scheme, with the aim of increasing the APF's pool of trainers from among the APF's own membership, and to help NHRI staff to themselves become providers of human rights training. In response to the issue of increasing diversity, the APF plans to conduct a feasibility study on the establishment of subregional APF offices. Should subregional offices be established, the establishment thereof should help to disperse the delivery of training, and increase the capacity of the APF to deliver more training courses to a greater number of NHRI trainees and potentially in a variety of different Asia-Pacific languages.

The APF is in the midst of navigating its way through these emerging priorities. Therefore, while much work has already been done, more work remains in the pipelines. The evolution of the APF regional training program continues.

Endnotes

1. The 'Principles on the Establishment and Functioning of National Institutions for the Promotion and Protection of Human Rights,' also known as the Paris Principles, provide further information on the composition, roles and responsibilities of NHRIs. See UNGA 48/134 adopted on 20 December 1993, available at: www2.ohchr.org/english/law/parisprinciples.htm.

2. See the 'National Human Rights Institutions Forum' website for a global overview of NHRIs, www.nhri.net.

3. See Brian Burdekin and Jason Naum, *National Human Rights Institutions in the Asia Pacific Region*, Martinus Nijhoff Publishers, Leiden / Boston, 2007, for a comprehensive overview of the mandates of twelve NHRIs in the Asia Pacific region. The APF's website also contains links to the enabling laws of the other NHRIs not included in the scope of the Burdekin and Naum analysis, www.asiapacificforum.net.

4. A sub-regional framework for human rights has started taking shape within Southeast Asia, under the auspices of the Association of Southeast Asian Nations (ASEAN), with the establishment of an ASEAN Intergovernmental Human Rights Commission, the establishment of a Women and Children's Rights Commission, and the drafting of an instrument on migrant workers rights. However, these developments only involve the ten member-states of ASEAN (not currently including Timor Leste). Other sub-regions in the Asia Pacific region have yet to come close to any similar sub-regional human rights arrangements.

5. Please refer to the APF's website for detailed information on the APF's structure, membership, role and activities.

6. The 2002 investigations training workshop was run in collaboration with the Australian Federal Police.

7. During the APF's 8th Annual Meeting in Kathmandu in 2004, the members of the APF explicitly affirmed their commitment to move towards the development of a coherent training strategy to help build the capacity of staff from the APF member institutions.

8. The ISHR is a Geneva and New York based international NGO which regularly conducts human rights training and capacity-building activities for human rights defenders worldwide. The Director of the ISHR at that time was Professor Chris Sidoti, who was formerly the Federal Human Rights Commissioner of Australia, and is widely considered to be an international expert on NHRIs.

9. The following programs are all run by experienced NHRI practitioners: (1) APF's High Level Dialogue Training Program for Commissioners, (2) Foundation Course for NHRI staff, (3) Engaging with the International Human Rights System,

(4) Conducting National Inquiries, (5) Media and Communications Skills Training, (6) Investigations Skills Training.

10. The RWI is a core training partner, and collaborates with the APF on two of the APF's core programs on national inquiries, and on the foundation training for NHRI staff. The APF has also collaborated with the RWI to jointly develop training modules on national inquiries. Following the signing of a memorandum of understanding with the RWI, the APF and RWI will be collaborating on a larger number programs in the foreseeable future. The APT has collaborated with the APF on national training programs on torture prevention, and jointly piloted with the APF a blended learning course on torture prevention for NHRIs in Southeast Asia in late October 2010 which will involve a five-week online course on torture prevention to be followed by a week-long training workshop. The ISHR collaborated with the APF on subregional programs relating to human rights defenders in 2007, 2008, and 2009, and helped the APF to develop training modules on the international human rights system, and on human rights defenders.

11. The APF's Project Manager for Regional Training.

12. The 2010 training needs assessment was conducted by an independent NHRI expert consultant, namely Professor Chris Sidoti. The 2010 assessment was jointly commissioned by the APF and by the RWI, to help both organizations plan their individual and joint training activities for NHRIs.