



THE ASIA PACIFIC FORUM
OF NATIONAL HUMAN RIGHTS INSTITUTIONS

...a partnership for human rights in our region

**FINAL REPORT
ON THE INTEGRATION OF INTERNAL DISPLACEMENT
INTO THE WORK OF NATIONAL HUMAN RIGHTS INSTITUTIONS
IN THE ASIA PACIFIC REGION**

31st March 2006

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1. Background

In January 2004, the Brookings Institution-Bern Project on Internal Displacement (Brookings-Bern Project) and the Asia Pacific Forum of National Human Rights Institutions (APF) entered into an agreement to undertake activities with APF member national human rights institutions/commissions (NHRIs/ or commissions) in an effort to integrate the issue of internal displacement into their work. In particular it was agreed that the APF would:

- (a) Serve as a liaison and primary contact with member NHRIs and the Brookings-Bern Project on Displacement throughout the implementation of this national human rights program;
- (b) Organise a needs assessment mission (NAM) to NHRIs in India, Indonesia, Nepal, Philippines, Sri Lanka and Thailand, work with the Brookings-Bern Project's individual consultants and Brookings-Bern Project staff to undertake the missions, and to develop with each NHRI a capacity-building program aimed to increase its activity and capacity with regard to internal displacement;
- (c) In cooperation with the Brookings-Bern Project, develop and implement a fundraising strategy to cover the costs of implementing the capacity-building programs;
- (d) Serve as contact and technical resource for NHRIs during the implementation of the capacity-building programs;
- (e) Work with Brookings-Bern Project legal staff on providing assistance to NHRIs undertaking an analysis of their national laws and policies in terms of the Guiding Principles;
- (f) In consultation with the Brookings-Bern Project, organise a regional meeting of NHRIs to discuss internal displacement and to share their experiences of addressing the internal displacement issue;
- (g) Conduct a follow-up review with participant NHRIs on the usefulness of the needs assessment mission and capacity-building assistance, as well as progress in integrating internal displacement in the overall work of the institutions;
- (h) Present regular updates on the program to the APF annual meeting.

An amendment to the contract was finalised in May 2005 in which it was agreed, amongst other things, that the APF would provide the Brookings-Bern project with an interim report on the integration of internal displacement into the work of NHRIs by 31 May 2005.

An interim report for the period of January 2004 to May 2005 was submitted to the Brookings-Bern Project on Internal Displacement in June 2005.

This is the second and final report on the integration of internal displacement into the work of NHRIs in South and South-East and covers the period June 2005 to March 2006.

During the reporting period the following components were implemented:

- (i) the adoption by APF Members in August 2005 of the *Guidelines on Internally Displaced Persons in the Context of Natural Disasters: a Common Methodology for National Human Rights Institutions*;
- (ii) the co-sponsoring of a regional workshop on the role of NHRIs in addressing the situation of internally displaced people hosted by the Human Rights Commission of Sri Lanka (HRCSL) from 26-28 October 2005. The workshop provided an opportunity for NHRIs to exchange ideas, challenges and practices within a regional context; and
- (iii) support and assistance (both financial and technical) to strengthen the capacities of six NHRIs located in countries experiencing internal displacement (India, Indonesia, Nepal, Philippines, Sri Lanka and Thailand) based on projects and activities developed by the individual NHRIs.

An important component of this project has been to develop programs for technical assistance that aim to develop the capacity of the institutions with regard to internal displacement. To this end the APF and the Brookings Institution offered up to USD 15,000 per institution (in the case of the Philippines Commission it allocated USD 40,000 to support a national forum). During the reporting period the APF worked with its member institutions including the human rights commissions of Indonesia, Nepal, Philippines and Thailand on the development of domestic projects to improve their integration on IDP issues. The National Human Rights Commission of India declined an offer of financial assistance and the HRCSL was unable to accept the offer of financial assistance due to the expiration of the commissioners' term of office.

In addition, during this reporting period, the APF/Brookings Institution-Bern Team worked with the Norwegian Refugee Council (NRC) in the delivery of specialist training to two NHRIs on the Guiding Principles on Internal Displacement. This training took place with the Indonesian Human Rights Commission (Komnas HAM) in Purwakarta, Indonesia from 30 June to 2 July 2005. Specialist training was also provided to the National Human Rights Commission of Nepal (NHRCN) in Kathmandu from 13 to 15 December 2005.

More details relating to these activities are provided below.

2. Project activities undertaken from June 2005 to March 2006

The following activities, outlined in chronological order, were undertaken from June 2005 to March 2006.

2.1. Training to Komnas HAM

The APF/Brookings Institution-Bern Team worked with the NRC in the delivery of specialist training to Komnas HAM in Purwakarta, Indonesia from **30 June to 2 July 2005**. There were 30 participants from Komnas Ham's central and provincial offices.

The objectives of the training objectives were to:

- (i) raise the participants' awareness of international standards on the prevention of internal displacement, the protection of IDPs, and sustainable solutions to internal displacement, as provided for by the UN Guiding Principles on IDPs as well as Indonesian law;
- (ii) apprise the participants on the actual situation of IDPs, issues and problems confronting IDPs, to enable them to have a concrete picture of the magnitude of IDP problem in the country;
- (iii) equip the participants with the necessary knowledge and skills to be effective agents both in advocating for the rights of the IDPs especially women and children, such as raising public awareness on IDPs and generate support for them, as well as protecting their rights;
- (iv) enable the participants to clearly define the role of Komnas Ham in response to the protection concerns affecting IDPs in Indonesia;
- (v) enable the participants to come up with recommendations on sustainable and durable solutions to problems on IDPs as well as Plan of Action for Advocacy and promotion of IDPs' rights.

2.2. APF Guidelines on Internally Displaced Persons in the Context of Natural Disasters: a Common Methodology for National Human Rights Institutions

Following the devastating tsunami that struck South-East and South Asia on 26 December 2004, national human rights institutions met in Bangkok on 4 March 2005 to address the situation of internally displaced persons affected by natural disasters.

The seminar was attended by Dr Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons and representatives of the national human rights institutions of India, Indonesia, the Maldives, Sri Lanka, Thailand and the APF Secretariat.

An important outcome of the seminar was the development of *Guidelines on Internally Displaced Persons in the Context of Natural Disasters: a Common Methodology for National Human Rights Institutions*. The Guidelines, which are based on the United Nations Guiding Principles on Internal Displacement, were approved by APF members following the Tenth Annual Meeting in Mongolia in **August 2005**. The Guidelines are available at www.asiapacificforum.net/training/idp/brookings-bern/guidelines.doc.

2.3. APF Regional Workshop on National Human Rights Institutions and Internally Displaced Persons

The HRCSL hosted the *Regional Workshop on National Human Rights Institutions and Internally Displaced Persons* in Colombo, Sri Lanka, **26-28 October 2005** and was represented by its Chairperson, Dr Radhika Coomaraswamy, fellow Commissioners and staff. The workshop was jointly organised by the APF/Brookings-Bern Project and the HRCSL.

Commissioners and senior staff representatives from the NHRIs of Afghanistan, India, Indonesia, the Maldives, Nepal, the Philippines, Thailand and Sri Lanka attended the workshop. The workshop also included participants from civil society organisations from India, the Philippines, Sri Lanka, and international and regional non-governmental organisations (NGOs) and research institutions from Thailand, Norway and the United States. The Government of Sri Lanka also participated in the workshop.

Also participating were representatives from the UN High Commissioner for Refugees, Office of the UN High Commissioner for Human Rights, UN Office for the Coordination of Humanitarian Affairs and the UN Country Team (Sri Lanka). Ms Roberta Cohen, Co-Director of the Brookings-Bern Project and Ms Pip Dargan, Deputy Director of the APF participated on behalf of their organisations.

The workshop also included a one-day field visit to the southern Sri Lankan city of Galle to meet with people displaced by the Indian Ocean tsunami of 2004.

Specific recommendations from the workshop included urging national human rights institutions to encourage the development of national laws and policies based on the UN Guiding Principles on Internal Displacement, and to implement and disseminate the Principles and apply or expand them as appropriate to situations of conflict, development or massive human rights violations. Governments were similarly urged to recognise the Guiding Principles as an important international framework for the protection of IDPs and to disseminate and promote the Principles and use them as a basis for the development of laws, policies and programmes on internal displacement.

The report of this workshop (including concluding statement and participant list) is available at www.asiapacificforum.net/training/workshops/idp/report.doc

2.4. Philippines First National Multi-Stakeholders' Forum on Internally Displaced Persons

On the **9th and 10th December 2005** the APF, Brookings-Bern Project and the Commission on Human Rights for the Philippines (CHRP) hosted the *First National Multi-Stakeholders' Forum on Internally Displaced Persons* in Manila, the Philippines. The Special Representative of the Secretary General on IDPs, Dr Walter Kälin, the Deputy Director of the APF, Ms Pip Dargan, the Commissioners and staff of the CHRP and representatives of relevant domestic NGOs, government agencies and IDPs were the main participants. A specific focus of the national forum was the promotion of draft national legislation on IDPs for the Philippines.

The national forum was the culmination of seven regional consultations and workshops conducted by the CHRP and BALAY in Lianga, Siruigao del Sur, Cebu City, Baguio City, Batangas City, Bacacay, Albay, Zamboanga City, Cotabato City and Sablayan, Mindoro Occidental. The objectives of the forum included:

- (i) strengthening support amongst legislators and duty-holders on the draft legislation on internal displacement;
- (ii) generating public awareness and support from the public and all sectors to protect and promote the rights of internally displaced persons;
- (iii) promoting and encouraging the adoption of the Guiding Principles on Internal Displacement as a framework and standard in addressing internal displacement in the Philippines;
- (iv) drafting an advocacy agenda and corresponding plan of action for internally displaced persons; and
- (v) generating a multi-stakeholder Declaration of Commitment to uphold the rights of internally displaced persons.

The National Forum's Concluding Statement and Plan of Action is available at: www.asiapacificforum.net/training/idp/brookings-bern/capacitybuilding/philippines/index.htm

The CHR also agreed to publish a journal dedicated to IDP issues in the Philippines with funding provided to it through the APF/Brookings-Bern Project. At the time of writing of this report the CHR had not yet published this journal. The CHR will be submitting its report on the National Forum to the APF in April 2006.

2.5. Training to the National Human Rights Commission of Nepal

The APF/Brookings Institution-Bern Team worked with the NRC in the delivery of specialist training to the National Human Rights Commission of Nepal in Kathmandu, Nepal from **13-15 December 2005**.

The objectives of the training objectives were to:

- (i) apprise participants of the situation of IDPs in Nepal to enable them to have a concrete picture of IDP problem;
- (ii) raise awareness of international standards relevant to internal displacement, as provided by the UN Guiding Principles on Internal Displacement as well as Nepali laws;
- (iii) improve knowledge of strategies and activities in other national human rights institutions, in particular in the areas of monitoring, case handling, reporting, advocacy and awareness raising, with particular attention to displaced women and children;; and
- (iv) clearly define NHRC's role in dealing with internal displacement in line with the Act, Strategic Plan and 5 Year Workplan and develop a strategy for dealing with internal displacement at NHRCN.

Subsequently, in March 2006, the NHRCN submitted a proposal to the APF to receive USD 15,000 to support a range of recommendations that were the result of this training. Further information on this initiative is provided in this report under 2.8.

2.6. Capacity building funds: National Human Rights Commission of Thailand

In August 2004, at the invitation of the National Human Rights Commission of Thailand (NHRCT), the APF/Brookings-Bern Project on Internal Displacement visited Thailand and met with NHRCT as well as representatives of the National Security Council, the Ministry of the Interior, the Bureau of Interior Security Affairs, local and international NGOs, local civil society, and UN agencies. The Project team also accompanied the NHRCT and its partner agencies on a visit to several relocated hill tribe villages in Chiang Rai and Lampang provinces (Huay Ward, Wang Mai, and Jalai), where they had the opportunity to meet with villagers, local NGOs and academics and to participate in meetings between villagers and local and district government representatives convened by the NHRCT.

The APF/Brookings team, in consultation with the NHRCT, made an initial assessment of the Commission's capacity in relation to its engagement on IDPs and developed recommendations for the consideration of the NHRCT. The report and recommendations are available at www.asiapacificforum.net/training/idp/brookings-bern/thailand.doc

In **December 2005**, to support the NHRCT implement a number of recommendations outlined in the APF/Brookings report, the APF/Brookings Project provided USD 15,000 to fund the activities outlined in the NHRCT project entitled '*A Comparative Study through Enhancing Process on the Right to Life and the Right of Self-Determination for IDPs among Risky Areas under the Thai Government Policy (2005-2006)*'. Under this project, the NHRCT will conduct activities over the period July 2005 to September 2006.

The objective of this project is to enhance the capacities and skills of IDPs living in areas that are at risk of further displacement under the Thai Government's policies. The focus is to provide skills to IDPs and enhance their understanding of their rights, particularly under the ICCPR so that they can advocate and articulate their concerns.

The types of activities to be undertaken under this project include developing a profile of the human rights issues affecting focus villages, undertaking human rights education by providing training to IDP on their human rights, help facilitating networks between IDPs, establishing forums for consultation and lobbying purposes.

The NHRCT will submit a report to the APF in May 2006. A final narrative and financial report will be submitted to the APF at the completion of the project in November 2006.

2.7. Capacity building funds: National Commission on Human Rights of Indonesia

In May 2004, at the invitation of Komnas HAM, the APF/Brookings-Bern Project on Internal Displacement visited Indonesia and met with Komnas HAM commissioners and staff in Jakarta, as well as with two regional commissioners in the regional office in Pontianak, West Kalimantan. The team also visited the Parit Bacti Suci 're-settlement' centre in the vicinity of Pontianak. It also met with various government agencies and international and national NGOs.

The APF/Brookings team, in consultation with Komnas HAM, made an initial assessment of the Commission's capacity in relation to its engagement on IDPs and developed recommendations for the consideration of the commission. The report and recommendations are available at www.asiapacificforum.net/training/idp/brookings-bern/indonesia.doc

In **December 2005**, to support Komnas HAM implement a number of recommendations outlined in the APF/Brookings report, in addition to recommendations developed by Komnas HAM during the IDP training workshop held in July 2005, the APF/Brookings Project provided USD 15,000 to fund the activities outlined in Komnas HAM's proposal to the APF entitled '*Training on the Protection and Fulfilment of Internally Displaced Persons Rights*'.

Under this proposal, Komnas HAM aims to enhance awareness-raising on IDPs and will organise, conduct and evaluate training in two regional areas of Indonesia. The first phase of training would be conducted in Ambon, Mollucas, consisting of four days training with thirty-five participants from Eastern Indonesia (Maluku, Papua, Sulawesi and Nusa Tenggara). The second phase would be held in Pontianak, West Kalimantan, consisting of four days training with thirty-five participants from Western Indonesia (Kalimantan, Madura and Sumatera). The participants will include local government officials, religious clerics, NGOs, IDPs and judicial officers. In the proposal, these activities were scheduled to take place from August to December 2005. At the time of writing, the APF was liaising with Komnas HAM regarding the status of these training activities. A report due from Komnas HAM in December 2005 has not yet been made available to the APF and the APF is currently requesting the submission of this document.

2.8. Capacity building funds: National Human Rights Commission of Nepal

In July 2004, at the invitation of the NHRCN, the APF/Brookings-Bern Project on Internal Displacement visited Nepal and met with NHRCN as well as with governmental agencies, local and international non-governmental bodies, civil society, international donor organisations, UN agencies, IDPs and other stakeholders to discuss the role the NHRCN could play with regard to IDPs. The APF/Brookings team, in consultation with the NHRC, made an initial assessment of the Commission's capacity in relation to engagement on IDPs and developed recommendations for the consideration of the NHRC. The report and recommendations are available at <http://www.asiapacificforum.net/training/idp/brookings-bern/nepal.doc>.

In **March 2006**, to support the NHRCN implement a number of recommendations outlined from the APF/Brookings report, in addition to recommendations made by the NHRCN at the IDP training workshop held in December 2005, the APF/Brookings Project provided USD 15,000 to fund the activities outlined in the NHRCN '*Annual Work Plan for the APF/Brookings-Bern IDP Project, 2006*'. Under this Plan, the NHRCN will conduct activities over the period of March to December 2006. Some of the activities outlined in the Annual Work Plan that the NHRC will be undertaking during this period include:

- (i) obtaining data on IDPs and the problems faced by the displaced and other vulnerable groups to create an information database;
- (ii) monitoring 10 districts to assess the status of IDPs;
- (iii) organising a workshop with policy makers and high level government officials to discuss IDPs and human rights;
- (iv) conducting preliminary research and regional interaction on IDPs;
- (v) producing promotional kits, brochures and posters on IDPs; and
- (vi) reviewing the national government's policies including the draft relief policy on IDPs and to provide advice to government with reference to the UN Guiding Principles on Internal Displacement and international human rights law.

The NHRCN will submit a mid-year report to the APF in July 2006. A final narrative and financial report will be submitted to the APF at the completion of the project in December 2006.

3. Afghanistan

Under Amendment Number One of the Agreement between the Brookings Institution and the APF, paragraph 1 (j) states that the Consultant will:

Explore the possibility of a needs assessment mission to the NHRI of Afghanistan in cooperation with the Brookings-Bern Project staff. If the Afghanistan Commission is agreeable to this visit and the Consultant and the Brookings-Bern Project agree that it is advisable to pursue it, the Consultant will organize a mission in cooperation with Brookings-Bern Project staff and develop a report with recommendations for capacity building initiatives with regard to internal displacement.

Due to ongoing security concerns and travel advisories from various governments warning against travel to Afghanistan, the APF and the Brookings-Bern Project have viewed a visit to that country as unfeasible at this stage.

4. Assessment of APF/Brookings-Bern Project

Over a two year period (2004-2006) the APF/Brookings-Bern Project has successfully undertaken, or is in the process of finalizing all scheduled activities including:

	Activity	Date
	NEEDS ASSESSMENT MISSIONS	
1.	Needs Assessment Mission to the NHRC Philippines	26-30 April 2004
2.	Needs Assessment Mission to the NHRC Indonesia	03-07 May 2004
3.	Needs Assessment Mission to the NHRC Nepal	05-09 July 2004
4.	Needs Assessment Mission to the NHRC Thailand	09-13 August 2004
5.	Needs Assessment Mission to the NHRC India	04-08 October 2004
6.	Needs Assessment Mission to the NHRC Sri Lanka	27 Nov – 04 Dec 2004
	TRAINING	
7.	IDP Training to NHRC Philippines	09-12 November 2004
8.	IDP Training to NHRC Indonesia	30 June -02 July 2005
9.	IDP Training to NHRC Nepal	13-15 December 2005
	REGIONAL GUIDELINES	
10.	APF Members approve ‘ <i>Guidelines on Internally Displaced Persons in the Context of Natural Disasters: a Common Methodology for National Human Rights Institutions</i> ’	August 2005
	REGIONAL MEETINGS AND WORKSHOP	
11.	NHRI Sub-Regional Meeting in Bangkok, Thailand on Tsunami and displacement	4 March 2005
12.	Asia Pacific Regional Workshop on NHRIs and IDPs, Colombo, Sri Lanka, hosted by NHRC Sri Lanka	26-28 October 2005
	CAPACITY BUILDING INITIATIVES	
	NHRC Philippines	
13.	Philippines First National Multi-Stakeholders’ Forum on Internally Displaced Person hosted by NHRC Philippines	09-10 December 2005
14.	IDP Journal	To be published
	NHRC Thailand	
15.	Conducting a ‘ <i>Comparative Study through Enhancing Process on the Right to Life and the Right of Self-Determination for IDPs among Risky Areas under the Thai Government Policy (2005-2006)</i> ’.	Ongoing project: July 2005 to September 2006
	NHRC Indonesia	
16.	Conducting ‘ <i>Training on the Protection and Fulfilment of Internally Displaced Persons Rights</i> ’.	December 2005
	NHRC Nepal	
17.	‘ <i>Annual Work Plan for the APF/Brookings-Bern IDP Project, 2006</i> ’	Ongoing project: March to December 2006
	UPDATES AND RESOURCES	
18.	The APF has provided and continues to provide regular updates on this Project through its 8 th , 9 th and 10 th Annual Meetings and through its regular e-bulletin. It has a section on its website dedicated to IDP issues.	Ongoing

19.	The APF established an IDP Focal Point Network at the regional workshop held in October 2005. The APF is developing its website to provide space for this network to submit regular news and information on IDP issues.	Ongoing
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The Project has continued to build on its successes over the past nine months and since its last report. In particular a number of NHRIs have taken a more proactive role in the provision of advice to their respective governments, based on the UN Guiding Principles, especially in relation to draft national policy or legislation. These institutions include the human rights commissions of Indonesia, Nepal and the Philippines.

The Philippines Commission has, through this project, and with the support of domestic stakeholders, organised the first national forum on IDPs and developed a plan of action to be advocated at the national level.

The training provided to NHRIs, through the project, has enhanced and strengthened several commissions' capacities to organise and implement training within their own countries. These institutions include the human rights commissions of Indonesia, Nepal, Sri Lanka, Thailand and the Philippines.

The development of a Guideline for NHRIs on IDPs and natural disasters, led by the National Human Rights Commission of India, was approved by APF membership. This is the first regional policy to be adopted by APF membership on the issue of internal displacement.

This Project facilitated the first regional meeting of NHRIs on the issue of internal displacement. The Project requested participants to evaluate this workshop. Eighteen completed evaluation questionnaires were returned to the APF secretariat and these rated the 'content' and 'administration' of the workshop very highly. Most respondents rated the workshop as being either 'extremely' or 'very' helpful to them. Further information on the evaluation is available in the workshop's report at www.asiapacificforum.net/training/workshops/idp/report.htm

Four out of a possible six NHRIs accepted offers of financial support from the Project to develop their own capacity building initiatives. The NHRIs that accepted funding included the commissions of Indonesia, Nepal, Philippines and Thailand. The Sri Lankan Commission's terms of office expired early in 2006 and the Government of Sri Lanka has yet to appoint new members to this institution. The Indian Commission declined the offer of financial assistance.

5. Budget

All activities have been undertaken within the allocated project budget of USD 218,064.00 and a balance of USD 45,502.72 in unspent project funds is required to be returned to the Brookings-Bern Project on Internal Displacement. A financial summary is provided below.

Activity:	Grant	Disbursements	Balance
Regional Workshop	\$ 42,045.00	\$ 40,000.00	\$ 2,045.00
NAMs	\$ 46,019.00	\$ 46,019.00	-\$ 0.00
Capacity Building Projects (except Philippines)	\$ 90,000.00	\$ 46,539.11	\$43,460.89
Philippines National Forum	\$ 40,000.00	\$ 40,003.16	-\$ 3.16
TOTAL	\$ 218,064.00	\$ 172,561.28	\$45,502.72

