Panel One: Achievements of National Human Rights Institutions

The Provedoria for Human Rights and Justice: First Boosting Years, Arduous Job Ahead
Mr Valerio Ximenes and Ms Barbara Oliveira

The National Human Rights Institution (NHRI) of the Democratic Republic of Timor-Leste - the Provedoria for Human Rights and Justice (PDHJ) - is one of the newest established NHRIs in the Asia-Pacific Region. The PDHJ’s work from 2006 to 2009 has shown the advantage of establishing a NHRI based on a strong statute in a newly democratic State. The inspiring steps which this institution has made in a short timeframe is also evidence of the added advantage of having the possibility of learning from a considerable volume of lessons learned and developments from others NHRIs in the region. The fact that the PDHJ was given accreditation by both the Asia Pacific Forum and the International Coordination Committee merely 2 years after it started operation attests to this.

The enacting Law of the PDHJ can unquestionably be considered a good example worldwide. It fully complies with the Paris Principles, providing for a strong institutional independence and giving it important investigative powers of subpoena and recommendations. The establishment of the PDHJ was able to benefit from the work of a strong UN presence in the country, who remarkably advocated for an effective institution for the promotion and protection of human rights in newly independent Timor-Leste. A country with a recent history of human rights abuses has in fact represented a positive environment in establishing this institution. Civil society was a particular ally for ensuring the inclusion of a strong bill of rights in the Constitution and for the provision of a human rights body as its guardian.

These aspects have been instrumental in assisting the PDHJ to go where it has been able to go in such a short timeframe. Despite that, internal and external challenges are posing significant risks which can compromise the successes achieved so far. A new democracy, with limited skilled human resources and yet-to-be-mature State institutions, where the separation of powers and the rule of law are regular wonders, is bringing significant challenges for ensuring that the PDHJ can deliver up to the level of expectation on its institution and up to the needs of a society living in this new democracy. Through an analytical reflection of the developments and challenges of the Timorese NHRI since its
establishment, the authors intend to contribute to the process of establishing and strengthening other NHRIs globally and regionally.

**Do We Need National Human Rights Institutions? The Experience of Korea**
Mr Buhm-Suk, Baek

Korea has experienced the drastic transformation of the rule of law. For a great deal of its history, the country had a monarchy, and democracy was far from the Korean collective consciousness. During the colonization era, it was nearly impossible for Koreans to foster appropriate human rights. After it, the Korean War further seriously damaged the human rights consciousness in Korea: after all no one expected a poor, starving people to protect human rights.

Then, there was a military coup by General Jung-hee Park, an authoritarian and dictatorial leader. Military governments ruled the country for 30 years, and it was not until the end of the 1980s that democracy returned. However, due to the financial crisis in Asia towards the end of the 1990s, little progress was made in the field of human rights. In 1998, Dae-Jung Kim who was persecuted under the former military regime, was elected President and now exemplifies the progression “from a victim of human rights violations to a human rights leader.”

Following President Dae-Jung Kim’s election promises on human rights, representatives of the numerous human rights NGOs gathered and established the National NGO Coalition for the Establishment of an Independent National Human Rights Commission (NHRCK). There have been various public hearings to formulate a draft bill for the creation of NHRCK by the National NGO Coalition.

**Regional Co-operation between National Human Rights Institutions in the Asia Pacific**
Mr Stephen Clark

The first regional meeting of national human rights institutions in the Asia Pacific was held in Darwin in July 1996. It was at this meeting that the national human rights commissions of Australia, India, Indonesia and New Zealand agreed to establish the APF. Since that time many more countries have established NHRIs and regional cooperation has flourished.

The APF has been a catalyst for regional cooperation between NHRIs in the Asia Pacific. The APF’s primary objectives have been to provide support to governments in the region in the establishment and development of national human rights institutions; and to expand mutual support, cooperation and joint activity among member institutions. The two key principles which underpin the work and membership of the APF are a commitment by its member institutions to the Paris Principles – which set out the required standards for national human rights institutions – and a commitment to the universality and indivisibility of human rights.
Regional cooperation between NHRIs has been fostered by the APF in two key ways. Firstly, at a formal level, the annual meetings of the APF’s Forum Council have provided a platform for collaborative strategic decision-making by NHRI leaders. Furthermore, the Forum Council has been assisted by the Advisory Council of Jurists, which has been a source of independent advice on pressing human rights issues. Secondly and more generally, the APF provides NHRIs with access to a wide range of services including training programs, capacity-building projects, professional networks and staff placements, as well as playing a coordinating role at the international and regional level. The APF’s commitment to consultation and cooperation, and the forging of sustained working relationships has ensured effective cooperation across a geographically expansive and culturally diverse region.

Regional cooperation between NHRIs continues to evolve. In recent years there has been an increasing emphasis on sub-regional cooperation, with NHRIs from the ASEAN region, South Asia and also West Asia, establishing more formal working relationships and identifying specific areas for cooperation. Some Pacific Island Forum countries are also considering the establishment of NHRIs and exploring possibilities for sub-regional cooperation. At the centre of these developments the APF is playing an important role in fostering this cooperation.

Panel Two: Challenges for National Human Rights Institutions

Thailand’s National Human Rights Commission and the Contested Constitutional Reform Process
Professor Andrew Harding

Thailand’s National Human Rights Commission (NHRC) was created in 2002 as part of the constitutional reform process spurred by the drafting and implementation of the 1997 Constitution. The objective was to provide a practical link between the actual conditions of governance and the aspiration to attain compliance with international human rights norms. The powers and organization of the NHRC were the subject of intense controversy – in fact they were the most contested issue of the 1997 constitution-making process. During the last six years the NHRC has explored many areas of human rights violation and addressed many concerns, displaying both its expertise and its independence. Despite a vigorous performance over this interim period the NHRC now finds itself the subject of renewed controversy as Parliament, operating under a new Constitution of 2007, reconsiders the NHRC’s organic law.

This paper examines the evolution of the NHRC in the light of unique challenges to the development of human rights compliance in Thailand; and considers the evolution and performance of the NHRC during a period of ongoing challenges for the agency. These include the Muslim insurgency in the South; the war on drugs; the military coup of 2006 and the use of emergency powers; and the protests and political polarization in Bangkok during 2008-9. Despite the NHRC’s
Challenges facing Komnas HAM in Indonesia
Ms Ken Setiawan

In 1993 the National Human Rights Institution of Indonesia, Komnas HAM, was established. At that time, Komnas HAM had to operate in challenging circumstances. Indonesia was a staunch supporter of the Asian Values debate, human rights violations occurred systematically, and the judiciary was less than responsive towards human rights claims. Komnas HAM however made some important contributions to the promotion of human rights in Indonesia by consistently exposing those involved in violations. In the late 1990s protests against the Suharto government increased. These protests also included calls for the protection of human rights. After Suharto’s resignation in 1998 Indonesia rapidly became state party to core international human rights treaties and developed a significant body of national human rights law.

Although it appears there is more support for human rights than before, Indonesia struggles with the implementation of human rights legislation, various economic and social problems, as well as addressing past human rights abuses. As such Komnas HAM is a highly relevant body in human rights promotion and protection. Unfortunately, Komnas HAM faces various internal and external challenges. Internal problems include dissatisfied staff, rifts between commissioners, and an unsuccessful reorganisation. Amongst others these problems have led to inefficient operations and a severe backlog in addressing individual cases. Komnas HAM’s external problems include strained relationships with other state bodies, including the military and Attorney General. As a consequence several retired military officers have refused to give evidence to Komnas HAM during investigations. Similarly, the Attorney General’s office has been reluctant to accept Komnas HAM’s findings in several high-profile cases (such as the 1998 shooting of Trisakti University students and the disappearance of activists in 1997 and 1998), thereby effectively denying the victims of these cases redress in court.

This paper looks at Komnas HAM from two perspectives. Firstly, as an organisation – which organisational factors, such as leadership and membership, influence Komnas HAM’s performance? Secondly, Komnas HAM is considered as an entity within a wider socio-political environment. How does Komnas HAM behave towards other agencies (and vice versa)? How have external changes (such as the enactment of the 1999 Human Rights Law) influenced Komnas HAM? By combining both organisational (internal) and socio-political (external) perspectives, this paper seeks to identify the factors contributing to Komnas HAM’s performance and critically examine its contributions to the promotion and protection of human rights in Indonesia.
Inhibited Action: Rethinking the Quasi Judicial Competence of the National Human Rights Commission of Mongolia
Ms Narantuya Ganbat

The National Human Rights Commission of Mongolia (NHRCM) was established in 2001. Since its inception the NHRCM has contributed significantly to the promotion and protection of human rights in the country. The NHRCM holds "A" status accreditation of the International Coordinating Committee of NHRIs and is a full member of the Asia Pacific Forum of the NHRIs. Generally, the NHRCM has gained a good reputation both internationally and domestically. However, the Commission is beset with many challenges which hinder its effective functioning. It is evident in the case handling process of the NHRCM.

The case handling function of the NHRI in some ways resembles the role of a court, increasing the risk of overlapping jurisdiction between those institutions. This function, often referred to as quasi-judicial competence, is in and of itself a controversial issue. Even the Paris Principles are not bold enough regarding this issue. In this paper, I will firstly analyse whether the quasi-judicial competence of the NHRCM is empowering the Commission. Concluding that the quasi-judicial competence is the core of the human rights protection by the NHRIs, I will then examine following challenges hindering the effectiveness of case handling function of the NHRCM.

(1) Broad but defectively limited jurisdiction: The NHRCM has jurisdiction over all human rights and freedoms guaranteed by Constitution, other laws and international treaties of Mongolia. The only limitation to that broad jurisdiction is provided by article 11(2) of the Law on the NHRCM, which reads: "the Commission shall not receive complaints about criminal and civil cases, which are at the stage of registration, investigation, on trial or have been already decided by the courts". Despite the ambivalent nature of the provision, this is a "huge fence" in respect to the problems with which the Commission may deal. In practice, the vast majority of complaints (approximately 77.5 per cent of all complaints received in 2008) addressed to the NHRCM are related to civil and criminal matters and most of those complaints are referred to other competent bodies or returned to the complainants. Therefore, the limitation in its jurisdiction makes the NHRCM a messenger rather than actor for the complaints.

(2) Less precise procedural rules: Although the law conferred on the Commission a broad jurisdiction, the procedural rules of exercising its quasi-judicial competence are weak in the law. The only procedural rule is time limits for completion of case proceedings. The law is silent on many important rules of procedure. These include: confidentiality and fairness during the course of investigation; protection of victims, witnesses and others; rules of cooperation with other institutions such as police, prosecutors etc. Due to the absence of such rules of procedure, the NHRCM struggles to effectively exercise its quasi-judicial competence. The NHRIs may establish such rules internally however; the most important principles should be included in its founding legislation.

(3) Inadequate resources: the NHRCM is severely limited by inadequacy of resources. It is one of the smallest Commissions in the Asia Pacific region, with
only 15 staff. The total annual budget of the Commission is approximately AUD$200,000. Thus, the Commission is heavily dependent on donor aid. Only two staff are responsible for receiving, investigating and resolving complaints. Further, the capacity of staff needs to be questioned. As the number of complaints received is increasing year by year, some complaints are handled by other Commission staff who do not necessarily have complaint handling expertise.

Unless it overcomes these challenges, the NHRCM may fail to be an effective protector of human rights in Mongolia. In order for the quasi-judicial competence of NHRIs to be effective, the jurisdictional boundaries between the competence of the NHRI and the courts must be precisely defined and the procedural rules should be clearly stated by law.

Panel Three: Principles and Power: Considering Factors which Support NHRI Achievement in the Face of Challenges

Raising the stakes and making the grade: the National Human Rights Commission of Malaysia, civil society and the Malaysian government: exploring the dynamics of change*

Ms Catherine Renshaw

In April 2008, the National Human Rights Commission of Malaysia (SUHAKAM) was informed of a decision by the Sub-Committee on Accreditation of the United Nations International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (the ICC Sub-committee), to downgrade SUHAKAM from an “A” status institution to a “B” status institution. The Sub-Committee gave SUHAKAM one year to provide evidence of its continued conformity with the Paris Principles. The Sub-Committee noted four areas of concern:

- The lack of clear and transparent appointment and dismissal processes for commissioners in the founding legal documents, which weakened the independence of the institution;
- The short term of office of the members of the commission (two years);
- The Paris Principles requirement of pluralism and the importance of ensuring that the representation of different segments of society and their involvement in recommending candidates to the governing body of SUHAKAM;
- The requirement that a national commission interact with the International Human Rights System.

* The research on which this paper is based forms part of a Linkage project funded by the Australian Research Council and the Asia Pacific Forum of National Human Rights Institutions (LPO776639 ‘Building Human Rights in the Region through Horizontal Transnational Networks: the role of the Asia Pacific Forum of National Human Rights Institutions’). In July and August 2008, the project team conducted interviews with SUHAKAM commissioners, members of civil society and government representatives, in Kuala Lumpur, Malaysia. These interviews form part of the research presented in this paper.
The consequence of a national human rights commission being downgraded from “A” to “B” status by the ICC is significant: the commission loses its seat and speaking rights within the United Nations Human Rights Council. At the domestic level, human rights activists and opposition parties are able to point to downgrading or potential down-grading of a national commission as evidence of a government’s lack of genuine commitment to the protection and promotion of human rights. The domestic political consequences that follow also have the potential to be significant.

National Human Rights Institutions (NHRIs) are assuming a role of increasing significance in international endeavours to advance human rights. Cardenas’ has argued that:

“NHRIs are being created largely to satisfy international audiences; they are the result of state adaptation. These international origins, however, have the following paradoxical effect: most NHRIs remain too weak to protect society from human rights violations at the same time that they create an unprecedented demand for such protection”.

This paper considers Cardenas’ argument in the context of the ICC Subcommittee’s decision to downgrade SUHAKAM. It considers the dynamics that exist between SUHAKAM and the Malaysian government, between SUHAKAM and civil society and between SUHAKAM and the regional human rights organisation of which it is a member, the Asia Pacific Forum of National Human Rights Institutions. It concludes that while Cardenas may be correct in identifying the principle reason why (some) states create national institutions, she offers an incomplete description of the effect that a NHRI’s origins have on its ability to respond to civil society demand for human rights protection.

**China and an Independent NHRI in Compliance with the Paris Principles: A Critical Analysis**

Ms Sanzhuang GUO

Since the early days, China has been involved in the UN’s work on NHRIs. In 1946, Dr. C. L. Hsia from China was one of seven members of the Nuclear Commission on Human Rights which drafted the setup of UN’s Commission on Human Rights and included the consideration of human rights commissions at national levels. Although it did not participate in the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in 1991, where the Paris Principles were adopted, China sent the delegation to the second International Workshop in Tunis in 1993. At the domestic level, China amended its Constitution to include a human right provision in 2004, which states that “the State respects and safeguards human rights”. China ratified the Convention on the Rights of Persons with Disabilities on 1 August 2008, under which an independent mechanism to promote, protect and monitor implementation of the Convention is required to be set up. This paper argues that in establishing such a mechanism, the Paris Principles should be taken into account.
It is evident that China is not against the idea to set up a NHRI to protect and promote human rights. The true question is how China can, or whether it is possible to at all, have a NHRI in compliance with the Paris Principles. The focus of the paper is the challenge China may face during the establishment of a NHRI which satisfies the requirement of independence under the Paris Principles. In a country which does not even have an independent judiciary, can we expect an independent NHRI?

In this paper, the author will analyze and argue:

(1) The meaning of independence within the Paris Principles: Does the independence of NHRI's create the fourth branch of a state? On 16 January 2008, a draft of the “restructuring of the Korean government's organisations for the purpose of minimising the functions of government and increasing its effectiveness” was published and the statement was criticized because the “National Human Rights Commission of Korea (NHRCK) is to be under the immediate control of the President”. However, the Paris Principles do or should not require the creation of a fourth branch of government. Instead, they emphasized the importance of NHRI's financial independence, appointment procedure and participation of other stakeholders.

(2) How far China is away from the independence requirements: The separation of the Communist Party from the State is not likely to occur in the near future. But what degree of independence is required under the Paris Principles? Do the Paris Principles really require changing China's present party/state and other political structures? There is no absolute independence but all powers should be balanced and checked. The comparative empirical studies will be introduced, particularly the experience of Poland.

(3) The steps that China can take to meet the requirements of independence of NHRI's: Suggestions about the composition, appointment and legal basis of China's proposed NHRI will be provided.

Working Positively with Government and the Community to Achieve Systemic Change
Ms Cassandra Goldie

This paper uses several case studies to analyse challenges faced by the Australian Human Rights Commission in working with the Australian Government and civil society to achieve systemic change that promotes gender equality in Australia. The case studies draw on recent work of the Commission regarding national law reform, major policy change, and support for women's leadership in Australia from the local to the global arena. The case studies highlight the range of tools that an NHRI may need to use in order to be effective in having a positive impact on justice for women in Australia.

In particular, the paper will consider: (1) the recent Senate Inquiry into the Effectiveness of the Sex Discrimination Act in eliminating sex discrimination and promoting gender equality, (2) the campaign to achieving a statutory scheme of minimum paid maternity leave for working mothers, and (3) using the United
Nations Commission for the Status of Women to support Aboriginal women’s leadership.

The paper will highlight the need for: rigor in analysis; flexibility in working method; investment in key relationships of trust and collaboration; and using the role of the Commission as the NHRI in a way that may maximise impact with limited resources.

**What power do National Human Rights Institutions have to affect transformative change? National Inquiry experiences in Mongolia and India**

Ms Meg Brodie
SPEAKER BIOGRAPHIES

Meg Brodie

Ms Meg Brodie is a PhD Candidate and Teaching Fellow at the University of Melbourne. Research for her thesis has included extensive fieldwork with the Mongolian and Indian Human Rights Commissions. Meg received her BA (Hons)/LLB (Hons) from the University of Melbourne in 2003 and completed Articles in 2005. Meg sits on the Board of the Oaktree Foundation, a youth run aid and development organisation and was the founding director of Global Emerging Leaders, a youth leadership initiative.

Buhm-Suk Baek

Mr Buhm-Suk Baek earned his LL.B. from Seoul National University in 1998. He obtained his master's degree in 2006 and, during his studies, he worked at Advocates Korea, a human rights NGO in Korea. In 2007, Mr. Baek obtained his LLM. from Cornell Law School. His thesis topic was “Economic Sanctions against Gross Human Rights Violations.” Currently, Mr. Baek is a J.S.D. candidate at the Cornell Law School and his dissertation is “Do We Need National Human Rights Institutions? the Prospects for a Regional Human Rights Mechanism in Asia”, under the supervision of Professor Muna Ndulo.

Stephen Clark

Mr Stephen Clark worked at the APF Secretariat from 1999 to 2007, where he was responsible for management of the Advisory Council of Jurists, coordination of Annual Meetings and workshops and the design, development and implementation of capacity building programs with APF members. Before joining the APF, Stephen worked at the Australian Human Rights Commission on the Australia-China Human Rights Technical Assistance program. Stephen completed a Bachelor of Laws at the University of New South Wales in 2005 and a Bachelor of Arts (Honours) at the University of Adelaide in 1994 and is currently working as a lawyer with the Office of the Commonwealth Director of Public Prosecutions.

Carolyn Evans

Associate Professor Carolyn Evans is Associate Dean (Research) of the Melbourne Law School and a Deputy Director of the Centre for Comparative Constitutional Studies. Her teaching and research are in the areas of

**Narantuya Ganbat**

Ms Narantuya Ganbat is a Senior Policy Officer at the National Human Rights Commission of Mongolia. She has worked for the Commission for over five years, including two years as a complaints officer. Nara is currently undertaking her Master of Laws (LL.M) degree at the University of Melbourne. She is a General Member of the Postgraduate Law Student Association.

**Cassandra Goldie**

Ms Cassandra Goldie is Director of the Sex and Age Discrimination Unit at the Australian Human Rights Commission. Dr Goldie has previously worked as Senior Legal Officer for the Asia Pacific Region with the Centre on Housing Rights and Evictions, Senior Manager with Legal Aid in Western Australia, Director of the Homelessness Legal Rights Project (UNSW) and Coordinator and Principal Solicitor of the Darwin Community Legal Service. Dr Goldie is Associate to the Gilbert + Tobin Centre of Public Law, with a PhD from UNSW and a Masters in Public International Law from UCL. She has published widely on human rights issues, particularly in the area of homelessness and human rights.

**Sandra Guo**

Ms. GUO Sanzhuang is a Ph.D. candidate of Peking University Law School (2005-2009) and a JD candidate of the University of Melbourne (2009-2011). Her Ph.D. thesis is about comparative studies on the effectiveness of national human rights institutions. Ms. Guo was awarded a Scholarship to conduct research at the Raoul Wallenberg Institute of Lund University, Sweden, from October 2006 to September 2007. She was a 2007 Australian Endeavour Asia Award recipient and conducted research at ANU from December 2007 to November 2008 (including two months with UNSW).

**Matthew Harding**

Professor Andrew Harding holds the Chair in Asia-Pacific Legal Relations at the Faculty of Law and is Director of the Centre for Asia-Pacific Initiatives at the University of Victoria BC Canada. He is a former Head of Department and Professor of Law. He has previously taught at the School of Oriental and African
Studies (SOAS), University of London, and the National University of Singapore and as a Visiting Professor at Harvard Law School and, this year, at Melbourne Law School. His interests are in South East Asian legal studies, comparative public law, law and development, comparative law theory and environmental law. Recent publications include Constitutional Landmarks in Malaysia: The First 50 Years 1957-2007, and Access to Environmental Justice: A Comparative Study (2007).

Sarah Joseph


Duncan Kerr

The Hon. Duncan Kerr SC MP was appointed Parliamentary Secretary for Foreign Affairs (Pacific Island Affairs) following the election of the Labor government on November 24, 2007.

Duncan has been the Federal Member for Denison in Tasmania since 1987. In the Keating Government he held the positions of Attorney-General and Minister for Justice. He also served in shadow ministry roles including Immigration, Environment, Arts, Justice and Customs from 1996 to 2001.

Before his election to parliament Duncan practised law as a barrister and in June 2004 was appointed Senior Counsel. In July 2007 Duncan was appointed Adjunct Professor of Law at the Queensland University of Technology.

Duncan holds a Bachelor of Laws from the University of Tasmania and a Bachelor of Arts (Social Work) from the Tasmanian College of Advanced Education. He has served as Crown Counsel for Tasmania, Dean of the Faculty of Law at the University of Papua New Guinea, and Principal Solicitor for the NSW Aboriginal Legal Service.

Philip Lynch

Mr Phil Lynch is Director and Principal Solicitor of the Human Rights Law Resource Centre in Melbourne. Phil was previously the founding Coordinator of the PILCH
Homeless Persons' Legal Clinic in Melbourne which, in 2005, was conferred with the Australian Human Rights Law Award. Phil has also worked as a commercial litigator with Allens Arthur Robinson. Phil is a Director and Editorial Convenor of the Alternative Law Journal and is also a member of the Victorian Attorney-General’s Human Rights Leadership Forum. In 2008, he was one of 25 ‘Future Global Leaders’ invited to attend the InterAction Council meeting of former Heads of Government and of State in Sweden.

Barbara Nazareth Oliveira

Ms Barbara Nazareth Oliveira (LLB, LLM Human Rights) has been working with the East Timor Provedoria for Human Rights and Justice (PDHJ) since May 2006. Barbara, a Brazilian and Portuguese national, manages the UNDP/OHCHR capacity building project at the PDHJ, providing direction to the design and implementation of the human rights capacity development strategy at the PDHJ and advisory support for its institutional development.

Dianne Otto

Professor Dianne Otto is Director of the International Human Rights Law Program of the Institute for International Law and the Humanities (IILAH) at the Melbourne Law School. Professor Otto’s research interests include international economic and social rights, peace and security issues, the exclusionary effects of legal representations of marginalised groups, gender issues in human rights and development, international human rights non-governmental organisations, and the domestic implementation of international legal obligations. Professor Otto teaches and supervises higher degree research candidates in the areas of human rights law and international law.

Catherine Renshaw

Ms Catherine Renshaw is a research fellow at the Australian Human Rights Centre at the Law Faculty of the University of New South Wales and Director of the Centre’s Linkage project on National Human Rights Institutions in the Asia Pacific region: the role of the Asia Pacific Forum of National Human Rights Institutions. The project is funded by the Australian Research Council and the Asia Pacific Forum of National Human Rights Institutions.

Kirsten Roberts

Ms Kirsten Roberts is Director of Research, Policy and Promotion in the Irish Human Rights Commission (IHRC). She was appointed to this post in December 2007. Prior to joining the IHRC, Ms Roberts worked in Trial Chamber I of the United Nations International Criminal Tribunal for the former Yugoslavia, in The Hague. Ms Roberts is a graduate of University College Dublin (BCL) and Trinity College, Dublin (MLitt by Major Research Thesis). Her previous experience has included
the Permanent Representation of Ireland to the Council of Europe, European Court of Human Rights, European Court of Justice, and Amnesty International.

**Ken Setiawan**

Ms Ken Setiawan holds a Master's Degree in Southeast Asian Studies from Leiden University, the Netherlands (2004). Currently she is a Ph.D. candidate at the Van Vollenhoven Institute, Faculty of Law, also at Leiden University. Her research concerns the National Human Rights Institutions (NHRIs) of Indonesia (Komnas HAM) and Malaysia (SUHAKAM). Her research seeks to identify both internal and external factors influencing the NHRIs' performance and examines their (potential) contributions to the promotion and protection of human rights in their respective countries.

**John Tobin**

Mr John Tobin has taught in the Melbourne Law School since 2001, where he has designed and taught subjects including Human Rights Litigation and Advocacy, International Human Rights Law, International Law, and International Law and Children's Rights. He has been a Visiting Professor at the Washington College of Law, American University, and at the Centre for Human Rights and Global Justice, in the Law School at New York University. John has published numerous reports and articles on human rights and provided human rights training and advice as a consultant and on a pro bono basis on many occasions. He is currently working on a comprehensive commentary to the Convention on the Rights of the Child with Professor Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to be published by Oxford University Press.

**Amanda Whiting**

Dr Amanda Whiting joined the Melbourne Law School as a Lecturer in 2004. Her research is in the area of human rights institutions and practices in the Asia-Pacific Region, gender and religion, and Malaysian legal history. She is Associate Director (Malaysia) of the Asian Law Centre. Amanda is the author of 'Situating Suhakam: Human Rights Debates and Malaysia's National Human Rights Commission' (2003) 39 (1) Stanford Journal of International Law 59, and 'In the Shadow of Developmentalism: The Human Rights Commission of Malaysia at the Intersection of State and Civil Society Priorities in C Raj Kumar and DK Sivastava (ed) Human Rights and Development: Law, Policy and Governance (Hong Kong: LexisNexis Butterworths, 2006), both of which provide contextualised readings of the meanings that human rights have in Malaysia and for Malaysians.

**Valerio Magno Ximenes**

Mr Valerio Magno Ximenes (LLB) is the Director of the Human Rights Directorate of the East Timor Provedoria for Human Rights and Justice (PDHJ) and has been
working with the PDHJ since February 2006. A Timorese national from Baucau
district, Valerio leads the PDHJ department in charge of implementing the
human rights promotion and protection legal mandate of the PDHJ. Under his
leadership, the Human Rights Division of PDHJ has currently 16 staff undertaking
activities in the area of human rights investigation, monitoring and promotion
and education.