

**Seventh Annual Meeting On The Role of the Asia Pacific Forum
In the Protection and Promotion of Human Rights
New Delhi, India, 11 – 13 November 2002**

Opening Statement of the Pre Forum NGO Consultation¹

Thank you Chair,

The Pre-Forum NGO Consultation hosted by the Asia Pacific Human Rights Network (APHRN) would like to address a few key issues for the consideration of the 7th session of the APF.

One of the most recent international developments regarding disability rights is the formation of an Ad Hoc Working Committee on the proposed United Nations Convention on the Rights of People with Disabilities. This Proposed Convention is the context for the current examination of disability at the 7th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (APF). As stated in the Forum background paper, the New Zealand Human Rights Commission has requested that the subject be included on the current agenda so that the APF may contribute to the possible formation of this new international human rights treaty. The Proposed UN Convention is a welcome addition to international human rights instruments, and the Asia Pacific Pre-Forum NGO Consultation hopes that APF Members will play an active and dynamic role in its adoption. However, we would like to stress that the international focus on disability is a relatively new one, and as such many nations in the Asia Pacific region have yet to fully implement legislation to guarantee the rights of disabled persons. Thus Asia Pacific national human rights institutions, located at the nexus of human rights and governmental reform, should also take advantage of their unique position to facilitate the integration of the rights of disabled persons into the *national* human rights cultures of their respective states.

The Pre-Forum NGO Consultation offers a number of basic yet much needed steps that national human rights institutions should take if they want to create a national human rights culture which respects and protects the rights of persons with disabilities.

The issue of trafficking has been discussed since the Third Annual Meeting of the APF. It is essential that the NHRIs take concrete steps in their strategies to enforce legal mechanisms. The Pre Forum NGO Consultation recognises that there are numerous social and economic factors contributing to widespread trafficking in people, however the unique role of NHRI as both a governmental and a human rights institution makes law enforcement the area where maximum efficiency can be achieved.

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Since the September 11th terrorist attacks, this is the first session of the APF. The NGO Consultation agrees with what former High Commissioner Mary Robinson said on the issue in her report to the 58th Session of the Commission on Human Rights: “The suggestion that human rights violations are permissible in certain circumstances is wrong. The essence of human rights is that human life and dignity must not be compromised and that certain acts, whether carried out by State or non-State actors, are never justified no matter what the ends. International human rights and humanitarian law define the boundaries of permissible political and military conduct. A reckless approach towards human life and liberty undermines counter-terrorism measures”.

In this context, we warmly endorse Justice Verma’s remarks at the inauguration of the APF yesterday, while deploring the Indian Prime Minister’s contention that human rights can be suspended.

There is not a single government in the region that has not taken counter-terrorism measures. NHRIs need to address the issue of human rights violations in anti-terrorism measures. The Asia Pacific NGO Human Rights Consultation urges the Asia Pacific Forum of National Human Rights Institutions to

- Refer the issue of due process of law in anti-terrorism measures of the States having NHRI to the Judicial Advisory Council to examine the conformity of these laws with international human rights and humanitarian law standards;
- Request the 7th APF session to instruct the Judicial Advisory Council to submit a report to the 8th session of the APF on the issue of due process of law in anti-terrorism measures;
- Request further the 7th APF session to instruct the Forum Secretariat to raise necessary funds to facilitate the work of the Judicial Advisory Council
- Call upon members of the Asia Pacific Forum to examine the constitutionality and legality of the anti-terrorism laws under their respective constitutions and international human rights and humanitarian law and make appropriate interventions;
- Call upon the members of the Asia Pacific Forum of NHRIs to monitor application of the anti-terrorist laws in their domestic jurisdiction;
- Call upon the 7th APF to decide to discuss due process of law in anti-terrorism measures at its 8th session.

I thank you for your attention.