



**Conference of NHRIs of South Asian Countries**  
**on**  
**"Human Rights Awareness and National Capacity Building"**

**Organised by**  
**National Human Rights Commission**  
**India**

**New Delhi**  
**16 - 18 APRIL 2009**



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**on**  
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**CONFERENCE PAPER**

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Venue: Hotel Ashok, New Delhi**

**DAY-1 (Thursday 16th April, 2009)**

**Inaugural Session (Banquet Hall)**

9.00 - 9.25 AM	:	Registration
9.25 - 9.30 AM	:	Arrival of Chief Guest Hon'ble Mr. Justice K.G.Balakrishnan, Chief Justice of India
9.30 - 9.35 AM	:	Welcome by Justice Shri S.Rajendra Babu, Chairperson, NHRC
9.35 - 9.40 AM	:	Lighting of Lamp by the Chief Guest
9.40-10.10 AM	:	Address by Chief Guest Hon'ble Mr. Justice K.G.Balakrishnan, Chief Justice of India
10.10 - 10.25 AM	:	Aim of the Conference by Justice Shri S. Rajendra Babu, Chairperson, NHRC, India
10.25-10.30 AM	:	Vote of thanks by Shri A. K. Jain, Secretary General, NHRC, India
10.30-11.00 AM	:	TEA BREAK

**Plenary Session (Cocktail Lounge)**

11.00-11.30 AM	:	Chair- Justice S. Rajendra Babu, Chairperson, NHRC, India
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Participants:- All delegates

Adoption of Agenda

Introductory remarks by one representative of Afghanistan,  
Bangladesh, Maldives, Nepal & Sri Lanka NHRIs  
(Five minutes each)

## **Session-1**

**Venue: Cocktail Lounge**

**11.30 A.M.-1.30 PM : Legal Framework for Promotion and Protection of Human Rights**

**Chair: Mr. Justice Amirul Kabir Choudhury, Chairperson, NHRC, Bangladesh**

### **Presentation by Experts**

- 1. Justice Shri P.N.Bhagwati, Chairperson, Human Rights Committee**
- 2. Prof. Yogesh Tyagi, Jawaharlal Nehru University, New Delhi**

### **Panelists (5 minutes each)**

- 1. Delegate from Afghanistan**
- 2. Delegate from Bangladesh**
- 3. Delegate from Maldives,**
- 4. Delegate from Nepal**
- 5. Delegate from NHRI Sri Lanka**
- 6. Justice Shri G.P.Mathur, Member, NHRC, India**

**Participants : All delegates**

### **Discussion**

**1.30-2.30 PM : LUNCH**

## **Session-2**

**Venue: Cocktail Lounge**

**2.30-4.15 PM : Institutional Arrangements and measures undertaken for Promotion and Protection of Human Rights**

**Chair: Mr. Justice Kedarnath Upadhyay, Chairperson, NHRC, Nepal**

### **Presentation by Experts**

- 1. Shri Soli J. Sorabjee, Former Attorney General of India (TBC)**
- 2. Shri Fali S. Nariman, Sr. Advocate (TBC)**

Panelists (5 minutes each)

1. Delegate from Afghanistan,
2. Delegate from Bangladesh
3. Delegate from Maldives
4. Delegate from Nepal
5. Delegate from Sri Lanka
6. Justice Shri B.C.Patel, Member, NHRC, India

Discussion

4.15 - 4.30 PM : TEA

**Session-3**

**Venue: Cocktail Lounge**

4.30 - 6.00 PM : Building Human Rights Awareness

Chair: Mr. M.T.M. Bafiq, Commissioner,  
Human Rights Commission of Sri Lanka

Presentation by Experts

1. Mr. Sumit Chakravartty, Editor, Mainstream
2. Shri Vinod Sharma, Political Editor, Hindustan Times

Panelists (5 minutes each)

1. Delegate from Afghanistan
2. Delegate from Bangladesh
3. Delegate from Maldives
4. Delegate from Nepal
5. Delegate from Sri Lanka
6. Shri P.C. Sharma, Member, NHRC, India

Discussion

7.30 PM : Cultural Programme followed by Dinner at Diwan-i-Am,  
Hotel Taj Mansingh, New Delhi

## DAY-2 - (Friday 17th April, 2009)

### Session 4

Venue: Cocktail Lounge

10.00 -11.30 AM : International Cooperation

Chair: Mr. Ahmad Zia Langari, Commissioner, Afghanistan  
Independent Human Rights Commission, Afghanistan

Presentation of Paper(s) by Experts

1. Mr.Virendra Dayal, Former Member, NHRC, India
2. Mr. Shiv Shankar Menon, Foreign Secretary, Govt. of India (TBC)

Panelists (5 minutes each)

1. Delegate from Afghanistan
2. Delegate from Bangladesh
3. Delegate from Maldives
4. Delegate from Nepal
5. Delegate from Sri Lanka
6. Shri Satyabrata Pal, Member, NHRC, India

Discussion

11.30 -12.00 Noon : TEA

### Valedictory Session

Venue: Cocktail Lounge

12.00 Noon : Chair: Mr. Ahmad Saleem, President,  
Human Rights Commission of Maldives

: Presentation of recommendations

Discussion

Adoption of recommendations

Concluding remarks by Chairperson, NHRC, India

Concluding remarks by President, Human Rights Commission,  
Maldives

Vote of Thanks by Secretary General, NHRC, India

1.00 PM : LUNCH

Friday/Saturday 17-18th April, 2009)

Field Visit/Site Seeing



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**List of Participants (Names received as on 14th April, 2009)**

- (1) Afghanistan Independent Human Rights Commission
  1. Ahmad Zia Langari, Commissioner
  2. Mr. Musa Mahmodi, Executive Director
  3. Ms. Shazia, Asstt. Officer of Human Rights Education
- (2) Bangladesh National Human Rights Commission
  1. Justice Amirul Kabir Chowdhury, Chairperson
  2. Mrs. Munira Khan, Member
- (3) Maldives Human Rights Commission
  1. Mr. Ahmed Saleem, President
  2. Mr. Ahmed Abdul Kareem, Commissioner Member
  3. Ms. Ashiyath Shiuna, Senior Complaints Officer
- (4) Nepal National Human Rights Commission
  1. Mr. Kedar Nath Upadhyay, Chairperson
  2. Mr. Ram Nagina Singh, Member
  3. Mr. Surya B. Deuja, Head of International Desk
- (5) Sri Lanka National Human Rights Commission
  1. M T M Bafiq, Commissioner
  2. Shirani Rajapakse, Director
  3. D M S B Dissanayake, Project Manager
- (6)
  1. Justice Shri S. Rajendra Babu, Chairperson, NHRC, India
  2. Justice Shri G. P. Mathur, Member, NHRC, India.
  3. Justice Shri B.C. Patel, Member, NHRC, India
  4. Shri Satyabrata Pal, Member, NHRC, India
  5. Shri P.C. Sharma, Member, NHRC, India

(7) Secretary General, Director General (II), Registrar (Law), Director (R), Director (A), from NHRC, India

(8) Deemed Members of NHRC, India

(a) Dr. Girija Vyas, Chairperson, National Commission for Women along with Members.

(b) Sh. Mohamed Shafi Qureshi, Chairperson, National Commission for Minorities and Members of National Commission for Minorities.

(c) Dr. Buta Singh, Chairman, National Commission for Scheduled Castes and Members of National Commission for Scheduled Castes.

(d) Smt. Urmila Singh, Chairperson, National Commission for Scheduled Tribes and Members of National Commission for Scheduled Tribes.

**Special Invitee:-**

(e) Prof. Shantha Sinha, Chairperson, National Commission for Protection of Child Rights and Members of National Commission for Protection of Child Rights.

(9) Chairpersons of State Human Rights Commissions.

(10) Special Rapporteurs of NHRC, India.

(11) Panelists







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## Afghanistan Independent Human Rights Commission (AIHRC)

### **Legal Framework for the Protection and Promotion of Human Rights**

According to the Law of the Afghanistan Independent Human Rights Commission (AIHRC), the AIHRC's framework for protection and promotion of human rights in Afghanistan is the Afghanistan's Constitution, domestic laws of Afghanistan, and those international human rights treaties that Afghanistan is a party. Afghanistan has signed and ratifies all of these treaties except the Convention on the Rights of Persons with Disabilities. In addition, according to the AHC's Law, people's access to social insurance and other social services which are provided by the Government is also counted as citizens' right that the AIHRC monitors people's access to these services to be equally distributed in non-discriminatory manner.

The AIHRC Law also mandates the AIHRC to protect and promote human rights in Afghanistan as follows:

**a) Human rights protection**

1. Monitoring the general situation of human rights in the country;
2. Monitoring the implementation of the provisions of the Constitution, other domestic laws, bills and regulations, and Afghanistan's obligation against the International Bill of Rights;
3. Monitoring the performance of those administrative systems, legal and judicial institutions, and national and international profitable and non-profitable organizations in the country that effect human rights;
4. Monitoring the performance of state authorities and Non- Governmental organizations concerning the fair and accessible distribution of services and welfare.
5. Monitoring the situation of citizens' access to their fundamental rights and freedoms;
6. Conducting monitoring visits in places where the freedoms of persons are legally restricted (Police custodies, detention centres, jails and child correction centres) for making sure

that the laws are indiscriminately implemented and no one tortured or received ill-treatments.

7. Receiving individual and group complaints and investigation of human rights violation cases;
8. Referring the investigation outcomes of the cases of human rights violation to relevant authorities and following up for making sure that responsible authorities properly address violation cases and taking appropriate measures to prevent future violations;
9. Monitoring International Humanitarian Law during the counter-terrorism military operations.

**b) Promotion of human rights**

9. Making efforts in formulation and implementation of a national human rights education plan and public awareness programs;
10. Cooperating with Government institutions on including of human rights awareness into educational curriculum;
11. Planning and implementing programs of transitional justice so as to bring durable peace, reconciliation and justice;
12. Providing advice to the Parliament and Government to legislate, adopt, and amend laws in support of human rights promotion and protection, and to abolish laws that are not in compliance with international human rights standards;
13. Encouraging the Parliament and Government to sign and acceding to international human rights conventions and treaties;
14. Providing advice to government for better fulfillment of Afghanistan's obligations toward international human rights conventions;
15. Co-operate with the government in preparing the government's treaty reports;
16. Cooperating with government and non-governmental authorities and other organisations to improve the implementation of human rights standards and raise the level of human rights observance in relevant areas;
17. Making sure that the administration reforms adequately address the protection and promotion of human rights in the country;
18. Cooperating with the United Nations, regional and international organizations in the areas of human rights promotion and protection;
19. Providing advice and submitting recommendations to the national, provincial and district councils and other relevant authorities for promotion and protection of human rights;

20. Building the capacity of civil society groups and local human rights organizations and supporting their activities;
21. Releasing and publishing of public declarations and official statements on important issues of human rights;
22. Dissemination and promotion of human rights for public awareness;
23. Submitting annual reports to the President on the human rights situation, and provide him/her with appropriate comments for better protection and promotion of human rights;
24. Releasing and publishing reports and statements on human rights situation in Afghanistan;
25. Building relations at national and international level in the field of human rights activities and better implementation of the provisions of this Law;

In the area of protection and promotion of human rights in Afghanistan, the AIHRC also considers the resolution of the United Nations General Assembly, regional and international declarations, out-coming from the NHRIs conferences/meetings (such as Seoul Declaration, Nairobi Declaration) and regional meetings of the NHRIs such as APF, etc.

At global level, the International Bill of Right ( Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights) cover all categories of human rights. All nations who have signed the UDHR are morally obliged to realize the provisions of the Declaration, but those nations who have signed and ratified the international human rights treaties are imperatively obliged to fulfill their commitments toward the treaties, and particularly, to include the provisions of the treaties into their domestic legislations and adopting appropriate measures for protection and promotion of human rights in their countries.

We believe that the acceded states, in their treaty reports, explain their achievements toward each article of the treaties as well as mentioning their shortfalls, and also specifying the areas of their need to international co-operations. This reporting mechanism gives the international community to joint to those global efforts, enabling the government to protect and promote human rights in their countries.

The Universal Periodic Review mechanism is the latest international efforts that assess the human rights situation in all countries, even in those countries that their government has not yet signed or ratifies the UN human rights treaties.



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**Legal Framework for Promotion and Protection of Human Rights**

Justice Amirul Kabir Choudhury  
Chairman, National Human Rights Commission  
Bangladesh

The term Human Rights means those rights which are inherent in our nature and without which we can not live as human beings. Human Rights and fundamental freedom allow us to develop and use our human quality and to satisfy our spiritual and other needs.

In order to protect such rights nations from time to time adopt some basic human rights as Fundamental Rights and in order to protect such rights legal coverage is essential. To discourage and even hate the forces acting in violation of human rights may be regarded as ethical and moral and al best pious act. But unless a legal seal is provided it yields Zero result in protecting human rights.

In order to promote and protect human rights and ensure guarantee of the rights a legal frame work is therefore felt necessary. Such framework shall be of national character. It may be of international character also. Countries propagating Democracy must adhere to the Rule of Law. Rule of Law shall be meaningless if the basic human rights, in some countries known as Fundamental Rights, are not safeguarded. In the absence of protection of human rights, therefore , the enshrinement of Fundamental Rights or Rule of Law in the code of country even claiming to be democratic state is misnomer.

But there are challenges to effective enforcement of human rights. Ability to enjoy human rights by the people is constrained by a combination of facts that typically operate at different levels. While some of those constraints essentially relate to aspects of governance and structural inadequacy, the overall scenario is complicated by an absence of requisite knowledge of law and rights amongst general people, more particularly disadvantaged groups like women , children, indigenous people etc. Of course poverty and natural calamities also some times play their role. The lack of adequate legal framework however stands as a major taboo in the matter.

In order to protect human rights the states are required to provide effective legal remedies to the victims of human rights violations. It is the primary responsibility of the State to protect human rights and fundamental freedoms. International remedies of course are considered supplementary emphasizing that effective remedies should be made available primarily at the national level. This requirement has different aspects including ensuring a legal framework in the line with international commitments, independent judiciary and other institutions including Human Rights Commissions.

It may be mentioned that the first catalogue of human rights and fundamental freedom has been enumerated to be made effective on the member states by the United Nations on the 10th December 1948 in its historic Universal Declaration of Human Rights (UDHR).

The catalogue of human rights and fundamental freedom obtains 28 Articles set out in the UDHR followed by a further Article on duties and limitations and another on abuse. The preamble of UDHR has one of its objectives: the freedom from fear and want and several of its provisions seek to secure the economic, social and cultural rights indispensable for a person's dignity and the free development of his or her personality.

The member states of the UN are required to comply with the articles of UDHR. In the declaration of UDHR it has been provided inter alia that everyone has the right to life .

I am glad to let you know that in line with the UDHR in our constitution, I mean, the constitution of the People's Republic of Bangladesh in Article 32 it is said that no person shall be deprived of life or personal liberty save in accordance with law.

Similar other rights included in UDHR also have been enacted in our constitution in Chapters on Fundamental Principles of State Policy and Fundamental Rights in Part II and III respectively. In order to protect the human rights, seeking from the angle of international view point, it be said that the member States of the UN should not only abide by the historic declaration of UDHR but also satisfy and honor other covenants and protocols covering protection of human rights.

I am further pleased that the Government of Bangladesh has recently formed NHRC and in the ordinance declared the Commission to independent . The Commission in its initial stage has started in its journey with its limited resources to attain its objectives.

To summarise my discussion it may be said that an international treaty or covenant being an agreement the UN should insist on ensuring that all member states should be parties thereto and thus the member states do abide by and fulfill the requirement of the treaty . There should be mandates to the member states to report from time to time the progress to the international community through United Nation's mechanism.

In the matter of protecting of human rights in the national levels there should be absolute independent National Human Rights Institutions to function freely by operation of law. The law should be made to give authority to the NHRI to look into complaints unreservedly about human rights violations.

Such as :

01. illegal detention, extortion and intimidation by the Law enforcing agencies of the Government. Scope of cognizable violations of human rights to be increased and liberally extended.
02. refusal to register cases and failure of the law enforcing agencies to take adequate steps to protect the life and property of the citizens.
03. Failure to hold proper investigation to bring the criminals to book
04. Extrajudicial killings\ Deaths in Custody
05. Beating, Torture, Rape in the custody of the law enforcing agencies.
06. Denial of Basic needs to the Prisoners
07. Forced Labor.

and

In the matter of promoting human rights there should be legal mandate upon the National Human Rights Institutions amongst others, to

- a. Organize Workshops etc on Human Rights theme
- b. Arrange Training Programme for Judicial Officers, Police, NGOs etc.
- c. Undertake research works
- d. Support efforts of NGOs in projecting human rights violations
- e. Spread human rights awareness through seminar and media etc.

In order to derive effective results in the protection of human rights there should be absolute statutory separation of Judiciary from the Executive and provisions in the Constitution must be made to ensure independence in all spheres as to appointment, removal of the Judges/Judicial Officers and Staff. There must be constitutional guarantee of economic independence of the judiciary so that it can spend its own budget in the way it considers necessary without interference by the Government. To protect human rights, unconditional adherence to the Rule of Law, real Rule of Law should be present.

Last but not the least, the National Human Rights Institutions should be formed in the States where it has not yet been established. The NHRIs should be made absolutely independent like Supreme Court to conduct its affairs including control over Appointment, Finance etc. There should be transparent mode of appointment of the commissioners and the mode of removal shall be like removal of the Judges of the Supreme Court.

In fine I suggest that the whole international community and the member states of the UN in order to protect and promote human rights do recommit to present to the world legal frame work so that scourge of torture through violation of human rights from the face of the earth may be wiped out permanently.

Thank you all.



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## Human Rights Commission of Maldives

### **Paper 1: Legal Framework for Promotion and Protection of Human Rights**

#### Introduction

The legal framework for promotion and protection of human rights in the Maldives was considerably strengthened with the adoption of the new Constitution in August 2008. Although the Constitution recognises a range of civil and political rights and economic, social and cultural rights, supporting legislation on the different rights and freedoms are yet to be passed. However, the People's Majlis is working to adopt such legislation as a matter of priority. The Maldives is presently party to eight of the nine core international human rights instruments and related optional protocols.

#### 2008 Constitution

The 2008 Constitution, ratified on 7 August 2008, contains a comprehensive chapter on human rights. Chapter II of the Constitution, entitled Fundamental Rights and Freedoms, includes the host of internationally-recognised human rights, with the exception of Article 18 of the International Covenant on Civil and Political Rights. Article 9(d) of the Constitution states that only Muslims may become citizens of the Maldives. Consequently, Chapter II does not recognise the right to freedom of religion.

Aside from the right to religious freedom, both civil and political rights and economic, social and cultural rights are constitutionally guaranteed in the Maldives. These include the right to life, the right to protection of the natural environment, right to basic economic and social rights, such as those relating to food and water, housing and shelter, healthcare and sanitation. The constitution further recognises the right to family life, freedom from enslavement and forced labour, the right to vote and stand for elections, the right to freedom of expression and assembly, the right to freedom of information, the right to freedom of the press, the right to freedom of association and



to form political parties, the right to protest, special protection for children, the disabled and the elderly, the right to education, the right to work, cultural rights, the right to own property, the right to fair legal and administrative proceedings, and the right to compensation for human rights infringements. In addition the Constitution provides a range of rights to persons arrested and charged with crimes, and also to those in detention. General clauses relating to equality and non-discrimination are also contained in the Constitution. It is also stated that no one may be denied of the rights and freedoms in the Constitution except by legislation and to standards recognised in free democratic societies.

### **Supporting Legislation**

There is work to be done in strengthening the legal framework for the promotion and protection of human rights, most of which relate to the adoption of supporting legislation to give full effect to the rights and freedoms contained in the Constitution. Although several important pieces of legislation, such as those on the right to vote and the Employment Act have been passed by the People's Majlis, the majority of the constitutional rights and freedoms still require supporting legislation. These include legislation on the right to freedom of expression and association, the right to protest and the right to freedom of information.

The Majlis has been extremely busy since the passing of the Constitution in August, first to adopt the required legislation for the presidential elections held in October 2008, and now to adopt legislation required to hold the Majlis elections before the constitutional deadline of 15 February 2009. It is, however, hoped that the Majlis will act quickly to adopt the necessary legislation on rights and freedoms, as some of it have already been submitted for debate in the Majlis.

### **International Human Rights Instruments**

The Maldives is party to eight of the core nine international human rights instruments and their related optional protocols.

The international human rights instruments to which the Maldives are party to include:

International Convention on the Elimination of All Forms of Racial Discrimination

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention on the Elimination of All Forms of Discrimination Against Women

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child

International Convention for the Protection of All Persons from Enforced Disappearance

Convention on the Rights of Persons with Disabilities

The Maldives is yet to sign the International Convention on the Protection of All Migrant Workers and Members of Their Families, and is yet to ratify the Convention on the Rights of Persons with Disabilities. However, it has to be noted that the Employment Act does extend to migrant workers in the country, and work is underway to ratify the Convention on the Rights of Persons with Disabilities very soon.



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## Afghanistan Independent Human Rights Commission (AIHRC)

### **Institutional Arrangement and Measures Undertaken for Protection and Promotion of HRs**

The Afghanistan Independent Human Rights Commission was established based on a presidential decree in June of 2002. Later on, the establishment of the AIHRC as a permanent, national and independent human rights commission was stipulated into the new Afghanistan's Constitution, which was adopted by the Grand assembly in January 2004.

The Article 58th of the New Constitution mandated the AIHRC to protect, promote and monitor the human rights situation in Afghanistan, and also defend the rights and freedom of citizens through investigation of the cases of human rights violation and refer them to relevant judicial authorities for immediate protection and remedial action. To make the law of responsibilities, mandate and structure of the AIHRC, as it has been mentioned in the Article 58th of the New Constitution, the AIHRC's draft law was passed by the Cabinet Minister in May 2005.

The AIHRC's Headquarters is in the Capital. The AIHRC first opened 8 satellite offices to cover the whole parts of the country, but later on, as a result of our findings and also citizens' requests, 4 provincial offices were opened by the end of 2007. Again as per request of local governors, CSOs and citizens, another two provincial offices were opened in Helmand and Uruzgan provinces wherein mostly the International Humanitarian Law (IHL) is violated during the counter-terrorism joint national and International military operation and also as a result of insurgents attacks.

The AIHRC activities are led by 9 Commissioners, who are responsible for formulating policy and strategies and adopting the 3-5 years and annual action plans. The Executive Director, who is assisted by 3 Managers (Admin Finance Manager, Human Rights Promotion Manager and Human Rights Protection Manager) is responsible to implement the action plan of the AIHRC.

Covering all categories of human rights, the AIHRC, in each of its satellite and provincial offices, has established women's rights units, child rights units, human rights education units, the rights of persons with disabilities (PWD) units and the monitoring and investigation units. In addition, there is one resource centre in each of satellite and provincial offices, which is for use of the AIHRC's staff members, university and school students, staff members of judicial departments, researchers and clergies, and other citizens.

The AIHRC also established supportive units such as Human Rights Research for conducting various enquiries on patterns of human rights at country level; Media and Publication Unit, equipped with a small printing installation, which is responsible for producing all kinds of audio-visual programs, printing brochures, posters, periodical and non-periodical reports, research reports, and publishing international documents, such as human rights treaties, and other international documents pertaining to human rights. The AIHRC also has established the Translation unit to translate all necessary documents produced by the AIHRC such as reports, educational materials, and international documents, from English to Farsi and Pashtu and vice versa.

The AIHRC's institutional achievements are as follows:

#### **1. Human Rights Protection**

The AIHRC has established investigation and monitoring units in each satellite and provincial offices to receive complaints, investigate and refer them to proper judicial authorities for remedial action. The AIHRC also has established field monitoring system for monitoring the economic and social rights, and the Special Investigation Team (SIT) for monitoring IHL.

- a) The AIHRC investigates the complaints submitted to the AIHRC offices by individual, group or civil society organizations (CSOs), including media organizations reported cases of violation. The AIHRC's method of case handling is to: **First**, investigates the case of violation at the field level; **second**, if minor human rights violation committed by individual or a group of people, makes efforts to compensate the abuse through reconciliation; and **third**, refers the case to relevant judicial department and making follow up for remedial purposes. If a civil servant committed human rights violation, the case is referred directly to the relevant authorities and making follow up.
- b) To protect the rights and freedoms of citizens, whenever their rights are to be violated as effect of passing a new law, code of conduct or regulations, the AIHRC do lobbying and conduct advocacy campaign in collaboration with Afghan CSOs, and, if necessary, with the UN representative offices and also seeks the support of the NHRIs in the region through regional forum for NHRIs.
- c) The AIHRC regularly monitors the places wherein the rights and freedoms of citizens are legally restricted. The monitors meet the detainees at the absence of jailers, receive written

or oral complaints from victims, then investigate them and referred to relevant authorities for correction purposes and further prevention of violation of human rights of detainees.

- d) To protect and also promote the rights of citizens in the long run, the AIHRC monitors the economic and social rights in rural and semi rural areas. This monitoring indicates the level of citizens' access to social services distributed by the government's departments and their level of deprivation in enjoying from their human rights. The outcome report of this monitoring is publicized, which provides the government of Afghanistan aid agencies and stakeholders with appropriate recommendations, based on the Constitution, human rights treaties that Afghanistan is a party, the UN and Afghanistan's MDGs and international human rights norms and standards.
- e) The counter-terrorism military operation is running now by the Afghanistan National Army and International Security Assistance Forces in the south, south-west and eastern parts of the country, and in the time being, the Taliban and Alkaida insurgents indiscriminately attack both the military and non-military targets. Therefore, civilians suffer in different ways. They lose their live or become injured and also lose their mobile and immobile properties. To cover the cases of violating the IHL, the AIHRC established a special investigation team to professionally investigate these cases and make report.

## **2. Promotion of Human Rights.**

- a) Promoting human rights have been included in the term of reference of each office unit of the AIHRC. The AIHRC's aim is to extend the observance of human rights, as daily practice, at family level and at society level. The AIHRC therefore organizes many awareness raising workshop, awareness meetings annually for different segments of the society. The AIHRC has broad periodical and occasional publications at different level. In addition the AIHRC disseminates the value and principles of human right through TV and radio program.
- b) To ensure the promotion of human rights in the long run, the AIHRC also comments on the new draft laws and administratively regulations and propose amendments to previous laws, , if necessary. In this efforts, the role of civil society organizations and individual lawyers is very vital.
- c) The AIHRC also works on inclusion of human rights into curriculum of educational institutes, including in the National Police and National Army education institutes.
- d) The AIHRC joints to all campaigns run by CSOs on different issues of human rights.
- e) The AIHRC also celebrates the international days, such as 10 December, 3rd December, the International Days of Violence Against Women, International Children Day, Women's Day and other international occasional days, to disseminates the values, principles and international norms and standards of human rights.

At international and regional level, considerable progress has been made by NHRIs. The International Coordination Committee of NHRIs for Protection and Promotion of Human Rights (ICC) has been strengthened by NHRIs. They have considerable achievements in institutionalization of the ICC. They have voiced concertedly to promote and protect human rights at international level and have effectively responded whenever human rights have been at risk at any parts of the world. The Accreditation criteria of the ICC is effective tool that the mandate and activities of the NHRIs should be in compliance with the Paris Principle.

At regional level, if we focus in the Asia-Pacific region, the NHRIs had made their vast efforts in protection and promotion of human rights in the region under the Asia Pacific Forum for National Human Rights Institutions (APF). The studies on the situation of different categories of human rights in the APF member institutions, which has been done so far by the Advisory Council of Jurists of the APF, give a clear picture of the situation in the region. The outcome of these studies would be an effective tool for the NHRIs to pay more attention for betterment of the environment, through pushing their government, that every individual should have adequate access to appropriate means of enjoying their fundamental rights and freedoms. In the time being, the NHRIs under the APF have taken appropriate supportive stands toward circumstances in which the mandate and the activity areas of an APF member institution has been undermined or restricted by the government. And, these are the worthwhile steps so far have been taken by APF.



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National Human Rights Commission, India

**Institutional arrangements and measures undertaken for promotion and protection of Human Rights**

India, a Union of States, is essentially a federal structure with three-tiered governmental system - the Union Government, the State Government and the Local Government. A uniform pattern of Local Government has been provided in the Constitution by an amendment in 1992 known as Panchayats and Nagarpalikas for the rural and urban areas respectively.

The Constitution distributes powers between the Union and the States and provides for vesting of residual powers in the Union. There are 97 Union subjects, 66 State subjects and 47 concurrent subjects upon which both Union and States can legislate with the primacy of the Union Government. So as there is an allocation of 29 and 18 subjects to the Panchayats and Nagarpalikas respectively. Unlike the Union and State Governments, the local government, do not enjoy legislative powers which, in turn, are being exercised by the State Governments for them.

**Indian Constitution and Human Rights**

Broadly speaking, the Constitutional framework on human rights in India, is reflected four-folded through *the Preamble, Fundamental Rights, Directive Principles of State Policy and Fundamental Duties*.

The *Preamble*, the soul of the Constitution, declares for all its citizens- JUSTICE: social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity assuring the dignity of the individual and the unity and integrity of the Nation.

The Constitution offers all citizens, individually and collectively, some six broad categories of guaranteed basic **Fundamental Rights** subject to certain conditions and reasonable restrictions are justiciable. The higher judiciary is constitutionally bound to protect the constitutional guarantee for the enforcement of these Fundamental Rights and the protection of individuals against invasion of their human rights. Further, the *Fundamental Duties* of every citizen covering a wide spectrum,

strengthens inclusive Fundamental Rights transcending religious, linguistic and regional or sectional diversities.

The *Directive Principles of the State Policy* sets the pace and the principles of governance in the formulation of policies and programmes including of laws to usher socio-economic democracy in India. Here is also the constitutional directive for India to foster respect for international law and treaty obligations.

## Judiciary and Human Rights

There is supremacy of the Constitution of India, So the independent judiciary is vested with the authority to adjudicate constitutionability of any law, apart that, it has the power of issuing writs, reviewing laws and interpreting Constitution. In discharging these functions, Indian Judiciary has always protected and expanded the scope of the rights of the people.

The human rights framework in India has been strengthened by the jurisprudence of the apex court. Even where rights have not been clearly spelt out in the Constitution, the Supreme Court's jurisprudence on Article 21 has expanded its scope to cover a range of rights relating to health, education, clean environment, speedy trial, privacy etc. necessary for leading a life with dignity.

## India's's Ratification of the International Bill of Human Rights, Covenants and Conventions

India has ratified both the International Covenants on Civil and Political Rights and On Economic, Social and Cultural Rights, International Conventions On the Elimination of All Forms of Racial Discrimination(CERD), On Child Rights(CRC) alongwith its Optional Protocols relating to the involvement of children in armed conflict and the sale of children and child prostitution (CRC-OP-SC), On the Elimination of All Forms of Discrimination against Women(CEDAW), On the Rights of Persons with Disabilities

## The Legislative Framework

The legislative framework gives further expression to the goal of respecting, protecting and promoting human rights. Laws enacted in this regard can be divided into three categories: a) laws meant to promote better governance and transparency, b) laws and measures that seek to address particular rights violations and c) laws setting up institutions charged with promoting fundamental rights.

### a) Laws meant to promote better governance and transparency:

Good governance and human rights are inextricably linked as responsive, efficient and transparent administration can only promote a rights-based regime.

Legislations to combat corruption and promote freedom of information are in place to promote good governance in the country. The *Prevention of Corruption Act, 1988* penalises corruption by public servants and also taking of gratification to influence public servants. The Central Vigilance



Commission Act 2003 was also enacted in this way to prevent corrupt practices and combat against it.

The Right to Information Act, 2005 promotes transparency in governance by giving citizens access to records of the Central and State Governments. The legislation coupled with society-led movement has been able to expose corruption and promote efficiency in governance.

**b) Laws and Measures that seek to address particular rights:**

In addition to Constitutional provisions, a number of legislations have been enacted by the Parliament to protect the rights of women, children, persons belonging to Scheduled Castes, Scheduled Tribes, and persons with disabilities, as also to prohibit bonded labour and child labour. These legislations ensure Welfare Democratic State which is obligated to protect and promote the rights of its citizen and provides them opportunity to develop their fullest potential.

In order to fulfil the above constitutional mandates the govt of India has time and again enacted various welfare legislation. Listing of all may not be possible here. Some recent important legislations can be named such as: *Environment (Protection) Act, 1986*, *Scheduled Castes/Scheduled Tribes (Protection Of) Atrocities Act 1993*, *The Pre-Natal Diagnostic Technique(Regulation and Prevention of Misuse) Act,1994*, *Schedule and Other Traditional Forests Dwellers (Recognition of Forest Rights) Act 2006*, *The Maintenance and Welfare of Parent and Senior Citizen act 2007*, *The protection of Domestic Violence Act 2005* and various others.

Apart legislative measures, govt formulates various welfare schemes to ensure the full enjoyment of the rights. Among plethora of such schemes, some notable are *Mid-day Meal Scheme* for raising nutrition level, National Rural Employment Guarantee Scheme legally guaranteeing minimum 100 days employment in a year, Govt. of India's flagship programme Sarva Shiksha Abhiyan for ensuring universalisation of education, Indira Aawaas Yojana, National Social Assistance Programmes namely Old Age Pension, Family and Maternity Benefit Schemes etc.

**c) Laws Setting Up Institutions Charged with Promoting Human Rights:**

While an impressive Constitutional and legislative framework for the protection and promotion of human rights is in place, there exist several obstacles like poverty, corruption, violence for the full realization of human rights. The lack of requisite political and administrative will and acumen in implementing many existing laws and schemes which concern human rights is the challenge before us today that the efforts of the Union and all State Governments, autonomous bodies, civil society and citizenry should be directed towards this end.

Special constitutional and /or statutory mechanisms have been set up at central level for better protection and promotion of human rights in India, are National Commissions for Women, for Minorities, for Backward Classes ,for Scheduled Castes, for Scheduled Tribes, for Safai Karamcharis, for Protection of Child Rights. On similar lines, state Governments have also

constituted some of these or alike bodies for their states.

### **National Human Rights Commission, India**

In the early 90s, when a need for a specialized institution for "better" protection of human rights was articulated at national and international levels, and while noting that India was a party of the International Convention on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and that the rights embodied in those Covenants stood substantially protected by the Constitution of India, having regard to this the Human Rights Commissions both at national and state levels, and also the Human Rights Courts have been set up under the Protection of Human Rights Act, 1993.

The Commission has taken initiative to hold regular interactions with the State Human Rights Commissions to explore and further strengthen areas of cooperation and partnership.

The functions of the NHRC are laid down in Section 12 of the PHRA. These include, among others, inquiring suo motu or on a petition alleging violation of human rights, intervening in proceedings involving human rights violations, visiting jails, reviewing constitutional and legislative safeguards for the protection of human rights, reviewing factors which inhibit enjoyment of human rights, studying treaties on human rights and making recommendations for their effective implementation; spreading human rights literacy, undertaking and promoting research in the field of human rights; and encouraging the efforts of non-governmental organizations working in the field of human rights.

The Commission's role inter alia covers protection, promotion, investigation, law and policy reform, laying down guidelines and making recommendations on human rights. Through this role, it acts as a catalyst in promoting good and humane governance. The NHRC's role is complementary to that of judiciary. The Supreme Court has referred to the NHRC the monitoring of the elimination of bonded labour, functioning of three major Mental Hospitals at Agra, Ranchi and Gwalior, issue of alleged mass cremations in Punjab, alleged starvation deaths in Orissa and the issues concerning salwa judum. On the other hand, the Commission has approached the Supreme Court on the protection of right to life of Chakma and Hajong refugees in Arunachal Pradesh and justice in specific cases of Gujarat riots etc.

In the early years after inception, the Commission focused on civil and political rights like terrorism and insurgency, prisons, monitoring of custodial deaths, cases in detention, including mental homes and juvenile justice homes etc. However, in the succeeding years, the economic, social and cultural rights have also been given prominence. It is the belief of the Commission that all rights are inter-related and inter-dependent. Apart from working for the eradication of bonded labour and child labour and the rights of the children, women and other weaker or marginalized sections of the society, the Commission has also undertaken work in other fields, such as, right to health, food and education, right of displaced persons due to natural and man-made calamities etc. It

has been working relentlessly to help in prevention and combating of human trafficking. Special attention is being given to the plight of women and children being exposed to such a heinous crime. In matters of custodial justice, besides evolving stringent reporting system and guidelines, the Commission continued to monitor custodial deaths, rapes, deaths in alleged fake encounters etc.

In the last 14 years, the Commission has endeavoured to curb violation of human rights as well as to promote a culture of human rights in the country through various measures. These include syllabus for the introduction of human rights education from the school level up to the university level, mass awareness programme by way of imparting training and bringing out publications in English, Hindi and regional languages etc. In order to sensitize various stakeholders, the Commission has been organizing training programmes and workshops on Human Rights issues since its inception. The target groups include police personnel, armed forces personnel, judicial officers, students, public representatives, NGOs etc. The programmes cover general human rights awareness as also some specific issues like rights of the disadvantaged sections e.g. women, tribals, food security, right to education and health and custodial justice etc. The 'Know your rights' series brought out by the Commission has proved highly useful in spreading human rights awareness. Other publications include Handbook on Human Rights for Judicial Officers, Manual for District Magistrates, Human Rights Best Practices relating to Criminal Justice in a nutshell, Disability Manual, Human Rights Education for beginners enumerating to total of 85 approximately since inception.

### **Individual Complain Redressal Mechanism**

The number of complaints of violation of human rights steadily increased over the years and it has touched over one hundred thousand complaints in financial year 2007-2008 in the NHRC alone. This excludes the figures of complain of almost similar quantum handled by the SHRCs. The phenomenal increase in the number of complaints is seen in current fiscal year which is indicative of growing awareness amongst the people in the country as well as increased faith in the commission. In 188 cases, the Commission recommended immediate interim relief of over 50.5 million rupees during 2007-2008.

Recently an important programme on Human Rights Awareness Programme in 28 backward Districts has been undertaken by the Commission to monitor the economic, social and cultural rights at backward grassroot level. The Commission selected 28 backward districts in the country, one in each State, for direct interaction with their field level functionaries with a view to spread human rights awareness at cutting edge level in the administration and also to facilitate better assessment of enforcement of various measures related to human rights.

### **Commission's interaction with NGOs and Special Rapporteurs**

Encouraging the efforts of the Non Governmental Organizations (NGOs) working in the field of Human Rights is a statutory responsibility of the Commission under Section 12 (i) of the Protection of Human Rights Act, 1993.

The Commission has also set up Core Group of Experts on specified subjects related to Human Right issues like on Health & Mental Health, Right to Food, Disability to advise the Commission on complex technical issues. Besides, a Core Group of NGOs and lawyers have been constituted to encourage their initiatives and efforts in promotion of Human Rights. These Core Group also include some experts associated with NGOs.

The Commission has appointed four Special Rapporteurs on the subjects of (i) Bonded/Child Labour and conditions in Mental Hospitals (ii) Women, Child and Persons with Disability, (iii) Civil and Political Rights and (iv) Economic, Social and Cultural Rights. Besides, Special Rapporteurs have been appointed in five zones to visit the areas and give feed back to the Commission on human rights issues.

### **International Cooperation**

In addition, in its role as a category 'A' Paris Principles compliant National Institution, the National Human Rights Commission has been pro active in the International Coordinating Committee, Asia Pacific Forum and the Commonwealth Forum of NHRIs. It has been extending technical assistance to other National Human Rights Institutions in the region and elsewhere through capacity building.

It has played a key role in the Human Rights Council and was instrumental in the UN Human Rights Council resolution 5/1 which listed the critical role of NHRIs in the UN Human Rights Council. It has been participating in various mechanisms of Human Rights Council including the Universal Periodic Review and has already made presentation of its country paper.

The National Human Rights Commission of India played a major role in the drafting of the UN Convention on Rights of Persons with Disabilities and advocated for inserting Art.33 relating to national implementation and monitoring mechanisms.

The Commission participated in various seminars ,workshops & training programmes abroad and has organized various international seminars/workshops in the country .It has also exchanges and other interactions with foreign delegates in the Commission on protection and promotion of human rights with various foreign delegates who visited the Commission time to time.

AS per decision of the International Coordinating Committee (ICC) held at Geneva, Switzerland from 11 - 15 December, 2007, the National Human Rights Commission of India will develop, host and maintain the Website for NHRIs. A new email ID viz., nhrc.india@nic.in has been opened and given to all concerned in OHCHR and NHRCs for receiving the material to be posted on the website. NHRC, India has improved the home page and NHRI website is up to

date with all details sent by OHCHR hosted on the website.

## Conclusion

Human rights in India are to be viewed in the backdrop of its unparalleled linguistic, religious and cultural diversity, pluralism, the country's development imperatives and also the fact that for over two decades it has faced the scourge of terrorism which is aided and abetted from outside.

There exist many challenges on the human rights horizon today - poverty, food security, terrorism, iniquities in global economic order, to mention but a few. To confront these effectively, free and frank exchange of views, coordination at regional and international levels, convergence in resources and technical cooperation have great value. The Commission is of the view that cooperation and coordination at various levels, be it national, regional and international, is essential for better protection and promotion of human rights. There is much that NHRIs can learn from each other's experiences and best practice.

The struggle for securing human rights is an on-going one. It would not be wrong to call it an eternal struggle. In the end, may it be concluded by recalling the words of John Wooden, as a food for thought for every thinker :-

*"Consider the rights of others before your own feelings, and the feelings of others before your own rights".*



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## Human Rights Commission of Maldives

### **Paper 2: Institutional Arrangements and Measures Undertaken for Promotion and Protection of Human Rights**

#### Introduction

The most important development in this area has been the institution of the Human Rights Commission in December 2003. This in addition to the institution of a Human Rights Unit within the Maldives Police Service, formulation of a National Human Rights Action Plan and the appointment of an Ambassador for Human Rights by the government in November 2008 are major developments with regard to institutional arrangements and measures undertaken for promotion and protection of human rights in the country. The recent increase in the number of NGOs working for human rights promotion and protection is also a notable development in this area.

#### Human Rights Commission of the Maldives

The Human Rights Commission of the Maldives (HRCM) was first established by Presidential Decree with nine members in December 2003. The Commission was instituted as an independent body accountable to parliament and in line with the Paris Principles in November 2006 with the passing of the Human Rights Commission Act 2006.

Since then HRCM has been mandated with the promotion and protection of human rights, with powers to investigate and make orders in cases of abuse, and functions as a watchdog to ensure human rights compliance by the government.

#### Human Rights Unit of the Maldives Police Service

The police have been the perpetrator in the majority of cases of alleged abuse submitted to HRCM. These include police implication in cases of torture and abuse of detainees, and arbitrary arrest. The institution of a Human Rights Unit within the Police Service is thus a much welcome

development. The Commission now enjoys a good working relationship with the police. Consequently, there has been a dramatic decrease in the number of cases submitted alleging human rights violations by the police.

### **The Police Integrity Commission**

In March 2009, the Majlis approved 4 out of 5 candidates nominated by the President for membership of the Police Integrity Commission (PIC). The PIC will be instituted as a statutory body very soon, once the Majlis approves a fifth member. The previous body dealing with complaints about the police force was appointed at the sole discretion of the President, and was largely defunct having failed to effectively deal with complaints in an impartial and effective manner. HRCM believes the institution of the PIC will contribute towards a more effective police force and build public confidence in the police service.

### **National Human Rights Action Plan**

As an important initiative of the HRCM, work on drafting a National Human Rights Action Plan has been continuing since mid-2008. This document will serve as a comprehensive policy implementation guide for all government agencies with specific focus on a rights-based approach to formulation of administrative principles and development projects.

### **Human Rights NGOs**

A number of NGOs focusing on human rights have been formed in the past several years. These include NGOs working on persons with disabilities, rights of detainees, good governance and community empowerment. The Commission is mandated to work with and provide aid and assistance to human rights NGOs and have thus carried out a number of programmes and projects in collaboration with such parties. These include human rights awareness programmes conducted for community-level NGOs in the atolls, and establishing networks between NGOs working towards human rights.





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## Afghanistan Independent Human Rights Commission (AIHRC)

### **Building Human Rights Awareness**

The Afghanistan Independent Human Rights Commission gives worthy role to human rights awareness programs so as to disseminate the concept, values and principles of human rights, extension of respecting each other's rights, understanding that human rights is the foundation of building a democratic society and having good governance. The Commission has many awareness raising programs on human rights to raise the awareness of the key contact groups such as the Government's staff members, NGO workers, media staff, staff members of judicial departments, including policeperson and jailers, clergies, school teachers, university teachers and university students, members of the provincial and district councils.

Since recipients of human rights awareness programs belong to different groups of the society, who have different level of knowledge, the AIHRC therefore developed different awareness raising modules for different categories of people. All of these modules have been developed on the basis of adult education principles. Since all civilians strongly believe on Islam, the AIHRC's educators also try to focus on those texts from Holy Kor'an and Hadith that have messages of human rights, including the right to participation, freedom of speeches and freedom of thoughts, women's rights, the rights of non-Muslim citizens, etc. The AIHRC's human rights educators also use the messages from the ancient literature of Afghanistan that addresses human rights values, including respecting human dignity, justice, peace and reconciliation.

All of the AIHRC's office units such as women's rights, child rights, the rights of PWD, transitional justice and human rights education units have included the building of human rights awareness into their annual action plans. According to assignment has given to the human rights education units, these unit in all satellite and provincial offices, with the cooperation of staff members of other units, implement all human rights awareness plans of the AIHRC. In the human rights awareness workshops, all categories of human rights as well as negotiation and reconciliation techniques are covered. Apart from covering UDHR and other human rights treaties, the legal



system of Afghanistan is also explained to participants of the workshops and awareness meetings that everyone should know about the legal system of the country and mandate and responsibilities of judicial departments so that men and women, whose their rights are violated, should submit their complaints to the right judicial authority. The AIHRC education units are also raise public awareness on collective rights such as the rights to environment, the right to development and the rights to free-corruption public management system.

The AIHRC organized 426 awareness raising workshops and 877 awareness meetings in 2008 that 42,357 person, including 18,839 women, were benefited.

The publications of the AIHRC have vital role in awareness raising among different groups of citizens. In 2008, 250,000 copies of different publications such as translated text of human rights international treaties, translated books, educational guidelines and reports have been printed by the AIHRC Press Unit. In addition to this, 20,000 copies of two-page brochures with various theme of human rights, 220,000 copies of the AIHRC's Human Rights monthly magazine, 70,000 copies of the year calendars and awareness raising brochure on human rights for children use, 86,000 copies of posters on different themes of human rights, 6,100 copies of periodic and non-periodic reports were printed and distributed to government departments, NGOs, Parliament's members, provincial and district councils, universities, schools, Madrasas and to participants of human rights education workshops and awareness raising meetings. In addition, the AIHRC made 1,260 copies of CD of films on human rights issues in 2008.

The AIHRC translated the International Convention on the Rights of Persons with Disabilities in three Afghanistan languages (Farsi, Pashtu and Uzbeki), as well as in Brail letter and Sign languages. Totally 2,426 pages of documents from Farsi and Pashtu were translated into English and vice versa.

In 2008, 4690 minutes of program for TV and 12837 minutes program for radio broadcasting were produced by the AIHRC, which were aired and broadcasted by TV and radio organizations.

The AIHRC has maintained its web site ([www.aihrc.org.af](http://www.aihrc.org.af)) updated with posting the latest achievements of the AIHRC and occasional stands of the AIHRC pertaining to crucial incident of human rights abuse at national and international level. In 2008 totally 446,758 persons have visited the AIHRC's website. 1,596 persons have visited the 12 resources centres of the AIHRC. The AIHRC resources centers in satellite and provincial offices are equipped with audio visual materials, books, journals, CDs on human rights issues.

To raise public awareness on human rights, the AIHRC always celebrates the international days such as the anniversaries of the UDHR, International Days of Children, Women's Day, 25 November the International Day of Violence Against Women, the International Day of PWD (3rd December) and other occasional days.

The Ministry of Education published the human rights messages and stories proposed by the AIHRC in one million copies of new text books (Farsi and Pashto Languages).

Likewise, the AIHRC provided the MoE with human rights materials for the contents of new text books of schools (grade 7 to 9).

As result of the AIHRC, the Education University of Kabul, Law Faculty of Kabul University, and Hirat University have included human rights into education curriculum. The AIHRC officers are lecturing in universities in Hirat and Bamyan. The AIHRC provides them software assistance. The AIHRC had several awareness workshop and ToT workshops for teachers in the Police Academy and Military University of Kabul. These institutes have already included human rights into their curriculum.

A joint awareness-raising project was carried out with UNAMA in 2008. Under the project, 21 live programs of 2,970-minutes were broadcasted, on human rights principles, with a special focus on the rights of the children and women's, through one of the local radio stations. During the programs, thousands of listeners made phone calls and asked human rights related questions. A mobile theatre was also organized jointly by the AIHRC and UNAMA on transitional justice issues. The main theme of the theatre has been centered to civilian suffering from war crimes and crimes against humanity. This theatre has been performed so far in several provinces that have been highly appreciated by people.



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**Raising Awareness of Human Rights : Perspective Bangladesh**

Munira Khan

Member

National Human Rights Commission  
Bangladesh

The least we could aspire for as human beings, is a better life- a life where people live in harmony in the course of progressing development. Once, with such an object in mind after generations of hardship and struggle, restless humanity had unanimously come to an understanding: the proclamation of Human Rights. In December 1948 the United Nations General Assembly called upon all member countries to make public, the first global expression of rights to which all Human beings were inherently entitled to. The people of the United Nations have in the charter, recognized the inherent dignity, the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.

All member States have pledged themselves to achieve in co-operation with the United Nations the promotion of universal respect for and observation of human rights and fundamental freedom. Human Rights are the same for all people everywhere -male and female- young and old - rich and poor, regardless of the background where people live, what they believe. This is what makes Human Rights universal.

Although Bangladesh was born in 1971, the National Human Rights Commission officially commenced operation on 1st December, 2008 with the entry into the office of the three Commissioners in pursuance to the coming into force of National Human Rights Commission Ordinance 2007, effective from 1st September 2008.

**Three main areas of the operation of the Commission include:**

- 1) Inquiry and providing legal support for the victims of Human Rights violation.
- 2) Human Rights Advocacy and Education.
- 3) Partnership building by encouraging coordinating efforts of NGOs and other Human Rights Organizations.

### **Primary Human Rights Focus of NHRC:**

- Human Rights in the administration of Justice.
- Women and Child Rights violation against Women and children.
- Rights of poor, minorities, disabled and other underprivileged and disadvantaged populace.
- Regulatory and Institutional reforms for greater protection of Human Rights.

### **Key vision of NHRC:**

Key organizational vision of the NHRC is to establish itself as an independent institution which fosters greater understanding and protection of individual Human Rights, promotes Human Rights norm's standards practices and culture through awareness building, community mobilization, education, research, training and capacity building of key actors as well as grassroots to policy advocacy initiatives.

The Constitution of Bangladesh in its Fundamental Principles of State Policy states that "the Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed"

It also guarantees the basic necessities of life, including food, clothing, shelter, education, medical care, right to work, right to social security, equality before law etc.

State also shall not discriminate against any citizen on grounds of religion, race, casts, sex or place of birth. Women shall have equal rights in all spheres of the state and public life.

But in reality, questions are always being raised about protection of Human Rights of women, children, low representation of women in the decision making positions in politics, judiciary, civil and foreign service. Extra judicial killings, torture and deaths in custody, culture of impunity, inhuman conditions in overcrowded prisons, violence against women and children, child labour .Fatwa related violence, lack of social security, and many many other issues bother Human Rights Defenders. But unfortunately big chunks of the population of Bangladesh are not aware of their Human Rights guaranteed by the constitution and violation of those rights by the Government.

### **So the urgent and important functions of NHRC will be:**

- 1) To publicize Human Rights to promote awareness of the safeguards available for the protection of these rights through publications and other available means.
- 2) To research into Human Rights and to take part in their execution in educational and professional institutions.
- 3) To encourage and co-ordinate the efforts of NGOs and Institutions working in the field of Human Rights.
- 4) To assist and advice the Organizations, Institutions and generally the Civil Society for effective application of Human Rights.

- 5) To arrange Research, Seminar, Symposium, Workshop and related activities for increasing public awareness and to publish and disseminate the research result.
- 6) To undertake such other functions, as it may consider necessary for the promotion and creation of awareness of Human Rights.

**To implement all these programs and projects NHRC plan to work with:**

- Teachers and students
- Work with employers and employees
- Work with community Groups
- Work with members of legal profession
- Host regional conferences, events (such as annual Human Rights Medal and award ceremony etc.)

In Bangladesh various social welfare organizations, National and International Organizations are working in their own ways to fulfill the objective of promoting and protecting human rights and creating awareness amongst the people. Untiring and uncompromising struggles of human beings are there in every part of the globe and there are amazing assertions of democratic minded people from every walk of life in support of these social causes. The newly formed NHRC in Bangladesh aspire to stand by the side of the human rights defenders in their struggle to realize the unfulfilled pursuit of equality and freedom which constitutes the greatest challenge of the 21st century to the theory and practice of Human Rights.

Thank you.



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## Human Rights Commission of Maldives

### **Paper : 3 Building Human Rights Awareness**

#### **Introduction**

The Human Rights Commission of Maldives has put great emphasis on holding training workshops and on using mass media to create awareness among the general on human rights. The Commission has aimed to introduce human rights as a concept of balance between responsibilities and rights, and also between the individual and the community.

A baseline survey was conducted in 2005 by the Human Rights Commission of the Maldives with the assistance of UNDP to prioritise the Commission's work and to gain knowledge and understand the attitudes of the public towards human rights and the Commission. The survey identified a wealth of information about attitudes and awareness levels. It showed that people in the Maldives value human rights but they were not aware of what those rights were and how they can be realised. They also expect the authorities to respect those rights, which require major changes in government administrative practices and policies, as well as training in the new standards that will be required of those in power.

As country's official human rights watchdog, the Commission has three main roles - to promote awareness of human rights, to provide human rights policy advice to the authorities and to investigate and resolve human rights grievances. All three functions were crucial in delivering the human rights culture that Maldivians anticipate.

#### **Awareness Raising Programmes**

The Human Rights Commission of the Maldives conducted various trainings to different target groups, including government officials, Deputy Ministers and Permanent Secretaries at high levels and conducted trainings for nongovernmental organizations throughout 2007 and 2008.

## **Atoll workshops**

Human rights awareness workshops are being conducted for the senior administrative staff of atolls including Atoll Chiefs, Island Chiefs, Magistrates, Senior Police and MNDF Officers, senior members of Women's Development Committees, senior personnel of hospitals, health centres and schools.

The objectives of these workshops were to increase basic human rights awareness as well as constitutional rights along with the rights ensured by the international conventions Maldives is party to. These workshops also look at the roles, responsibilities and the functions of the Human rights Commission and Commission's Act

## **Other trainings**

Specifically designed training sessions are being constantly carried out for prison officers and also for the police and military officers. Trainings are also being conducted for various NGO's working for the protection of human rights.

## **Newsletter and Media**

### *Newsletter*

Human Rights Commission launched its quarterly newsletter "Haquu" in August 2008 as a means to disseminate information about the Commission's work and to raise awareness among the general public about human rights issues. The newsletter is available online on Commission's website and printed copies are distributed to various institutions and public.

### *Media*

Various programmes and discussions on different human rights issues have been broadcasted on different media outlets including public and private media. Programmes are specifically designed based on certain human rights issues, campaigns or activities carried out by the Commission. Examples include the programmes aired on TV and radio regarding voter education campaign.

Quarterly press conferences are being held to inform the public about the work of Commission and to sensitize the public on current human rights issues in the Maldives. International media coverage of human rights issues in Maldives is being covered by various associations such as Asia Pacific Forum (APF) and Association for the prevention of torture. (APT). The Commission archives human rights related media articles and are being filed according to the various UN conventions on human rights.

### *Website*

The Human Rights Commission's website have been updated regularly, therefore it is considered as a good source of information dissemination tool, where media, related stakeholders and public can get information about the commission, its work and the activities carried out.

## *Reports*

The Human Rights Commission of the Maldives publishes reports frequently on various issues in different occasions. Specifically relating to human rights issues. Examples include 'Assessment on the housing situation in the Maldives' and a report on 'causes for increase in incidents of crime in society'. Currently Commission is working on employment assessment and a survey is being conducted on the rights of the disadvantage groups of Maldives. These reports are distributed to various government agencies, media and other related stakeholders.

## **Awareness Campaigns and Forums**

Two important campaigns have been carried out in 2008. They are:

### **Voter Education Campaign**

A voter education campaign was carried out by Human Rights Commission of the Maldives, with the intention to make the Presidential Elections free and fair, by disseminating relevant information to the general public. Voter related posters, leaflets; audio and video spots were used in the campaign. To sensitize the general public on issues related to voting rights 44 hours of media time was used by the Commission. In addition to this staff of Commission travelled to various islands of Maldives to observe voting before and during the presidential elections. A report was based on the assessment done by HRCM on the Presidential Election was compiled which contained recommendations on rights based aspects to improve for a subsequent election. A special music show and media programmes on TV and Radio were used as a mean` to reach the public.

Voter education campaign period has been extended until the end of two upcoming elections. Commission is one of voter education groups along with Elections Commission, media, NGO's and other concerned authorities working on the master plan for the voter education for the upcoming parliamentary elections.

### **World Day for Prevention of Child Abuse - 19th November 2009**

A week long campaign was carried out to mark the World Day for prevention of Child abuse. A special event 'hand holding' throughout Maldives was conducted at the same time as a symbolic event for uniting to prevent child abuse in Maldives. This event was broadcasted live by the state media. And a special public function was also held, where government ministers, representatives from concerned authorities and civil society came together to speak on the importance of preventing child abuse and promised to remain committed to the cause and to work together to eliminate child abuse from Maldives. In addition a new action plan has developed for the prevention of child abuse in association with NGOs, concerned authorities and UNICEF.



## **Human Rights Art Competition 2008**

On the occasion of the 60th anniversary of the Universal Declaration, the Human Rights Commission of the Maldives organized an art competition for all school children nationwide. The objective of organizing such an event for students is to create interest and promote the idea of human rights among the new generation. The 60th anniversary provided a great platform to introduce children to the basics of Human Rights and the relevance of it in our everyday life. The competition was carried out with the support and assistance of Ministry of Education. An unprecedented 646 entries from 23 schools were submitted for this competition and more than 245 children from Male' schools participated. The entries received were engaging and innovative, some depicting the stark images of discrimination and others offering more hopeful pictures of unity and the promise of something better. The diversity of artworks enabled us to understand the thoughts and feeling they had about human rights from their perspective.

This year the Commission will be conducting human rights poster competition targeting the same focus group across the country

## **Public Forums**

A public forum on right to vote and elections observation was held on August 2008 in affiliation with commonwealth consultants and experts. A second public forum was held on Independence of the Judiciary and Human Rights in January 2009. This year the Commission has travelled with the Elections Commission to conduct public forums as part HRCM's voter education campaign.

## **Human rights awards 2009**

Human rights commission has recently announced its human rights awards for the year 2009. The purpose of giving such an award is to recognize and encourage individuals and organizations whose work is dedicated to protecting and promoting the rights of others. Our aim is to provide the opportunity to celebrate these exceptional organizations/ individuals and also to encourage and inspire others to take up this vital work. The categories announced for this year were for human rights award for non government organizations or individuals and the human rights media award for a media individual who has the most outstanding contribution for the advancement and protection of human rights in the Maldives. Human Rights Commission of the Maldives plans to give this award every year.

## **Incorporating Human Rights in the Education Sector**

Plans are on the way to incorporate Human Rights in the national curriculum. Most importantly, teachers and life skills instructors are being trained by HRCM on creating awareness about human rights and responsibilities in the school environment.

## Human Rights Day 2008

To mark the Human Rights Day of 2008 various activities were conducted in the Addu Atoll, South most region of Maldives. The main objective of all the activities was to raise awareness about human rights related issues. A special function was held to mark the day, which was honoured by the presence of the President of Maldives His Excellency Mohamed Nasheed. Newspaper supplement was distributed through one of the major newspapers in the country, Aafathis, which has a circulation of 3000 in the capital; message given by the President of the Commission, regarding Human Rights Day was broadcasted and telecasted via the state media, on 10 December 2008. In addition a children's evening and a music show was held in which various messages related to human rights were given to the public.

## 60th anniversary of UDHR

To celebrate the 60th anniversary of UDHR various programs were conducted through out the year of 2008. A presentation specifically based on UDHR was used in the training sessions of the Commission to familiarize the public about the articles listed in the UDHR. Articles from UDHR were printed on all issues of the newsletter of the Commission in 2008. Human rights day the was based on UDHR and the topics of art competition were also based on UDHR.



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## Afghanistan Independent Human Rights Commission (AIHRC)

### **International cooperation**

The Afghanistan Independent Human rights Commission, in according with its Law, is mandated to cooperate with NHRIs at regional and global level as well as with UN offices, working for advancement of human rights. The AIHRC so far have been in close cooperation with ICC, APF, OHCHR, and also, to some extend, with Amnesty International, Human rights watch, International Centre for Transitional Justice, Human Rights First, Rights and Democracy (Canada) and other like minded organizations.

In the ancient literature of Farsi speaking countries we read the famous poem of Hazrat Shaikh Sadi as follow:

*All human being are in truth akin;  
All in creation share one origin.  
When fate allots a number pangs and pains;  
No ease for other members then remains.  
If, unperturbed, another's grief canst scan,  
Then are not worthy of the name of man.*

We believe that human rights today is a Sons Frontier and global issue. Since the International Bill of Rights and all of today's literatures on human rights are centered on the word of "human being" regardless of their diversities, based on gender, race, ethnic, language, religion and thoughts, birth place, level of economy and other differences; therefore, it cannot be confined only in one or several countries because human rights are a universal value in its nature.

As a result of globalization, particularly the advancement of information technology, the world is becoming so small that whenever a minor case of human rights abuse happens in a small district of a country, its news rapidly, within a few hours, spreads all over the world. And this makes the human rights organizations and human rights activists alert to air their response immediately

through media means. The globalization of human rights, then has been effective as such that a number of countries have given power to their justice authorities to make litigation even against a foreign perpetrators who has been committed war crime or crime against humanity. Such power has been exercised so far by the courts in Spain, The Netherlands, UK and some other countries.

Having this reality and empathizing sense of human being in view, it is impossible to keep us unvoiced when a case of human rights happens in a country. Therefore, international cooperation for protection and promotion of human rights at regional and global level seems a must. Today's global experience shows that using the international advocacy power has been very effective protection tool in countries wherein fundamental human rights and freedoms are endangered. Parallel to this, international lobbying efforts have played effective role in improvement of domestic legislations that ensures promotion of human rights. Beside the UN state members, the international and regional human rights forums and NGOs have also effective role in the advocacy and lobbying process. National human rights institutions forums in Asia, Latin America and in Europe had made their vast efforts in the areas of protection and promotion of human rights at international level.

The UN human rights mechanism is a good opportunity to protect and promote human rights at regional and global level. Monitoring states' obligations toward international human rights treaties, and recently, the Universal Periodic Review mechanism facilitates the international efforts for promotion and protection of human rights to be more concerted and effective.

To make the international efforts more effective for protection and promotion of human rights, the national human rights institutions have to be further strengthened in terms of their monitoring power, quality of their awareness raising programs, advancement of their research and national enquiry methods on different issues of human rights. This can be achieved only through effective cooperation between NHRIs so as to works better in the areas of protection and promotion of human rights. We believe that exchange of practical experiences in the areas of human rights protection and promotion strategies, and working techniques between the NHRIs, particularly in the South Asia region, where have common culture and social values, is very important. It further strengthens the capacity of the NHRIs to carrying out their jobs very effectively and with great impact on the situation of human rights promotion.

It would be worthwhile mentioning to say that no NHRIs alone is capable to have village level presence to keep eyes on the situation of human rights, but this is the civil society organizations who have wide presence even at village level. Therefore, CSOs should be the reliable partners of the NHRIs to contribute to the efforts in making the suitable environment that human rights are protected and promoted everywhere in the country.

The International Coordination Committee of National Human Rights Institutions (ICC) plays vital role in advancement of the power of the NHRIs and the quality of their services for protection and promotion of human rights. The Accreditation system of the NHRIs push the NHRIs to be

in compliance with the Paris Principles. Furthermore, the ICC annual meeting and the biennial international conference of NHRIs grounds the cooperation between NHRIs to make effective synergy in the areas of formulating appropriate strategies for human rights protection and promotion.

The APF study on the situation of human rights in the Asia Pacific region through cooperation of the NHRIs is very important. It gives us a good picture of the situation at regional level, which enables us to learn more from different experiences for making appropriate strategies and practices for advocacy, lobbying and human rights awareness.

The Accreditation system of APF is another appropriate criteria for enhancement of the mandate and works of the NHRIs to be in compliance with Paris Principles. This in turn, enables the NHRIs to play effective role in protection and promotion of human rights through exercising their mandate power in monitoring human rights situations in their relevant countries, and provide their governments with proper recommendations so that human rights could be protected and promoted in a better way by their government's department. The NHRIs also, through preparing reports on the situation of human rights in their countries, can have vital role in attracting the international attention to cooperate with governments to protect and promote human rights.

The last word I would like to say is that, at country level, cooperation between the NHRI, CSOs and government, and at regional and international level, cooperation between the NHRIs, international human rights NGOs and the UN Human Rights Council, the ICC and the regional forums for NHRIs, is very necessary for human right protection and promotion.



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National Human Rights Commission, India

**Position Paper on the National Human Rights Commission of India's  
contribution to International Cooperation**

The South Asian region faces a number of common concerns including eradication of poverty, pursuit of rights based approaches to development, terrorism, trafficking of women and children, HIV/AIDS etc. The shared history and culture, common human rights challenges faced by us underline the need for stronger cooperation between NHRIs at bilateral, regional and international levels. The value of such cooperation hardly requires any over-emphasis. The National Human Rights Commission of India has always been at the forefront in this exercise.

The Human Rights Council's Resolution adopted on 18th June, 2007 has entrusted the NHRIs with greater responsibilities, among others, in the areas of grievance redressal as well as Universal Periodic Review. In order to be an 'effective local remedy', a vigilant human rights monitor and for establishing a culture of Human Rights, the National Human Rights Institutions need greater cooperation amongst themselves. There exists potential for cooperation in complaints handling, extending guidance and support to Commissions not fully compliant with Paris Principles and coordination of efforts to protect internationally recognized Human Rights.

The National Human Rights Commission of India participated actively in this endeavour in collaboration with the Office of the High Commissioner for Human Rights and the Asia Pacific Forum. I wish to highlight some recent interventions made by the Commission.

**1. Sub-Regional Pilot Training Workshop on National Inquiries**

A four day Sub-Regional Workshop on National Inquiries was hosted by our Commission from October 29 to November 1, 2007. It was jointly organized by the APF and Raoul Wallenberg Institute (RWI) of Human Rights and Humanitarian Law, University of Lund, Sweden. The workshop provided the representatives with a step by step understanding of the process of

conducting National Inquiries. A number of issues like right to food, Human Rights and mental illness, accessible public land transport for people with disabilities, torture, homeless children and right to health were covered. Most of the NHRIs present here today in this Conference had participated in that Training Workshop on National Inquiries.

## **2. Workshop on Strengthening Advisory Council of Jurists**

The Workshop on Strengthening the Advisory Council of Jurists was organized by our Commission in collaboration with the APF in New Delhi on February 27-28, 2008.

The workshop recommended effective ways to utilize the expertise of the ACJ; how to improve procedures for the selection and development of references and the implementation and monitoring of their recommendations; how to clarify and strengthen the relationship between the Forum Council and the ACJ and between NHRIs and their ACJ nominees.

## **3. Complaints Management System (CMS) implementation in Rwanda and Uganda Human Rights Commissions and other visits.**

Based on the request of the OHCHR, the National Human Rights Commission of India sent two of its staff members to Rwandan Human Rights Commission to assist them in developing their Complaint Management Systems from 26 November-7th December, 2007. The Commission also sent two staff members to the Ugandan Human Rights Commission from 11 to 25 February, 2008 for the same purpose. The Commission had earlier installed the Complaints Management System in Nepal, Maldives and a few other countries.

A delegation of two staff members along with the Vice President of the National Commission for Human Rights, Rwanda visited the Commission on a study trip from 29 March to 9 April, 2008. The delegation exchanged ideas with us on common areas of concern regarding human rights. Another delegation consisting of two staff members of Indonesian Human Rights Commission also visited the Commission from 28 April to 12 May, 2008 on a study trip. The visit was arranged by APF. The delegates were given first hand knowledge of the functioning of all Divisions of the Commission. They also visited the National Commission for Minorities, New Delhi and the Punjab State Human Rights Commission.

In the past two years, we hosted visits of many other foreign delegations to the Commission. Prominent among them are (i) Mr. Brad Adams, Executive Director, Human Rights Watch (ii) Mr. Paul Hunt, UN Special Rapporteur on Right to Environment to the enjoyment of the highest attainable standard of Physical and Mental Health' (iii) Ms. Asma Jahangir, UN Special Rapporteur on "Freedom of Religion and Belief" (iv) Mr. Pierre Sane, Assistant Director General, UNESCO (v) Ms. Navaneethem Pillai, UN High Commissioner for Human Rights.

An official from our Commission participated in a placement programme with the National Human Rights Commission at Seoul, South Korea from 9-17 October, 2007. In April, 2008, a

high level delegation from the Commission led by the Chairperson, NHRC also visited the Irish Human Rights Commission, Northern Ireland Human Rights Commission and the Commonwealth Secretariat and held discussions on cooperation in human rights matters.

#### **4. International Seminars and Workshops**

The Commission participated in many seminars and workshops abroad. The prominent ones among them included (i) Regional Workshop on the Establishment of National Human Rights Institutions in Asia from 15-17 October, 2007 in Manila, Philippines (ii) Commonwealth National Human Rights Institution Forum meeting from 19-20 November, 2007 at Kampala, Uganda (iii) the UPR meeting organized by the Commonwealth Secretariat in London from 17-18 March, 2008.

#### **5. A new Website of National Human Rights Institutions**

During the meeting of International Coordinating Committee (ICC) held at Geneva, Switzerland from 11 - 15 December, 2007, it was decided that the National Human Rights Commission of India will develop, host and maintain the Website for NHRIs. The earlier website of National Human Rights Institutions [www.nhri.net](http://www.nhri.net) was maintained by the Danish Institute for Human Rights till March 2008. A new email ID viz., [nhrc.india@nic.in](mailto:nhrc.india@nic.in) has been opened and given to all concerned in OHCHR and NHRCs for receiving the material to be posted on the website. NHRC, India has improved the home page and NHRI website is up to date with all details sent by OHCHR hosted on website.

#### **6. Universal Periodic Review (UPR) mechanism**

Our Commission played a proactive role in the review of India under the Universal Periodic Review by participating at every stage. As one of the first countries to be reviewed under this mechanism, the NHRC, India is in a position to offer technical assistance to other NHRIs in this regard.

#### **7. Conclusion**

The present Regional Conference of South Asian Countries on "Human Rights Awareness and National Capacity Building" is an illustration of further efforts at regional cooperation towards protection and promotion of Human Rights. As an Institution with more than 15 years experience, the National Human Rights Commission of India is willing to play a key role fostering cooperation.





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## Human Rights Commission of Maldives

### **Paper 4: International Cooperation**

#### **Introduction**

The Human Rights Commission of the Maldives has been working closely with the international community since the commission was established in 2003. Members and staff of HRCM have undergone various training programs and have attended number of meetings on the protection and promotion of human rights. The objective of such trainings has been to sensitize and familiarize the members and staff of HRCM on issues related to human rights. In addition, HRCM has been working closely with regional human rights institutions that have played a crucial role in building capacity of members and staff of the HRCM in understanding and broadening their vision on human rights issues. NHRIs of New Zealand, the Philippines and India, among others, have helped the HRCM in this respect.

#### **United Nations (UN)**

Various United Nations agencies have been providing funds for numerous projects and activities undertaken by the commission since 2004. Some of these includes all the activities conducted to mark the world day for prevention of child abuse in November 2008, the Human rights day celebrations which was held in south most region of Maldives in December 2008, Philippines study tour in 2008, CAT and OPCAT training conducted in January 2009 and seminar on Human Rights in the Administration of Justice. Current activities funded by UN include the audio and video spots which are being developed to raise awareness among the general public regarding human rights issues, establishment of human rights monitoring mechanism and a baseline survey conducted for the disadvantage groups in Maldives. In addition UN also supports the consultancy of Human rights Advisor.

### **Asia Pacific Forum (APF)**

HRCM has been an associate member of APF since 2007. Commission was granted associate membership in 2008 (?) as the APF feels that the HRCM law does not quite comply with the Paris principles. HRCM has since been attending its annual meetings and various other meetings from time to time and has participated in various training programs organized by APF. One of such trainings conducted by APF in Maldives was "Building an effective media and communication program" which was held in June 2008. The training was conducted for the staff of HRCM, NGO's staff and a session was included for journalists.

### **Association for the Prevention of Torture (APT)**

HRCM have been in consultation with APT, following the establishment of the NPM under HRCM. The Association for the Prevention of Torture (APT) is an independent non governmental organization based in Geneva, Switzerland, since 1977, working for the prevention of torture. APT has conducted five day training in January 2009 for the NPM staff and the consultation team from HRCM. The objective of this training was to develop the strategic plan and to empower the NPM staff to carry out their obligations under OPCAT.

### **International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights (ICC)**

The Human Rights Commission of the Maldives is a B category member of ICC. Commission was granted B category membership since the commission does not fully comply with the Paris Principles due to the reason mentioned above in the case of APF. The commission has been attending ICC meetings.

### **Raoul Wallenberg Institute of Human rights and Humanitarian Law (RWI)**

RWI has been providing financial and technical support for the regional trainings conducted in Bangkok, Thailand every year. In addition a team of experts from RWI conducted five day training for the staff of HRCM on International Human Rights Law in February 2009, in Bandos Island resort of Maldives.

### **International Committee of the Red Cross (ICRC)**

ICRC is a Humanitarian organization working around the world on an impartial basis to protect and assist people affected by armed conflict and internal disturbances. Staff of HRCM attends the South Asian teaching session on International Humanitarian Law, conducted by ICRC in every year in Hyderabad, India.



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## **Write up on the activities of National Human Rights Commission, India**

### **Introduction**

1. The National Human Rights Commission (NHRC) is an autonomous body which was established on October 12, 1993 under the Protection of Human Rights Act, 1993. The Commission is fully compliant with the international norms for National Human Rights Institutions set out in the Paris Principles adopted at the first international workshop held in Paris in October, 1991 and endorsed by the General Assembly of the United Nations in Resolution 48/134 of December 20, 1993. The Commission is an embodiment of India's concern for the promotion and protection of human rights.
2. The human rights as defined in Section 2(1)(e) of the PHR Act are the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. The International Covenants means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Right adopted by the General Assembly of the United Nations on December 16, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification specify.

### **CONSTITUTION OF NHRC**

3. The Commission consists:
  - (a) a Chairperson who has been a Chief Justice of the Supreme Court;
  - (b) one Member who is or has been, a Judge of the Supreme Court;
  - (c) one Member who is, or has been, the Chief Justice of a High Court; and
  - (d) two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

4. The Chairperson of the National Commission for Minorities, Scheduled Castes, Scheduled Tribes and National Commission for Women are deemed members of the NHRC for the discharge of the functions specified in the Act.

#### **FUNCTIONS OF NHRC:**

5. As per Section 12 of the PHR Act, 1993, the functions of the Commission include:
  - (a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court], into complaints of:
    - (i) violation of human rights or abetment thereof; or
    - (ii) negligence in the prevention of such violation, by a public servant;
  - (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
  - (c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;
  - (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
  - (e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures
  - (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation
  - (g) undertake and promote research in the field of human rights;
  - (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
  - (i) encourage the efforts of non-governmental organizations and institutions working in the field of human rights;
  - (j) such other functions as it may consider necessary for the protection of human rights.

6. While inquiring into complaints under the Act, the Commission has all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters namely:
  - (a) summoning and enforcing the attendance of witnesses and examining them on oath;
  - (b) discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office
  - (e) issuing commissions for the examination of witnesses or documents
  - (f) any other matter which may be prescribed.
7. The Chief Executive Officer of the Commission is the Secretary General, an officer of the rank of the Secretary to the Government of India. There are different Divisions in the Commission and each of these has been entrusted with specific tasks, the Divisions work in close consultation and coordination with each other.
  - i) The Administration Division: This Division is headed by a Joint Secretary looks after the administrative, personnel, management and establishment matters.
  - ii) The Law Division: This Division is headed by Registrar (Law). The Division services the Commission in dealing with the cases of human rights violations.
  - iii) The Investigation Division: The Division is headed by an officer of the rank of Director General of Police. The officers in this Division conduct independent investigations into cases of human rights violations as per directions of the Commission. The Division also assists the Commission in examining cases of deaths in police and judicial custody, encounter deaths etc.
  - iv) The Training Division: The Division has been created to spread human rights awareness and sensitize public functionaries, NGOs, civil society about human rights by organising Training Programmes, seminars, workshops etc. The Division also conducts internship programmes for students.
  - v) The Policy Research, Projects and Programmes Division: The Division undertakes and promotes research on human rights issues and organizes seminars, workshops and conferences for deliberating on various human rights issues with a view to arrive at suitable recommendations for better protection and promotion of human rights.
  - vi) The Information and Public Relations Division:

This Division disseminates information relating to the activities of the Commission, through the print and electronic media. It is headed by an Information and Public Relations Officer, who also functions as the Editor of the monthly Human Rights

Newsletter. The Division is also responsible for bringing out publications of the Commission, updating its website and furnish information under Right to Information Act. The Appellate Authority is the Joint Secretary in charge of administration.

8. A complaint to the NHRC may be made in Hindi, English or any other language recognized in the Constitution of India, and may be sent through post, telegram, fax or e-mail. Urgent complaints can also be lodged, beyond the working hours of the Commission, through the mobile number 98-102-98900. No fee is charged on complaints. The complainants can approach the facilitation Centre for obtaining information about their complaints and other relevant matters. The complainants can also ascertain the status of their complaints through the Commission's website [www.nhrc.nic.in](http://www.nhrc.nic.in).
9. The Annual Report of the Commission is laid before each House of Parliament along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of recommendations, if any.

#### STATE HUMAN RIGHTS COMMISSION:

10. The Protection of Human Rights Act, 1993 also provides that State Government may constitute State Human Rights Commission to exercise the power conferred upon, and perform functions assigned to it under the Act. The NHRC has been pursuing with the State Governments, since its inception, to set up State Commissions for the better protection and promotion of Human Rights with their jurisdictions. So far, State Human Rights Commissions have been set up in only 18 States namely Assam, Chhattisgarh, Madhya Pradesh, Punjab, Himachal Pradesh, Jammu and Kashmir,

Andhra Pradesh, Kerala, Tamil Nadu, Gujarat, West Bengal, Maharashtra, Orissa, Uttar Pradesh, Manipur, Rajasthan, Karnataka and Bihar. The NHRC holds annual meeting with the State Human Rights Commissions for better coordination in discharge of their functions. The SHRCs are also involved in deliberation in various conferences, workshops etc on specific human rights issues.

#### HUMAN RIGHTS COURTS

11. The PHR Act provides that for speedy trial of offences arising out of violation of human rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district a Court of Session to be a Human Rights Court to try the offences. For every Human Rights Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

## A RESUME OF ACTIVITIES OF NHRC

12. In the early years after inception, the Commission focused on civil and political rights like terrorism and insurgency, prisons, monitoring of custodial deaths, cases in detention, including mental homes and juvenile justice homes etc. However, in the succeeding years, the economic, social and cultural rights have also been given prominence. It is the belief of the Commission that all rights are inter-related and inter-dependent. Apart from working for the eradication of bonded labour and child labour and the rights of the children, women and other weaker or marginalized sections of the society, the Commission has also undertaken work in other fields, such as, right to health, food and education, right of displaced persons due to natural and man made calamities etc.
13. The Commission received only 496 complaints of violation of human rights in 1993-94, the first year of its establishment. The number steadily increased over the years and during the financial year 2007-2008, the Commission received 100,616 complaints. The Commission disposed off 101,272 complaints which included complaints carried forward from the previous years. The phenomenal increase in the number of complaints is indicative of growing awareness amongst the people in the country as well as increased faith in the Commission.
14. The Commission has selected 28 backward districts in the country, one in each State, for direct interaction with their field level functionaries with a view to spread human rights awareness at cutting edge level in the administration and also to facilitate better assessment of enforcement of various measures related to human rights. In this effort, the special attention will be on (i) food security, (ii) right to education, (iii) right to health, hygiene and sanitation, (iv) custodial justice, (v) human rights issues of Scheduled Castes(SCs) and Scheduled Tribes (STs), (vi) right to culture and protection of Community Assets and (vii) right to life, living conditions and nature of responsibility of Government and Panchayat (unit of local self-government). In pursuance of this programme, the Chairperson and officers of NHRC are visiting in different districts in the country and had detailed discussions with district level functionaries, elected representatives in local bodies and NGOs.
15. The Indian Nursing Council, on the recommendation of the Commission, approved the syllabus of Nursing, Midwifery to ensure effective service to the population. The Commission has also taken up among others, the issues of unsafe drugs and medical devices, silicosis and availability of anti rabies vaccines.
16. The National Human Rights Commission of India played a major role in the drafting of the UN Convention on Rights of Persons with Disabilities and advocated for inserting Art.33 relating to national implementation and monitoring mechanisms. Thereafter, it advocated for its early ratification by the Government of India, which has since been done in the year 2007. As a follow up action, the Commission appointed a Special Rapporteur on Women, Children and Disability related issues and constituted a Core Advisory Group on Disability



to advise the Commission on matters connected with and incidental to the promotion, protection and monitoring of rights mentioned in the Indian Constitution and laws for persons with disabilities and also envisaged in Art. 33 (2) of the UN Convention on the Rights of Persons with Disabilities.

17. The Commission, deeply concerned about the education of deaf children, identified the lack of training in sign language as the major constraint. In order to standardize the sign language for deaf persons which can be introduced in teachers training, the Commission played a catalytic role to evolve a project entitled " Indian Sign Language for Deaf Persons" through the National Institute of Hearing Impaired, Mumbai.
18. The National Human Rights Commission of India is working relentlessly to help in prevention and combating of human trafficking. Special attention is being given to the plight of women and children being exposed to such a heinous crime. One of the members of NHRC has been made the focal point on Human Rights of women, including human trafficking. The Commission in collaboration with the National Commission for Women has assisted the Ministry of Women and Child Development in the Government of India in formulating a Plan of Action to Prevent and Combat Trafficking with special focus on women and children.
19. The National Human Rights Commission has consistently maintained that the Right to Food is inherent to living a life with dignity. The Commission has expressed the view that the Right to Food includes nutrition at an appropriate level. It also implies that the quantum of relief to those in distress must meet those levels in order to ensure that the Right to Food is actually secured and does not remain a theoretical concept. The Commission is of the view that mortality alone should not be considered as the effect of starvation but destitution and the continuum of distress should be viewed as indicators demonstrating the prevalence of starvation. There is thus an accompanying need for a paradigm shift in public policies and relief codes in this respect.
20. Besides evolving stringent reporting system and guidelines, the Commission continued to monitor custodial deaths, rapes, deaths in alleged fake encounters etc. Apart from redressal of individual complaints, the Commission also stresses the need for systemic reforms in the Police and Prisons. The Commission continued to monitor conditions in prisons. The Commission took up, among others, the issues cover crowding in prisons, medical treatment of prisoners, sensitization of prison staff and has made recommendations in many cases.
21. Encouraging the efforts of the Non Governmental Organizations (NGOs), the Commission has constituted the following Core Groups:
  - i) Core Group of NGOs.
  - ii) Core Group on Mental Health.
  - iii) Core Group on Right to Food.



- iv) Core Group on Disability.
- v) Core Advisory Group on Health.
- vi) Core Group on Legal Issues.

These Core Groups also include some academics and experts associated with NGOs.

## INTERNATIONAL COOPERATION

22. The NHRC India is a member of the International Coordination Committee (ICC). The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (The ICC) is a representative body of National Human Rights Institutions established for the purpose of creating and strengthening National Human Rights Institutions which are in conformity with international norm for independent and autonomous National Human Rights Institutions as set out in the Paris Principles. It performs this role through encouraging international co-ordination of joint activities and co-operation among the National Human Rights Institutions, organizing international conferences, liaison with the Office of High Commissioner for Human Rights and other international organizations and, where requested, assisting governments to establish a National Institution to provide expert or technical assistance to such institutions.
23. NHRC India is the Founder Member of the Asia Pacific Forum of National Human Rights Institutions (APF). APF is the leading regional human rights organisation in the Asia Pacific. Established in 1996, the APF is a member-based organisation that supports the establishment and strengthening of national human rights institutions in the region.
24. The APF provides a framework for national human rights institutions to work together and cooperate on a regional basis through a wide range of services including training, capacity building, networks and staff exchanges. The APF have a strong record in developing programs that genuinely improve the human rights of individuals and vulnerable groups in the Asia Pacific. The APF provides practical and tailored support to its members to assist them to more effectively undertake their own human rights protection, monitoring, promotion and advocacy. The APF also provides support to governments and civil society groups.
25. The NHRC, India has been participating in technical cooperation and assistance programmes with the NHRIs in the Asia Pacific Region for better protection and promotion of human rights. A four day Sub-Regional Workshop on National Inquiries was hosted by the National Human Rights Commission of India from October 29 to November 1, 2007. The workshop was jointly organized by the Asia Pacific Forum of National Human Rights Institutions and Raoul Wallenberg Institute (RWI) of Human Rights and Humanitarian Law, University of Lund, Sweden. The workshop aimed to provide the representatives with a step by step understanding of the process of conducting National Inquiries. The deliberations included a

number of issues like the Right to Food, Mental Illness, accessible public land transport for people with disabilities, torture, homeless children and Right to Health.

26. A Workshop on Strengthening the Advisory Council of Jurists was organized by the National Human Rights Commission in collaboration with the Asia Pacific Forum (APF) of National Human Rights Institutions of NHRIs in New Delhi on February 27-28, 2008. The purpose of the workshop was to bring together a representative group of Forum Councillors and Jurists to consider, among other things, the most effective ways to utilize the expertise of the ACJ; how to improve procedures for the selection and development of references and the implementation and monitoring of their recommendations; how to clarify and strengthen the relationship between the Forum Council and the ACJ and between NHRIs and their ACJ nominees.
27. The National Human Rights of India, in partnership with others, advocated for the effective participation of NHRIs in the Human Rights Council which resulted in the Human Rights Council Resolution 5/1 on "Institution-Building". While reviewing international human rights commitments, the Commission stressed the need to ratify the 1951 UN Convention relating to the Status of Refugees and the Torture Convention. The Commission's statement has been placed on our own website as well as on the website of OHCHR.
28. The Commission played a very pro-active role at every stage relating to preparation of country paper for Universal Periodic Review (UPR) and in holding consultations with stakeholders. In its independent paper for UPR, the Commission flagged important human rights challenges relating to education, right to food, right to health, rights of women, children and persons with disability. The Universal Periodic Review (UPR) of India in respect of its human rights track record was held by Human Rights Council in Geneva on 10th April, 2008
29. The Commission participated in various seminars and workshops abroad which included (i) the workshop conducted by the UNHCR Centre, Tokyo on "Basics of International Humanitarian Response' from 2-9 October, 2007 (ii) placement programme with the National Human Rights Commission from 9-17 October, 2007 at Seoul, South Korea (iii) Regional Workshop on the Establishment of National Human Rights Institutions in Asia from 15-17 October, 2007 (iv) training programme on human rights and migrant workers in Asia Pacific Region from 15-19 October, 2007 (v) Commonwealth Asia Colloquium on Gender Culture & Law from 30-31 October, 2007 (vi) 'Commonwealth National Human Rights Institution Forum meeting from 19-20 November, 2007 at Kampala, Uganda (vii) Regional Training Programme in Human Rights from 19-28 November, 2007 (viii) Sensitization Course on Trafficking and Migration of Children for Labour organized by the ILO in Italy from 21-25 January, 2008 and (ix) the UPR meeting organized by the Commonwealth Secretariat in London from 17-18 March, 2008.

30. The Commission exchanged views on protection and promotion of human rights with various foreign delegates who visited the Commission viz. (i) Lutyens Trust, UK, (ii) the Members of Royal College of Defence Studies, UK (iii) Mr. Brad Adams, Executive Director, Human Rights Watch (iv) a team from All China Women's Federation, China (v) Mr. Paul Hunt, UN Special Rapporteur on Right to Environment to the enjoyment of the highest attainable standard of Physical and Mental Health' (vi) a delegation of Mongolia on "Access to Justice and Human Rights" (vii) Prof. Michael Stein, Executive Director, Harvard Project on Disability, Harvard Law School, Cambridge (viii) Ms. Asma Jahangir, UN Special Rapporteur on "Freedom of Religion and Belief" (ix) Mr. Pierre Sane, Assistant Director General, Social and Human Sciences Sector, UNESCO, Paris (x) a delegation from Irish Parliament's Joint Committee on Constitution, (xi) a delegation from National Human Rights Commission of Rwanda (xii) Mr. Erik Kurweil, Political Consular, German Embassy, New Delhi and (xiii) two staff members of Indonesian Human Rights Commission.
31. A delegation of two staff members along with the vice president of the National Commission for Human Rights, Rwanda visited the Commission on a study trip from 29 March to 9 April, 2008. The delegates exchanged their experiences with our Commission. Another delegation consisting of two staff members of Indonesian Human Rights Commission also visited the Commission from 28 April to 12 May, 2008 on a study trip. The delegates were given first hand knowledge of the functioning of all divisions of the Commission.
32. The National Human Rights Commission of India has developed, and maintain the Website for NHRIs. The earlier website of National Human Rights Institutions [www.nhri.net](http://www.nhri.net) was being maintained by Danish Institute for Human Rights, till March 2008.

## TRAINING

33. The Training Division of the Commission is organising training of the officials of the Central and the State Governments, field functionaries and the representatives of NGOs, Universities etc. The main objective is to sensitize the participants of various levels/groups on Human Rights and equip them to work with more sensitivity in their respective fields with a Rights Based Approach. The methodology adopted in the seminars/workshops/trainings is lecture method, group discussions, syndicate report, action plan etc. The participants are exposed to national and international Human Rights laws and conventions etc., functions of various organisations including NHRC who are responsible for human rights protection and promotion, knowledge about some core human rights issues of right to life, food, education, health, rights of women, children and disabled people, etc.

## PUBLICATIONS

34. The Commission brings out a monthly newsletter both in Hindi and English as also publishes a journal annually in both the languages. Besides this, the Commission has brought out

many other important publications which include 'Know Your Rights' series, Human Rights Manuals for District Magistrates, Handbook on Human Rights for Judicial Officers, Disability Manual, Mental Health Care and Human Rights, Collection of International Conventions and Covenants on Human Rights in Hindi, A Glossary of Human Rights Issues, Human Rights Education for Beginners, etc. The Commission also maintains a website <http://nhrc.india@nic.in>

## CONCLUSION

35. There exist many challenges on the human rights horizon today - poverty, food security, terrorism, iniquities in global economic order, to mention but a few. To confront these effectively, free and frank exchange of views, coordination at regional and international levels, convergence in resources and technical cooperation have great value. The Commission is of the view that cooperation and coordination at various levels, be it national, regional and international, is essential for better protection and promotion of human rights.



**Conference of NHRIs of South Asian Countries  
on "Human Rights Awareness and National Capacity Building"  
16-18 April 2009, New Delhi**



**National Human Rights Commission Kathmandu**

Mr. A. K. Jain  
Secretary General  
National Human Rights Commission of India  
Faridkot House, Copernicus Marg,  
New Delhi- 110001, India

Dear Mr. Jain,

Ref : Sharing of the Outcome notes of the meeting on the Rights of the Child, Kathmandu

We are indeed delighted to know that the National Human Rights Commission of India is going to organize Regional Conference of South Asian Countries on Human Rights Awareness and National Capacity Building of National Human Rights Institutions and scheduled for 16-18 April 2009. As per the invitation of the NHRC India, the Hon Chairperson Justice Kedar Nath Upadhyay, Hon Member Justice Ram Nagina Singh, Hon. Member Gauri Pradhan and Hon Member Dr. Leela Pathak are nominated for conference.

In the meantime I am pleased to share with you that NHRC, Nepal hosted a 'South Asian . Regional Consultation Meeting of National Human Rights Institutions on Child Rights' on 31 Nov and 01 Dec. 2008 in Kathmandu on the occasion of the 60th anniversary of the adoption of Universal Declaration of Human Rights 1948.

The objective of the consultation meeting was to review the role of state in the effective implementation of National Plan of Action for Children in the spirit of the Convention on the Rights of the Child (CRC). The meeting provided an opportunity to share experiences and issues of mutual concerns on various aspects of the rights of the Children in the region. This consultation

meeting also provided a useful forum to consolidate our efforts in promoting and protecting the rights of Children.

As decided by the meeting I take this opportunity to urge you for necessary arrangement for the sharing of the outcomes notes in the Regional Conference of South Asian Countries on Human Rights Awareness and National Capacity Building of National Human Rights Institutions organized by the National Human Rights Commission of India and scheduled for 16-18 April 2009 in New Delhi. Please find attached the outcome notes of the November meeting.

Best regards,

Sd/- 5-4-2009

Bishal Khanal

Secretary



**Conference of NHRIs of South Asian Countries  
on "Human Rights Awareness and National Capacity Building"  
16-18 April 2009, New Delhi**

National Human Rights Commission, Kathmandu

**Outcome Notes of the Consultation Meeting of the National Human Rights Institutions of the South Asian Countries (SAARC) on the Rights of the child**

November 31 and December 01, 2008, Kathmandu

Recalling that the Charter of the United Nations, Universal Declaration of Human Rights and other international human rights instruments invoke for the promotion, protection and respect for human rights and fundamental freedoms to every human being everywhere without any discrimination;

Emphasizing the values and principles enshrined in the UN Convention on the Rights of the Child 1989; SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution-2002 and the Regional Arrangements for the Promotion of Child Welfare in South Asia-2002, which place obligation to the states to fulfill the rights of children to survival; development, protection and participation;

Recalling the relevant resolutions concerning establishment and functioning of the national institutions for the protection and promotion of human rights most notably Principles Relating to the Status of National Institution (the Paris Principle) and taking note of the important role and contribution of such National Human Rights Institutions in each of the South Asian countries;

Considering that large number of world's children live in South Asia region where violation of their survival, protection, participation and development rights is common and many children live in inhumane conditions and unable to enjoy their rights;

Recognizing that National Human Rights Institutions of South Asia can contribute to safeguard, protect and promote human rights of people;

The Consultation Meeting of the National Human Rights Institutions of the South Asian Countries (SAARC) of the National Human Rights Institutions and Government Ministries of Bangladesh, Maldives, Nepal, Pakistan and Civil Society Organizations of the region agreed upon the following:

1. A need to establish and strengthen Independent National Human Rights Institutions in all countries of South Asia. It emphasizes the importance of establishing and strengthening mechanisms with specific mandates to deal with the rights of the child.
2. The value of regional arrangement at SAARC level and their conference periodically on the matters of Human Rights/Child Rights. It also recommends to establishing a Working Group of Secretaries of all NHRI as a starting point to promote the relationship (good offices) among South Asian Countries. It requests the National Human Rights Commission of Nepal to take an initial responsibility of setting up of the secretariat of such working group for the first two year.
3. NHRIs establish a network of cooperation among them in the region to deal with the violations and protect and promote the rights of the child.
4. To urge the governments of the respective countries to take the rights of children as priority and respond to their Rights as mentioned in UNCRC-1989 and other international human rights instruments.
5. The importance of access to quality education to all children focusing on most deprived; to appeal the national governments to have a proper mechanism to protect the rights of children affected by armed conflicts and trafficking.
6. To take forward the recommendation of this meeting to the forthcoming summit of NHRIs being held in January 2009 in India.

The groups also expressed their gratitude to National Human Rights Commission of Nepal and Save the Children for organizing the event and providing opportunity to share common issues and share the mull over some of the possible ways of regional collaboration on the auspices of the 60th anniversary of UDHR.

The group also acknowledged the efforts of the National Human Rights Commission of India and National Human Rights Commission of Sri Lanka to participate the meeting and noted that it occurred due to unavoidable situations.





**Conference of NHRIs of South Asian Countries  
on "Human Rights Awareness and National Capacity Building"  
16-18 April 2009, New Delhi**

## **Resolution**

The first Conference of National Human Rights Institutions of South Asian Countries on "Human Rights Awareness and National Capacity Building", which was organized by the National Human Rights Commission of India, was held in New Delhi on 16 - 18 April, 2009. The representatives of the following Commissions participated in the Conference :

1. Afghanistan Independent Human Rights Commission
2. Bangladesh National Human Rights Commission
3. Maldives Human Rights Commission
4. Nepal Human Rights Commission
5. Sri Lanka National Human Rights Commission and
6. National Human Rights Commission of India.

**Reaffirming** the commitment to protect and promote human rights as enshrined in domestic laws and International Human Rights Conventions.

**Noting** the legal framework, Institutional Arrangements and measures undertaken by the participating countries in the region for promotion and protection of human rights.

**Recognizing** the need for further National Capacity Building of NHRIs to address Human Rights challenges faced by the countries in the region.

**Recognizing** the need for further sustained efforts to build Human Rights awareness.

**Emphasizing** the need for cooperation between NHRIs of South Asian countries on issues of mutual interest.

**Welcoming** the initiative taken by the National Human Rights Commission of India to hold the first Conference of NHRIs of South Asian Countries on "Human Rights Awareness and National Capacity Building" in New Delhi on 16 - 18 April, 2009.

**Reiterating** the need for closer mutual cooperation between NHRIs on capacity building and promotion of human rights awareness.

The participating NHRIs hereby agree :

- a) To work towards national capacity building through sharing of experience, information and best practices on Human Rights;
- b) To take steps to promote human rights awareness; and
- c) Towards this end, hold conferences, exchange of visits, training programmes and bilateral assistance between the NHRIs.



