

KEY-NOTE ADDRESS OF JUSTICE ARUN MISHRA,
HON'BLE CHAIRPERSON, NHRC

AT THE

28TH ANNUAL GENERAL MEETING AND BIENNIAL
CONFERENCE OF ASIA PACIFIC FORUM

ON
20TH SEPTEMBER, 2023 AT VIGYAN BHAWAN

Hon'ble President of India, Chairperson of Asia Pacific Forum (APF), Mr Doo-Hwan Song, Chairperson Morocco Human Rights Council, Secretary Global Alliance of National Human Rights Institutions, Ms. Amina Bouayach, my colleagues, Dr. D.M. Mulay, Mr Rajiv Jain, Secretary General, NHRC India Mr Bharat Lal, and Chairpersons of NHRIs of Asia Pacific Region, Excellencies, Chairpersons of National Commissions and State Human Rights Commissions, delegates, dignitaries, ladies and gentlemen,

At the outset, on behalf of all of us, let me place on record our heartfelt condolences to the families who lost their loved ones in a tragic earthquake in Morocco. We also express sympathies to those who have otherwise suffered. In

this hour of grief, we stand together with the people of Morocco.

I am deeply honoured and privileged to welcome the Hon'ble President of India warmly. In spite of her busy schedule, she has agreed to inaugurate the Conference. I also extend a warm welcome to all of you on the occasion of the Conference. We are completing the 30th anniversary of the Paris Principles.

India has a history of the last 5000 years of ethos, compassion, empathy and human dignity.

Human Rights are moral, pre-legal rights and cannot be granted or taken away. Every law is required to be compliant with human rights. Inspired by our culture and ethos, our Constitution makers incorporated these values in the Constitution of India. In the same spirit, India pioneered the establishment of the National Human Rights Commission as a statutory body in 1993. The Commission moto is :

“Sarve Bhavantu Sukhinah”.

i.e. “Let everybody be happy”.

All of us are committed to upholding dignity and rights as every human in the vast Asia-Pacific region with diverse cultures, languages, traditions and religions. We are entrusted with the noble task of upholding the human rights of those who cannot fight for their rights.

We also recognise the challenges of disparities that persist and injustices that continue to afflict us in many ways. We all cherish the value of equality, freedom and justice; in that spirit, we protect human rights and provide expeditious and speedy machinery for the redressal of grievances.

We all are working for need-based distributive justice so that no one is deprived of Rights due to Socioeconomic conditions and personal beliefs. The concentration of wealth in a few hands globally is causing a brooding sense of injustice. There is an acute need for the inclusion of marginalised and other disadvantaged segments of society in the gains of globalisation.

Inequality in income and wealth is attributed mainly to hi-tech aggregation platforms. Most of them are not producers of the goods but mere distributors. Their monopoly disrupts the global supply chain and has suddenly posed challenges to the producers, distributors and small and medium retailers worldwide. They are often involved in unfair labour practices violating human rights.

While involved in hazardous business activity, big businesses have to be accountable for human rights. After the worst gas tragedy in Bhopal in 1984, the hazardous debris still awaits removal. Delay is causing contamination of groundwater and soil. Business houses must be responsible for processing waste and removing debris from their premises. Stringent safety measures and liability are necessary to prevent the recurrence of such incidents.

The right of freedom of profession, business, trade and occupation, including the right to property and intellectual property, are to be respected. However, they are subject to limitations and restrictions in the public interest. The intervention of regulatory bodies, particularly in pricing life-saving drugs, medicines, vaccines and medical devices, is

necessary for protecting the right to health, which is part of the right to life.

Consumers are to be protected against unrealistic price extraction. Every packed product should reflect MRP. Pricing must co-relate with the cost of production, which consumers must know.

The right to livelihood is part of the right to life. We must ensure that workers involved in various economic activities are provided humane working conditions. For the tribals who live in remote and forest areas, their customary rights must be respected. Unfair trade practices, too, violate human rights. Overuse of fertilisers and impermissible pesticides damages soil, water and health and creates intergenerational issues.

In every country, to improve the quality of life of their citizens, the governments are pursuing wealth creation in economic activities. However, we must ensure that we do not cause permanent damage to the environment, nature, water bodies, flora and fauna. Our moral duty is to ensure that

future generations do not pay the price for our actions or omissions.

We have already started paying the price due to environmental damage and climate change. Unfortunately, nature's fury always impacts the weakest. Today, erratic rainfall, prolonged drought leading to forest fires, and high-intensity cyclones are playing havoc with lives and livelihoods. Water and air pollution must be addressed. Prevention of deforestation and increasing forest cover are necessary for our survival. The comity of nations came together and decided to improve the quality of people's lives by agreeing to Sustainable Development Goals, which are to be achieved by 2030.

It is pertinent that a culture of “recycle, reuse and reduce” is practised by all to ensure inter-generational equity.

The proliferation of cyberspace has created challenges for Human rights, like hacking, dark web, fraud, and human trafficking. Our children have become more vulnerable. The growing menace of CSAM (Child Sexual Abuse Material) is

one example. Recently, NHRC India held a conference on the issue of CSAM. We have to evolve better mechanisms to monitor and combat the misuse of cyberspace. Blocking CSAM and malicious content requires the big players on the internet to be sensitive and proactive in protecting the human rights of marginalised sections by identifying and taking down offensive content.

International cooperation on these issues is the need of the hour. We must articulate joint strategies to protect cyber ethics and penalise unlawful internet behaviour to defend human rights.

Similar attention needs to be paid to the latest developments in Artificial Intelligence. Care should be taken so that human life with attendant rights, as we know it, does not get affected.

We have to protect the human rights of victims of terrorism, drug abuse and war and their impact on the lives, livelihood, world economy and peaceful co-existence. The time has come to remind ourselves of Ahimsa preached by “Lord Buddha” and “Bhagwan Mahaveer”.

The right to health is concomitant to the right to life. International cooperation saw the distribution of COVID-19 vaccines by India to 101 countries. The States must change their welfare-based approach to a right-based approach in essential health services.

The right to equality cannot be achieved without gender justice for women and LGBTQI. Gender equality must be ensured in education, employment, remuneration and other civil rights, such as inheritance and property rights. The gender-based violence is unacceptable in a civilised society.

Similarly, the right to equality has to be enforced vis-a-vis the specially-abled. We must provide them with full opportunities to enable them to make their future and shape their destiny. The concept of providing “reasonable opportunity” should be interpreted liberally. Recently, insurers have been urged by our Commission to provide coverage to them without discrimination.

Effort has to be made to wipe off tears from every eye and bring smiles to faces. We must provide basic amenities

in a bound manner to every human being. As Mahatma Gandhi said, “*A nation's greatness is measured by how it treats its weakest member.*”

The task is to see how best we can strengthen global efforts by moving from Commitment to Action. We need a joint strategy for the emerging challenges to Human Rights protection in areas of Climate Change, business of Child Trafficking, CSAM and other crimes in cyberspace.

While closing, I extend thanks to all those who have contributed to the realisation of the aims and objectives of this Forum. Let us seize this opportunity to shape human destiny in our region and reaffirm our commitment to the values that bind us together. May this Asia Pacific Forum of National Human Rights Institutions be a beacon of hope, lighting the path towards a brighter, fairer, and more just tomorrow.
