

**NGO Statement to the Asia Pacific Forum on thematic human rights issues
Kuala Lumpur, 30 July 2008**

This statement is made by Jyotsna Maskey of the Women's Rehabilitation Centre in Nepal on behalf of the national, regional and international organisations that attended the NGOs meeting parallel to the APF.

We acknowledge the long-term vision and efforts of NHRIs to promote awareness of human rights. However, you are also the protectors of human rights. We urge you to be more pro-active in responding to the immediate needs of those suffering human rights violations within your States.

We recommend the following *concrete* protection measures to be taken by you in the following 12 months on three specific themes.

1. Civil and Political Rights

Take concrete efforts to protect the following rights:

- i. Freedom of expression;
- ii. Freedom of association including supporting NGOs to register and operate legally;
- iii. Freedom of movement including the right of all people to leave their countries;
- iv. Freedom from arbitrary arrest and detention and in particular the right of children not to be detained;
- v. Freedom from discrimination; and
- vi. The right to life. Advocate strongly against the death penalty and other inhumane punishments. You must speak in support of GA resolution 10678 of December 2007 that calls for a moratorium on executions to be established in all states that still maintain the death penalty.
- vii. Denounce religious fundamentalisms that oppress women and minority groups.

1.1 Rights of Detainees

Detention centres house many individuals from discriminated groups. They are away from the public eye and exposed to a variety of human rights violations. Women are in addition subjected to gender-specific violations while in detention.

1.1.1 You are one of the few bodies that can access detention centres. We urge you to make regular visits to monitor the conditions of detainees, document human rights violations, protect the rights of trafficked persons, refugees, stateless persons, women and minors. These people have specific needs. Monitor the actions of police, immigration and prison authorities.

1.1.2 You should ensure that detainees are aware of their rights, including their right to access you.

1.1.3 We urge you to personally monitor situations of human rights abuses and observe trials when they involve the oppression of human rights. Consider using Amicus Curiae to assist the courts in making informed decisions.

1.2 Rights of Non-Citizens

Non-citizens, including migrants, asylum seekers, trafficked persons and stateless persons are vulnerable to the denial of rights to basic services, freedom of association, freedom of expression and access to justice where their rights have been violated. We urge you to:

- 1.2.1 ask your governments to acknowledge the presence of stateless persons. Undertake a proper census of their communities, and assess their socio-economic situation. Make this census public.
- 1.2.2 take a proactive role in the protection of undocumented migrant workers from human rights violations. This includes the monitoring of these persons in detention centres or deported from receiving countries. Domestic workers in Asia deserve specific attention in this regard.
- 1.2.3 Undocumented migrants should not be just immediately deported but rather the circumstances of their lack of documentation should be enquired into.

2. **Economic, Social and Cultural Rights**

We urge you to give more attention to promoting and protecting rights to adequate education, health services, shelter. In 2008-2009 this can be done by:

- 2.1.1 Impressing upon your governments to provide basic services including access to adequate health, education and shelter to all persons within their States, including non-citizens.
- 2.2 Assessing the human rights impact, for example the numbers of forced evictions, or changes in access to basic services, of major infrastructure developments and the privatisation of basic utilities and services;
- 2.3 Taking up and urging your governments to implement the recommendations made by the Advisory Council of Jurists on corporate social responsibility;
- 2.4 Conduct Human Rights impact assessment of all bilateral and multi lateral Free Trade Agreements that may have adverse impact on human rights, especially economic, social and cultural rights.

Closing

Finally, we ask that you urge your governments to sign and ratify the nine core human rights conventions, and the optional protocols, and in addition to take the first steps in implementing the UN Declaration on the Rights of Indigenous Peoples.

You have the ability to make concrete changes in the lives of the people in your countries, and we look forward to cooperating with you to achieve this and to continuing this dialogue.