



ESCR E-Newsletter

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LST Calls on National Human Rights Commissions in Asia to be Pro-Active and Pre-emptive in Preventing Torture



Participants at the 20th Annual Asia Pacific Forum Annual Meeting held in Ulanbataar, Mongolia. The President of Mongolia and many other dignitaries graced the occasion while Forum Asia and its partner organisations (including LST) attended as observers. The annual ANNI report was also launched in a parallel meeting held by ANNI including the Law and Society Trust (LST)). The 2015 ANNI

report included a report by LST on the performance of the Human Rights Commission of Sri Lanka (HRCSL) in the past year. The ESCR E-Newsletter of September 2015 will discuss the results of the LST appraisal of HRCSL.

The Law and Society Trust, participating in the 20th APF Annual Meeting and Biennial Conference held in Ulaanbaatar, Mongolia, from 26-28 August 2015, called on national human rights institutions (NHRIs) in the region to be pro-active and pre-emptive in their approach to preventing torture and protecting the rights and dignity of people held in places of detention. Participating as observers in the final sessions of the APF meeting on 28th August 2015, LST raised a cogent comment in the question and answer session of the meeting, pointing out the need for NHRIs to be proactive in publicly, vocally and strongly protesting incidents of torture within their jurisdictions. LST called on delegates to make statements on violations on time,

and in local languages and pointed out the strong message that NHRIs can send to violators by such simple measures as a press statement made at the right time and in the right spirit.

The Law and Society Trust along with regional partner organizations of the Asian NGO Network on National Human Rights Institutions (ANNI) from Asia attended the 20th APF meeting, and concluded its annual launch of the ANNI report on the performance and Establishment of National Human Rights Institutions in Asia in Ulanbataar, Mongolia from 24th to 28th August 2015.

Many National Human Rights Institutions from Asia, including the Human Rights Commission of Sri Lanka, annually attend the APF annual meeting. Other delegates included representatives from NHRI's in Afghanistan, Jordan, Oman, Australia, New Zealand, Burma, Indonesia, India, Bangladesh, and hosting country, Mongolia, among many other Asian nations. This year, in Ulanbataar, LST along with its partners took a strong stand and called on NHRIs to be vocal in issuing statements, reports and publicly condemning violations of human dignity through the means of torture. LST pointed out the message that NHRIs then send out to violators, and the strength that civil society receives from such interventions by the national watchdogs on human rights.



Presentation by **Dr. Sima Samar**, Chairperson of the **Afghanistan Independent Human Rights Commission (AIHRC)**

LST raised its concerns as delegates considered the challenges in monitoring of incidents of torture and the role of NHRIs in such monitoring. The question of torture carried out by non-state actors, and the role of NHRIs in such instances was one of the issues that delegates discussed. The success stories of the NHRIs of countries like Jordan and Afghanistan in

breaking through social and cultural perceptions of torture, and taking strong measures in collaboration with state agencies to prevent torture in detention, was presented by the respective representatives of these NHRIs.

The Law and Society Trust is a member of the regional partnership, Asian NGO Network on National Human Rights Institutions (ANNI). ANNI members span 18 countries and 31 member organizations across South Asia, South East Asia and North East Asia and annually produce a report on the Human Rights Commissions of the region and the performance in a given year on specific thematic fronts. Many National Human Rights Commissions (NHRCs) also provide their comments on the specific country reports, and all NHRCs are invited to do so prior to publication.

Speaking at the conference, Mr. Sevan Doraisamy (Executive Director, Suara Rakyat Malaysia (Suaram), Malaysia), representing the members of ANNI, pointed out the urgent need for NHRIs to develop guidelines for the state to follow in the case of torture, including ensuring that in the event of custodial deaths, the victims' family receives the body within 48 hours, and videography of the post-mortem. On behalf of ANNI Members, Mr. Doraisamy also called on the delegates that they should communicate incidents of violations through their website. Other recommendations included to initiate UNCAT campaigns, to go through a round of discussions with local NGOs, and to launch a campaign to promote UNCAT.

He pointed out the importance of working with various NGOs on making the campaigns bigger. HRDs are tortured not only physically but also through surveillance and threats. The use of violence in peaceful assembly must be defended by NHRCs. They should be present at the rallies and protests as observers. CSOS are often harassed in ASEAN countries through cancellation of registration etc. Therefore he urged that NHRCs should push for effective whistle blower protection laws and conduct surprise visits to police stations.



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