

**Intervention of National Human Rights Institutions.**

**Ad Hoc Committee, Draft Convention on Human Rights &  
Disability.**

**9<sup>th</sup> Session, 5<sup>th</sup> December, New York.**

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Thank you Chair.

Since this will be the last opportunity National Human Rights Institutions will have to take the floor prior to the adoption of the Convention in the General Assembly we thank you for the time to make a brief intervention.

We congratulate all delegations on a constructive process and outcome. The involvement of so many States, each with their own distinctive legal culture and socio-economic systems, has vividly demonstrated that difference is no bar to reaching consensus provided there is a sustained focus on our common challenges – and there obviously was.

A process has already begun in Capitals reflecting on how to bring law and practice into line with the convention to enable ratification to take place. In this sense the Convention is already a success in that it is spurring a process of reflection and law reform that might not otherwise take place or at the speed desired. I am glad to hear from the Secretary to this Ad Hoc Committee this afternoon that this process of reflection and change will also take place here within the UN organisation.

We congratulate you Chair and indeed your predecessor in post, Ambassador Luis Gallegos, for ensuring that the process was open, inclusive and fair. We believe the openness of the process and **especially** the active involvement of civil society has helped to give this convention a sustained focus and relevance as well as bring its drafting to a speedy conclusion.

There are few indispensable people in life but it fair to say that without Ambassador Gallegos and yourself this spirit and practice of openness and inclusion would have been harder to maintain.

Indeed, this openness and inclusiveness has ensured that the fairly lengthy text of the convention nevertheless possesses a powerful electric current. Human beings are not ‘problems’ – they have rights. Paraphrasing Sir William Blackstone, the eminent legal historian writing so many centuries ago, at long last this Convention forces all actors to view persons with disabilities as **subjects** and not as **objects**. The Convention will long be remembered for engineering this decisive shift in the war of ideas and in the cause of humanity.

National Human Rights Institutions were proud to play our part in this process. The International Co-ordinating Committee of NHRIs was early committed to maintain a strong and active presence and have done so under the inspired leadership of Charlotte McClain of the South Africa Human Rights Commission and Anuradha Mohit of the Human Rights Commission of India.

We want to put on record our sincere thanks for the sustained and enthusiastic support of the Office of the UN High Commissioner for Human Rights and indeed the High Commissioner herself personally in our endeavours and to this process generally.

What of the future. Harvard Law School hosted a special meeting of NHRIs in 2005 to enable us to clarify our collective position as

NHRIs on monitoring which was duly communicated to the Ad Hoc Committee. We are very conscious of Article 33.2 which tasks National Institutions with the role of ‘promoting, protecting and monitoring’ the implementation of the Convention at domestic level.

NHRIs ‘promote’ through education. We ‘protect’ through the provision of complaints mechanisms or by supporting complaints to other *fora* such as courts. And we ‘monitor’ by pointing to gaps in domestic law that need to be made good by reference to international law.

In short, NHRIS keep the window open to international law in a domestic setting. We are a transmission belt that allows the fresh air of this convention to reach people where it matters most – in their own local environments. Independent NHRIs will have an important role to play in ensuring that the Convention does not remain an elegant statement of principles circulating in august halls such as this but that it directly informs practice where it matters most at home.

Conscious of the role NHRIs will have to play in the future we are actively contemplating our next steps in helping raise each other’s capacities to optimise the Convention at domestic level.

A first and historic special thematic discussion will be held during the 19th session of the International Coordinating Committee of NHRIs (during the 4th HR Council session) which will inform the broad mass of NHRIs of the Convention and their potential roles. Prior to this – and in preparation for it – a number of NHRIs will re-convene at Harvard in February 2007 to prepare options for enhanced co-operation in making the Convention a reality on the ground. We express our deep appreciation for the active support of Harvard in this process and indeed its support for NHRIs generally.

In conclusion, Eleanor Roosevelt was once asked where do human rights begin. She answered 'human rights begin in small places'. They begin in shops, in factories and across the kitchen table whenever people talk about right and wrong and justice. This Convention will ultimately be judged by whether it can reach those small places and bring about meaningful change.

And we as NHRIs are committed to ensuring that it will indeed reach those small places in all the countries we are proud to serve.

I thank you for your patience – not just now but throughout the process.