

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the Commonwealth. Our objectives are to promote awareness of and adherence to the Harare Commonwealth Declaration, the Universal Declaration of Human Rights, and other internationally recognised human rights instruments, as well as in-country laws and policies that support human rights in member states. We welcome this opportunity to engage with the Committee of the Whole at their 2005 meeting.

The Commonwealth has always expressed its concern for human rights issues and has pledged a commitment towards upholding human rights. The most important expression of this commitment was made in the Harare Commonwealth Declaration in 1991. Although the Commonwealth is proud of its reputation as a leader in the promotion and implementation of human rights we feel that its institutional capacity has yet to match its intentions. We encourage the Commonwealth to strengthen the capacity of the Human Rights Unit, by increasing its resources and raising both its stature and autonomy within the Secretariat. We also seriously feel that more can and should be done to bring about the respect for human rights at a national level in the various Commonwealth countries. We feel that the respect for some basic human rights is so sorely lacking in many of the Commonwealth countries.

CMAG is an important mechanism for the protection of human rights and its role must be enhanced and strengthened in order for the Commonwealth to better make its founding principles reality in the lives of Commonwealth citizens. CMAG's mandate is to "deal with serious or persistent violations of the principles contained in that [the Harare] Declaration". CHRI has previously expressed concern that this had been interpreted too narrowly to focus particularly on the un-constitutional overthrow of governments. CHRI welcomes that CMAG now has a wider brief, but believes that this has not been expanded enough to properly fulfil its mandate. CMAG is more than just a democracy watchdog and its work must reflect this. Economic, cultural and social rights should also be focused upon, especially when considering the levels of poverty in the Commonwealth - a clear denial of the human rights of the people of the Commonwealth. CHRI recommends that CMAG expand its current narrow focus to ensure that it covers serious or persistent violations of all the principles contained in the Harare Declaration.

We strongly encourage the introduction of a reporting mechanism to monitor Commonwealth commitments. Declarations of support and intent are not enough and a clear procedure for systematically monitoring the implementation of pledges is essential for accountability. The Commonwealth should require its member countries to report to each CHOGM on their implementation of Commonwealth commitments, including those on access to information regimes.

Despite the fact that the official Commonwealth has so often pledged its commitment to give more space to civil society, we still feel that the Commonwealth should be more open to civil society. We are pleased to have noted some improvement in this regard but we also feel that so much more space and importance can be given. More should be done in the various countries to aid civil society to flourish. Implementing legislation aiding civil society as well as avoiding legislation that hinders civil society is one example in which governments can contribute towards this goal. It is also

important for governments to avoid repressive restrictions on the media and also to do their utmost to prevent episodes such as the recent spate of violence and arrests against journalists and other members of the media.

Strengthening the notion of right to information within the Commonwealth is one way to facilitate civil society as well as achieve the goals of the Harare Declaration. The Commonwealth Secretariat itself should lead the way by adopting a disclosure policy. This would avoid the Secretariat from lagging behind other international agencies in this respect. It is important to note that most UN agencies have disclosure policies. There is also a serious need for the right to information at a national level to enable the citizens of that country to develop their full potential as well as realise the full range of their human rights. We strongly urge that there be a minimum standard for maximum disclosure of information.

The right to information also contributes to open government – which offers the key to deepening democracy and quickening development that the Commonwealth is so desperately seeking. The right to information lays the foundation upon which to build good governance, transparency, accountability and participation as well as to severely diminish the chances of corruption. It is also important to remember that one of the objectives of the Heads of State in the last Commonwealth Heads of Government Meeting (CHOGM) in 2003 was to forward the notion of right to information. We feel that much still has to be done in this area.

The Commonwealth has the capacity to assist member countries to put in place effective access to information regimes. Vibrant civil society organisations and some states with exemplary laws can be found around the Commonwealth, enabling the Commonwealth to assist members to design and implement effective regimes. For example, the Commonwealth Secretariat can facilitate cooperation with other member states and provide financial and intellectual resources to support the development of access regimes; its Human Rights Unit can provide training to government officials; and the Commonwealth Foundation can encourage public participation in the law-making process and build civil society capacity.

Another point which we feel the need to stress upon is that Commonwealth states which had not yet ratified the two key international conventions – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – should do so. Commonwealth states which have ratified these and other human rights conventions should improve their record of reporting.

In view of our latest report on policing reforms, we would like to establish the main focus of our recommendations on policing issues: