



Commonwealth Human Rights Initiative

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Comments on the UN Secretary General's report '*In larger freedom: towards development, security and human rights for all*'.

Submitted by the Commonwealth Human Rights Initiative¹

The Commonwealth Human Rights Initiative (CHRI) welcomes the timely release of the U.N Secretary General's report, 'In larger freedom: towards development, security and human rights for all'. CHRI is particularly heartened to note that the view expressed in para 16 that "Not only are development, security and human rights for all imperative; they also reinforce each other". CHRI believes that though all these three values must coexist, human rights must be the framework within which development and security are ensured - meaningful development and true security are actually about better protection of human rights.

CHRI welcomes the comment expressed in para 20 that the goals outlined in the report cannot be achieved by States alone – and what is needed is an active civil society and dynamic private sector. In this, CHRI would like to see the U.N push for a greater role for civil society by linking issues of development assistance with greater civil society engagement by States, as well as ensuring that access to UN proceedings for credible civil society organisations is not curbed. Of concern are cases where applications by NGOs to ECOSOC for consultative status have been deferred by years.

CHRI is particularly encouraged by the Secretary General's identification of seven broad clusters in the section on National investment and policy priorities [para 39-46]. CHRI would like to add facilitation of public 'access to information' to this list. Access to Information goes right to the heart of the achieving MDG's – particularly to determine and enhance purpose and commitment to set objectives, and ensure effective implementation and proper evaluation of activities.

In the sub-section on 'Preventing catastrophic terrorism' [para 87-96], CHRI strongly endorses the Secretary General's call to world leaders to conclude a comprehensive convention on terrorism. CHRI believes that the proposed convention while addressing terrorism by non-State actors must build in safeguards – including accountability and appeals mechanisms - to prevent State actors, in particular the military and the police, from taking action to deal with terrorism that does not abide by internationally accepted human rights standards. CHRI is particularly concerned about the secondment of due process and fair trial guarantees by States, in the name of countering terror. CHRI believes that the right to a fair trial is a fundamental right and any derogation from this right, in addition to violating internationally accepted – and binding – principles of jurisprudence and customary international law, endangers world peace and security.

**FCRA Registration No.231 650671; Registration No.S-24565 under Societies Registration Act;
Registration No.D.I.T. (Exemption)/94-95/C-390/94/417 U/S 80-G**

Sponsored by: Commonwealth Journalists Association, Commonwealth Trade Union Council, Commonwealth Lawyers Association
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¹ CHRI is an independent, non-partisan, international non-governmental organization mandated to ensure the *practical* realisation of human rights in Commonwealth countries. CHRI is headquartered in New Delhi, India and has offices in London, U.K and Accra, Ghana.

CHRI supports the proposal to create a dedicated Rule of Law Assistance Unit mentioned in para 137. In addition to assisting conflict and post-conflict societies, CHRI hopes that the proposed unit will work to strengthen rule of law across all societies by exercising oversight over existing and new laws in member states and by publishing an annual report on the status of rule of law. CHRI also strongly endorses the Secretary General's call to member states to cooperate fully with the International Criminal Court and other international or mixed war crimes tribunals, which CHRI feels are imperative to existence of rule of law in the international sphere.

CHRI welcomes the initiative of the Secretary General of the U.N to set up a Human Rights Council. CHRI believes that the present arrangement in respect of the Commission on Human Rights is inadequate - particularly in light of the fact that representatives of regimes with ambiguous human rights records have found representation on the Commission. CHRI agrees with the view expressed by the Secretary General in para 182 that "States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others". This has resulted in a credibility deficit that must be addressed. CHRI strongly recommends that the eligibility criteria for the Human Rights Council must be strengthened to ensure that only countries with a demonstrated commitment to the protection of human rights must be admitted. This may be ascertained from how a country conducts its internal affairs and also from its record of ratifying international conventions and reporting to treaty bodies.

CHRI fully endorses the view expressed by the Secretary General in para 217 that "it is high time to eliminate the anachronistic 'enemy' clauses in Articles 53 and 107" of the Charter of the United Nations. The concept of a State considering another as an enemy and hence the peoples of that State as an enemy population is antagonistic to the very purposes of the United Nations. Such a notion is untenable in the interconnected and interdependent world that we live in today.

CHRI reaffirms its commitment to carry forward the vision of the Secretary General towards ensuring development, security and human rights for all.