



**CHRI**  
Commonwealth Human Rights Initiative

**CHRI AT CHOGM**

**2018**

## CHRI at CHOGM

### 30th Anniversary, five public panels on human rights and the first ever 'rights' Film Festival

The Commonwealth Heads of Government Meeting (CHOGM) in London in April 2018 was special for CHRI. Its 30th anniversary, while celebrated with a reception at the House of Lords, provided the opportunity to organize an unprecedented six other civil society events between 11-18 April.

These included:

- A reception marking 30 years of CHRI
- The launch of CHRI's report to Heads of Government on SDG 8.7 on human trafficking and modern slavery
- Festival on Commonwealth Films: Human Rights
- Panel discussions on the role of Small States in the Commonwealth; a Round Table on priorities for Civil Society; reduction of pre-trial detention; the return of The Gambia and possibly Zimbabwe to the Commonwealth and the release of CHRI's Fact Finding Mission on The Gambia

In addition, CHRI participated in a panel on the launch of a set of Media Principles.

CHRI's work is set against the backdrop of CHOGM reaffirming their commitment to the values and principles set out in a number of previous declarations and the Charter of the Commonwealth (2013), States pledged to adhere to the 'core Commonwealth principles of consensus and common action, mutual respect, inclusiveness, transparency, accountability, legitimacy, and responsiveness'. CHOGM, which meets biennially, is a platform for leaders of Commonwealth nations to discuss global and Commonwealth issues, and to agree on collective policies and initiatives. CHOGMs act as a loose policy and decision-making forum to develop overarching guiding principles for the association of 53 member State, although these approaches often are breached by members themselves when they find the going too arduous.

CHOGM has long been a major target of CHRI's advocacy work for the upholding of States' human rights commitments. Through biennial reports to CHOGM, CHRI continually draws attention to human rights progress and setbacks in the Commonwealth.

Set against the backdrop of the curtailment of civil society space taking place in many countries, CHRI's 2015 CHOGM report focused on the relationship between civil society and the Commonwealth Secretariat. This CHOGM, with its theme- 'towards a common future' saw the publication of our report "Creating an Effective Coalition to Achieve SDG 8.7", which is an area we plan to carry out further advocacy on, within the Commonwealth.

It gives me pleasure to provide a combined report of these activities and programmes.

Sanjoy Hazarika, International Director

## In defence of free media: What can the Commonwealth do?

11th April 2018, Senate House

A twelve point plan to secure media freedom and improve governance in the 53 countries of the Commonwealth was launched on 11 April at London University's Senate House, the first of a series of events in the run-up to the Commonwealth summit, supported by or organised by CHRI.

Eight journalists were killed in Commonwealth countries in 2017, including the investigative journalist Daphne Caruana Galizia in Malta, whose Prime Minister was chairing the Commonwealth till Britain took over at the end of the Summit. In an analysis of press freedom in 180 states, only 15 Commonwealth members get into the top 50.

The principles set out, initially developed by the Commonwealth Journalists Association, have now been endorsed by four other Commonwealth bodies – the Commonwealth Lawyers (CLA), the Commonwealth Legal Education Association (CLEA), the CHRI, and the Commonwealth Parliamentary Association (CPA). All have pledged to promote them in their own work, and to encourage their adoption by governments.

Among issues covered in the plan are: rights of access to information held by public authorities; the need to promote two-way flows of information between parliaments and media; the role of media in elections; the need to end the impunity of criminals where journalists are harassed or murdered; effective self-regulation of media and the avoidance of partisan or personal interests in the guise of information; and that states should “promote universal and affordable access to the Internet and refrain from arbitrary shutdowns, blocking, filtering and other measures preventing or restricting access to it.”

Speakers included Akbar Khan (Secretary-General, CPA), Kayode Soyinka, Editor-Publisher of Africa Today, Caoilfhionn Gallagher, an international barrister, and Sanjoy Hazarika (Director, CHRI). The latter urged media and civil society to work together to safeguard rural media workers as well as established media leaders who faced acute pressure. Gallagher argued that if these principles were used as “soft law” in courts they could win acceptance, as in the case of the UN Convention on the Rights of the Child.

Sue Onslow, Acting Director of the Institute of Commonwealth Studies, announced that the Institute has now set up a Centre on Media Freedom, which will collaborate with other bodies, including the South Asian Media Defenders' Network, in helping to implement the “Commonwealth principles on freedom of expression and the role of the media in good governance”.

## Reducing the Use of Pre-Trial Detention in the Commonwealth

13th April, Clifford Chance

The horrors of pre-trial detention and its irreparable consequences on the inalienable human and fundamental rights of its victims can never be overstated. A significant number of prisoners across the world, including in the countries of the Commonwealth, are those in custody awaiting trial. In other words, in incarceration without being proven guilty.

“This, is simply not acceptable,” said Lord Carlile of Berriew, Chair of CHRI’s UK Board, while delivering his keynote address at a discussion organized by CHRI in association with Fair Trials, the United National Office on Drugs and Crime, Open Society Justice Initiative, Penal Reform International and the Institute for Criminal Policy Research. The event, appropriately titled “Reducing use of Pre-trial Detention in the Commonwealth” was well attended and held at the Canary Wharf offices of the law firm Clifford Chance with the participation of several experts on Prison Reform and Pre-trial detention, who came together to share the challenging issues and best practices towards reducing pre-trial detention.

The aim was to foster cooperation and collaboration between different civil society and other groups working in this field to lend further efficacy to their efforts. As Sanjoy Hazarika, International Director of CHRI, while delivering the welcome address pointed out, the Media can play an important role by “shining a sustained light from within” on the issue of pre-trial detention.

Lord Carlile’s keynote address highlighted concerns about the detention methods in some parts of the Commonwealth and pointed out that the laws were not set to the same standards in all Commonwealth nations. He proposed some solutions such as training of Courts to effectively dispose of matters expeditiously without compromising on quality as well as discourage unnecessary adjournments. Roy Walmsley, the director of World Prison Brief, presented data with regard to pre-trial detention and warned that data gathered could be useful only when seen in its true light.

Giving the examples of India, Bangladesh, Pakistan and Sri Lanka, he said a mere check of the prison population of these countries showed that imprisonment rates were low. Yet, a further scrutiny would reveal the excessively high proportion of pre-trial detainees, in excess of 60% of the total. He advocated reforms to ensure that pre-trial detention would be used only a last resort and not a matter of routine.

The event comprised two panel discussions, both chaired by Lord Carlile, where the panelists highlighted different aspects of pre-trial detention broadly covering the reasons therefor and what could be done to reduce its incidence. Jago Russell of Fair Trials, spoke about three tests for ascertaining whether a legal

process was fair or not; fair outcome, public trust in justice and minimal impact. He deprecated the use of pre-trial detention as a tool to coerce victims to confess and as a cheap and immediate (and perhaps, undeserving) punishment by itself. He looked at pre-trial detention from the broader perspective of human rights to highlight its consequences on its victims.

Martin Schoenteich of Open Society Justice International delved into the socio-economic impact of pre-trial detention: it resulted in the loss of 260 million person days of young detainees, amplified the colossal waste of human energy. The link between pre-trial detention and poverty was clearly made and so was the impact on families due to the detention of a family member, who would often be the sole-breadwinner.

Catherine Heard of the Institute for Criminal Policy Research spoke about the massive disparities in pre-trial detention and highlighted her organisation's work in mapping the state of pre-trial detention in Commonwealth countries. She argued that effective re-framing of laws after understanding the discrepancies in the system could have a positive impact on pre-trial detention. However, long term solutions lay only in studying the larger picture and the entire journey of custody and incarceration and not just pre-trial detention.

An innovative 10 point plan, including decriminalization of petty offences, ensuring international standards, setting time limits for remand in custody, providing legal aid and assistance by lawyers and para-legals, establishing effective file management in prisons, etc. was put forward by Allison Hannah of Prison Reforms International. Anika Holterhof of UNODC first explained the complex problem of pre-trial detention and then suggested measures, such as increasing access to legal aid and reducing arbitrary arrests by introducing adequate safeguards at the time of arrest.

Madhurima Dhanuka, Coordinator of the Prison Reforms Programme of CHRI, in her presentation, with emphasis on the situation in India, argued that a most effective way to reduce pre-trial detention was the establishment of Periodic Review Committees, a mechanism to review the status of under-trial prisoners. A carefully constituted Committee comprising District Magistrates, Superintendents of Police, District Judges, Jail Superintendents and Secretaries of District Legal Service Authorities could ensure minimal pre-trial detention, at least, not more than absolutely necessary. She highlighted the efforts of CHRI in advocating their establishment and the role India's Supreme Court has played in having these Committees in place.

## CHOGM Report launch: Creating an Effective Coalition: Achieving SDG 8.7

13 April 2018, National Liberal Club

Nobel Peace Laureate Kailash Satyarthi and Dr. Urmila Bhoola, UN Special Rapporteur on Contemporary Forms of Slavery, released CHRI's "Creating an Effective Coalition to Achieve SDG 8.7" to be used as an advocacy document with CHOGM leaders to the Commonwealth Heads of Governments. SDG 8.7 enjoins the members of the Commonwealth to take adopt immediate measures to eradicate "...forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms."

In a forceful address to a well-attended meeting at the National Liberal Club, Mr Satyarthi congratulated CHRI for making a compelling argument in its Report. He said that although technology can help people can reach across the world in a matter of seconds, it could not touch the lives of 40 million people in the world who are still enslaved, including 5 million children. "The denial of the power to dream is the biggest form of modern slavery," Mr Satyarthi argued, while narrating experiences gathered from his long years of campaigning. "There are laws but hardly any enforcement". Further, it was important to build partnerships between stakeholders including inter-departmental and inter-ministerial cooperation as there could be no fight in isolation. Good quality free education to children was necessary to stop child labour. It was necessary for the corporate sector to play a key role along with civil society and governments; the Commonwealth Secretariat and major members could provide technical and financial support to developing countries lacking the necessary infrastructure.

Sanjoy Hazarika said that the emphasis should be on solving problems. He emphasised that the media would play a crucial role and for that they would have to be considered as a partner and not a consumer. "It is not enough to speak truth to power", he said, but also to seek to uphold the law and punish those who violate it. He stressed the need for collaboration and cooperation among civil society groups and the media, emphasizing CHRI's plan to continue a focus on SDG 8.7

Debbi Ariyo, Founder and Chief Executive of AFRUCA – Africans Unite Against Child Abuse spoke about her work against child abuse and trafficking, emphasizing that the Commonwealth should extend greater support to the African diaspora.

UN Special Rapporteur Urmila Bhoola spoke primarily on what the Commonwealth could do to end modern slavery in the member states and collaborate with UN mechanisms. She commended the CHRI Report for providing a clear roadmap, making specific recommendations and stressed the importance of building knowledge platforms.

## Festival of Commonwealth Film: Human Rights

14-15 April 2018, British Museum

Award winning feature films and documentaries, energetic discussions with film makers and actors and the UK premiere of CHRI's own co-production, the VR film, '180', marked the inaugural Festival of Commonwealth Film (FCF), at the British Museum in London held over the weekend of 14-15 April.

Held over the 14-15 April weekend, FCF was the first ever such festival – with a human rights theme – to be organized on the side lines of CHOGM. More than 1,300 persons attended the festival .

Opening with Cargo, where a Bahamian fisherman is forced by debt to smuggle Haitians into Florida, the festival's themes flowed around the issues of migration and human trafficking, which itself was the focus of CHRI's bi-annual report to CHOGM.

While CHRI International Director Sanjoy Hazarika and UK Board member Joanna Ewart-James participated in a discussion with Bob Bilheimer, the award-winning director of Not My Life, the powerful documentary on global trafficking, other films were drawn from a range of countries, including the Bahamas, India, Malta, Pakistan, Tonga, and the UK.

A highlight of the festival was the moderated interactions between film makers and the audience, shining a light on why the former took up such challenging and even risky assignments.

Speaking at a reception to honour the directors and artistes, Vijay Krishnarayan, Director of the Commonwealth Foundation which along with Commonwealth Writers partnered CHRI and helped fund the festival, remarked on the power of cinema to bridge gaps and connect people to the hopes and tragedies of others.

The festival saw the UK premiere of One Eighty, a Virtual Reality film co-produced by Facebook and CHRI and directed by Eren Aksu, who flew in from Los Angeles. He and Bob Bilheimer were brought in by CHRI while festival partners, Commonwealth Foundation and Commonwealth Writers arranged for other directors from the Caribbean and the Pacific to be to be part of the FCF.

'180', which can be viewed through special headgear, looks at the story of a woman who spent 20 years in prison and was rescued by her son's perseverance. The film had a special viewing and impressed those who watched and aroused their curiosity.

Also screened was 2018 BAFTA winner for Outstanding Debut film "I am Not A Witch," tells the story of eight-year old Shula who is accused of witchcraft and sentenced to a state-run with camp. The film portrays the harsh roles women are forced into in rural Zambia.

"Lipstick Under My Burkha", which drew a packed audience at the 320-seat auditorium, tells the chuckle-inducing and heartfelt stories of four women in modern India as tradition and sexuality collide.

The European Premiere of the Tongan film, "Leitis in Waiting", was introduced by India Willoughby, the world's first trans woman to host an all-female talk show; Joleen (Joey) Mataele, the lead of the film, received a standing ovation at the end of the engaging post-film discussion for her rousing rendition of 'O Sole Mio'.

The film depicts the struggles of Mataele and other indigenous transgender women fighting for equal respect and opportunities in Tongan society. While such women, locally known as 'Leitis', shortened from the more objectionable 'fakaleitis', serve the Royal Family with loyalty and devotion, hostility is growing from a conservative and aggressive Church leadership. The high commissioner of Tonga and senior officials of the Tongan foreign ministry attended the screening.

In "My Pure Land," three women in Pakistan are forced to fight when a family feud leads an armed militia to threaten to take away their home. This gripping tale was the official British submission for the foreign language Oscar shortlist.

The Festival of Commonwealth Film showcased how cinema and the telling of stories could initiate dialogue on contemporary human rights issues. The films portrayed devastating stories of suffering and yet enabled audiences to connect on an emotional level with the main protagonist, removing any distance or language barriers.

The Festival was funded by CHRI, Commonwealth Foundation, and Commonwealth Writers initiative.





## Challenges and opportunities for Civil Society in the Commonwealth

16th April, 2018, 33 St James' Square

A roundtable discussion on the challenges and opportunities for Civil Society in the Commonwealth was organized by the Commonwealth Human Rights Initiative (CHRI) on 16th April, 2018 in London. The discussion brought together leaders from leading international civil society organizations. Baroness Stern of the House of Lords chaired the session. Also present was Baroness Berridge on behalf of CIFRB.

Maja Daruwala, former Director of CHRI and presently its senior advisor explained the journey of CHRI over the last two decades and said CHRI preferred to work on systems rather than individual human rights violations, the core areas of interest being access to justice leading to realization of human rights. She argued that despite the Commonwealth Charter, implementation on the ground was poor. The roundtable provided an opportunity for civil society groups to urge the Commonwealth to set minimum benchmarks for human rights protection practices. Sanjoy Hazarika emphasized the need for an institutional inter-civil society groups framework which ought to be developed in a structured manner. For instance, he suggested the development of a coalition of websites of civil society groups. Looking at the Media as partner would help civil society, he argued.

Danny Sriskandaraja, Secretary-General of CIVICUS, highlighted their work in the field of human rights and said that civic space was reducing in most countries and the freedom of civil society was threatened. He suggested that the Commonwealth and civil society groups in member countries could work together; for this the former ought to develop a legal framework for Civil Society groups was necessary. He ended by calling for sharing of data between civil society organizations and create a Commonwealth Monitor within the CIVICUS monitor framework which was already in existence.

The Westminster Foundation reiterated that little was done by member states to follow the Commonwealth Charter. It suggested that uniform standards be developed for good governance, including building on SDGs and advocated the sharing of experiences by and between civil society groups.

The need to reclaim the Commonwealth as a membership of citizens and not just States was emphasized by Joanna Ewart-James on behalf of Freedom United. Others suggested the need for special attention to smaller States in the Commonwealth to aid civil society movements. Richard Bourne of the Ramphal Institute suggested that the CHRI daily update mechanism collaborate with the CIVICUS monitor, which would serve as an example of inter-civil society cooperation. Others called for quiet diplomacy, away from the public eye, with a focus on “cooperation between civil society and civil servants”, saying this had greater chances of opening up channels of dialogue than a confrontational approach.

Other relevant suggestions included greater use of social media by civil society, use of local advocacy documents over academic essays, greater cooperation with the Commonwealth Secretariat, giving feedback to governments and increase in participation of citizens. An interesting suggestion was seeking greater help from private philanthropists for civil society groups and also the establishment of a Donor Network, which could act as a single-entry point to access civil society groups.

## The Big Picture on Small States: How Can the Commonwealth's Small States Navigate Global Challenges?

16th April 2018, Chatham House

'How can Commonwealth small states navigate today's global challenges?' was the theme of a panel discussion on Monday 16 April, jointly organised by CHRI and Chatham House, the UK's foreign policy think-tank. This is a burning issue for 31 states in the Commonwealth (three fifths of the members), EACH OF have populations of less than 1.5M people

Senator Concetta Fierravanti-Wells, Australia's Minister for International Development and the Pacific, who pointed out that the diverse range of island states in the Indo-Pacific had small economies with a narrow industrial base. They were physically distant from trade partners, and vulnerable to climate change with hurricanes and sea level rise. Australia, she said, was "prioritising our backyard", directing 90 per cent of its overseas aid to smaller neighbours, and helping them in maritime boundary talks arising from the UN Convention on the Law of the Sea.

Lord Bates, Minister of State at the UK Department for International Development (DIFID), pointed to the catastrophic scale of climate change: the island nation of Dominica was "wiped out" by events last year; the UK had an ongoing programme to support damaged island states to "build back better".

Patsy Robertson, Chairperson of the Ramphal Institute, the development think-tank for the Commonwealth, asked the audience to imagine what it is like to be a small state "in a cruel and ruthless world." One of the best decisions they had made at independence was to join the Commonwealth, for its supportive approach. She pointed to an appeal by the Maldives, in the 1980s, for assistance over climate change which had led to assistance from the Commonwealth and UN.

The fourth speaker was Caroline Morris, who runs a Centre for Small States in the law department at Queen Mary, University of London. Facing challenges of vulnerability and resilience, Dr, Morris cited out-migration and trade imbalances as key problems. She identified good governance as an challenge in societies with a small legal community, where common law and customary systems clashed.

Discussion subsequently centred on the need to assist small states to participate more fully in the international community, so that they are not just recipients of requirements laid down by bigger, richer states. Senator Fierravanti-Wells instanced Australian finance for Commonwealth small states offices in Geneva and New York, which had been helpful when Australia joined the Human Rights Council. The CHRI itself has been training small states diplomats in Geneva on human rights issues. Danny Sriskandarajah, Secretary General of CIVICUS, asked whether the multilateral Commonwealth is really investing enough in its small states work. However, both Senator Fierravanti-Wells and Lord Bates preferred to emphasise the individual contributions of Australia and the UK.

## Re-engaging with the Commonwealth? Gambia and Zimbabwe

16th April 2018, Senate House

The Gambia's formal resumption of membership and Zimbabwe's possible future re-engagement was the focus of a discussion at Senate House, London University, on 15 April, where Zainab Badawi, the well known broadcaster, was a key speaker.

"The Gambia per capita supplies more irregular migrants to the EU than any other country in Africa," stated Ms. Badawi, Chair of the Royal Africa Society. Despite these issues, she remarked, current President Adama Barrow who was seen as "the accidental president did not appear to be keen to improve the lives of Gambian citizens."

Deeply weakened institutions, an ineffective civil service, and whispers of tribalization within the military are some of the few challenges faced by the Gambian government. "

Countries who leave the Commonwealth often do so because of grievous violations of Commonwealth's values and, despite the Commonwealth's difficult colonial past with Africa, those countries often want to rejoin. This is the case with the Gambia as the country sets down the long path of national healing, repairing the damage of more than 20 years of dictatorship under former President Yahya Jammeh.

Strict control of press freedom, child labor, and sexual exploitation were regarded as pressing human rights issues to be addressed. The re-engagement with the Commonwealth could take the route of the latter providing much needed financial and cooperative support.

Alieu Ceesay, Coordinator for the Campaign for Human Rights in The Gambia UK, described the frustration felt by Gambians: "When we kicked Jammeh out of power, the dream was for a new Gambia but this dream now seems very distant to those in the Gambia."

The panel then transitioned to the sharply differing case of Zimbabwe's possible re-engagement with the Commonwealth. Zimbabwe historically had a close relationship with the Commonwealth. The Harare Declaration, what is described as the bedrock of the Commonwealth and its values, was signed in Zimbabwe in 1991. In 2003, however, Zimbabwe left the Commonwealth over disagreements over issues of violence in President Mugabe's election. Several years later, Zimbabwe is considering re-engaging with the Commonwealth now that Mugabe has resigned.

The upcoming July-August elections pose a "big test for reform agenda and what happens post-elections," said Knox Chitiyo, Associate Fellow at the Chatham House's Africa Programme and President of the British/Zimbabwe Society.

"There was a massive release of energy [when the change in government happened] ...there was euphoria, a Zimbabwe summer." It is this optimism that is driving the discussion for possible re-engagement with the Commonwealth. Sue Onslow, Deputy Director of the Institute of Commonwealth Studies, defined existing popular opinion on re-engaging with the Commonwealth as "low-hanging fruit".

The overall opinion of the panel appeared to agree that re-engagement with the Commonwealth was potentially beneficial to both the Gambia and Zimbabwe, providing funding and coordination assistance to the two transitioning countries. “When you look at transition, there is a lot of expectation in the population for change,” said Professor Winston Mano, Head of the Africa Media Centre at the University of Westminster, “[and it is] necessary for institutions to be supported to bring about this change.”

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### **CHRI 30th Anniversary reception**

**18th April 2018, House of Lords**

CHRI’s 30<sup>th</sup> anniversary was celebrated at a packed reception hosted by Baroness Vivien Stern at the House of Lords, attended by members of parliament, lawyers, diplomats, prominent CSO leaders from the human rights field, members of the Commonwealth Secretariat and Commonwealth Foundation as well as figures from business and media.

Baroness Stern, the Patron of Friends of CHRI, recounted her association with CHRI. Lord Carlile of Berriew, the newly inducted Chair of CHRI’s UK Executive Council spoke about the organization’s robust reputation over the last 30 years, saying that he hoped to contribute to the renewed efforts to increase and expand CHRI’s outreach.

Richard Bourne, currently Fellow at the Ramphal Institute and CHRI’s first Director, described the events leading to the formation of CHRI as a fallout of an anti-apartheid movement and boycott of the Commonwealth Games. He described the work in the fields of access to justice, police reforms, prison reforms, especially in India, as “commendable “ and urged that it expand into uncharted territory.

The occasion was ripe for the new guard to recognise and celebrate the old and also chart out a course for the future.

Sanjoy Hazarika, the International Director of CHRI, referred to Maja Daruwala, the Director of CHRI from 1996 to 2016, and presently a Senior Advisor, and her “steadfast, courageous and stellar contribution to the upholding of human rights across the world”. The past, he said, must push us to greater efforts to do better and more as well as differently in a world that has such enormously complex, new and yet enduring challenges”. While emphasizing that CHRI’s core competencies of Access to Information and Access to Justice would remain at the heart of its work, the vision for the future would seek to address new issues and concerns by bringing in new including media rights and advocacy; “protecting diversity and strengthening plurality, starting with anti-discrimination on grounds of skin colour and appearance” and growing emphasis on the opportunities through the UN Human Rights Council and the Universal Periodic Review at Geneva to build the capacity of small states through civil society participation. He ended with an

Old Irish saying, which encapsulated his idea for the future– “Under the shelter of each other, people survive”

Maja Daruwala, looked back on the long journey undertaken by CHRI under her stewardship and recollected the efforts of the many people behind CHRI’s success through its offices in New Delhi, India, Accra, Ghana and London, UK. She urged CHRI to be ready to embrace the more daunting challenges: “The challenges of technology, dominance of corporations and national elites and the legitimization of repression have to be met and thwarted,” she added. “CHRI of the future and like-minded cohorts around the world have no time to rest on their laurels but must be beforehand, intelligent and astute in defending everyone's rights and freedoms with indefatigable intention and effective action.”

