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Rt Hon Don McKinnon, Commonwealth Secretary-General
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The Commonwealth and human rights: progress and setbacks since 2000

I am delighted to mark 20 years since the Commonwealth Human Rights Initiative was founded in London by a group of Commonwealth associations and friends.

On behalf of the Commonwealth and the Secretariat, I warmly congratulate the organisation and all its members.

I should at the outset today make special mention of the debt the Commonwealth community owes to people like Richard Bourne, who was a founder of CHRI.

Then there is the debt our communities and our Commonwealth owe to tireless, inspiring people like Hina Jilani of Pakistan in her work as the Special Representative of the UN Secretary General on human rights defenders; or the pioneering work of South Africa's Zackie Achmat on promoting awareness on the right of access to life-saving treatment for HIV/AIDS.

Here I think, also, of two Commonwealth Secretariat colleagues, Everest Selby and Dr Victor Pungong, both of whom were tragically robbed of life in May, in the course of their important work for peace, development and the rule of law in Africa.

If I am making special mentions of special people, then I want to use this opportunity to pay tribute to the thousands of unsung human rights defenders all over the Commonwealth: the lawyers, journalists, youth leaders, social workers and health workers, officials, and volunteers.

All of these are the 'foot soldiers' of human rights, the conscience of their community.

They work alongside governments and in the community, for the national good. They also work to keep governments accountable to the people that they are supposed to serve and protect.

When Nelson Mandela spoke in London at the end of last month, he envisaged, now that he is nearly 90, another generation of people standing up for justice, and standing up to meet the challenges of our times.

Prime Minister Brown spoke of the new statue of Mandela serving as a 'beacon of hope' to those working to protect individuals and communities and to improve the lot of others.

CHRI is a human rights organisation aiming to meet the same ideals, drawing on the same sources of inspiration.

The Commonwealth is also, amongst other things, a human rights organization. Our founding principles make this clear; and so do our actions. From our stand against *apartheid* and racial discrimination in the 70s and 80s, to our constant vigilance against any violation of shared Commonwealth values, freedoms and rights, I hope that is abundantly clear.

The Commonwealth Human Rights Initiative

I have been asked to speak today on setbacks and progress on human rights in the Commonwealth.

I propose, also, to touch on two of the themes covered in your conference programme.

But I'd like, first, to say something more about CHRI itself.

There is great value in having an independent, pan-Commonwealth organisation striving to hold institutions, individuals and countries to account on Commonwealth principles on human rights.

An example of this is your recent '*Easier Said than Done*' report and campaign analysing the performance of Commonwealth countries elected to the UN Human Rights Council.

This is the role of an organization like yours.

As the title of the report suggests, it is easy but simply not enough for countries to pay lip service in the grand and formal chambers of such institutions.

As I said when I addressed the Council members in March, there is no shortage of declarations, conventions, standards and laws.

What is often lacking is the 'doing' of it: implementation, compliance, action.

However, it is my belief that organisations such as CHRI need to bear in mind that there is another sense in which things are 'Easier Said than Done'.

So, while the independence of CHRI is its strength, there is also a place for strategic, measured and constructive engagement with governments.

Even with the best will in the world, some of these issues are not easy.

Criticism is always easier 'said', than practical solutions are 'done'.

Many governments lack capacity as much as anything else.

Advocacy has its place, but so does an approach which seeks to engage, advise, assist, offer practical solutions, and all this in a manner likely to gain trust and cooperation.

After all, governments may be capable of human rights abuses, but they are also expected to be first in the line on protecting human rights, and the most able to do so.

I therefore encourage you to support and complement, as far as is possible and appropriate for you, the work of the Commonwealth Secretariat and Foundation, and our member governments, to protect and promote human rights, including in capacity building for civil society organisations at a local level.

'The Commonwealth way' has never been about belligerent confrontation and caustic criticism. It is about mutual respect, understanding, dialogue, and consensus on practical ways to advance together.

"Progress and Setbacks"

"Setbacks"

There have been a number of setbacks on the human rights front during my time in office.

In particular, I think of the situations that have resulted from the unconstitutional overthrow of elected governments, and prolonged rule by emergency decree.

Before I took up office as Secretary-General, I was a Foreign Minister sitting on CMAG, a Committee dedicated to reflection and action, which was set up in the wake of the execution of Ken Saro Wiwa by a military regime in Nigeria.

Much of our work, from CMAG to capacity building, from Good Offices to Governance, is directed to bringing influence and expertise to bear to prevent political crisis situations in which human rights are vulnerable to abuse, and to strengthen parliaments, courts and other institutions of government.

This work has a 'human rights' dimension, however you look at it.

There have been specific setbacks – setbacks that I have to see as 'challenges'. Firstly, because we need to be positive, we need to stand up and engage and confront these issues and problems, with the sense of optimism that will overcome them.

Secondly, the reality is that we're often dealing with patterns, structural problems: these things give rise to the particular 'setbacks' or individual violations.

Here we are talking about issues such as torture, arbitrary arrest and detention, weak adherence to the Rule of Law (such as executive interference with the judiciary), and the denial of reasonable political freedoms like the right to public assembly.

Also, we mean discrimination and exclusion from the process and fruits of development; vulnerability to poverty and disease; or the fact that 70 million Commonwealth children simply do not go to school.

Remember that poverty is not just a development issue, something for the MDGs.

These are urgent human rights issues, which require our full response.

Bridging 'setbacks' and 'progress' – the UN Human Rights Council

Before I talk about the progress, one subject on which the jury is still out is the new UN Human Rights Council.

You will recall that in the Malta CHOGM statement our governments supported the-then reform process towards a new Council.

I addressed the Council in Geneva in March.

It was the first time a Commonwealth Secretary-General had addressed the apex UN human rights body.

I hope that what I have started will become a regular event.

I said that the Council and its members will be judged by history, and by millions of people everywhere, on the degree of success they have in working together towards a representative, effective, credible and accountable institution.

We hope our Commonwealth members of the Council will lead that process by example.

There is no other way to say this: if the world's primary human rights body is seen as ineffectual and isn't taken seriously – as was the case with its predecessor – it will not bode well for the protection of universal rights.

“Progress”

It is not always easy to measure ‘progress’ in human rights.

If one measured it only by the number of Commonwealth countries that have ratified the core human rights conventions, one might feel that little progress has been made.

Certainly, I find it disappointing that with next year marking the 60th anniversary of the Universal Declaration of Human Rights, we still have nearly 20 members who have not yet ratified one or both of the two 1966 UN Covenants

We have offered assistance and encouragement to these countries, to express their commitment to the values we share by ratifying these Covenants. Some have taken up our offer.

In 2008 we will continue to work on this, and on the ratification of other core human rights treaties.

But I believe that we *have* made progress as an institution (in the Secretariat), and as an organisation (in the Commonwealth).

I shall address both in turn:

Progress: HRU and its evolving role

First, the institution.

One of the first things I did in office, in 2002, was to make the Human Rights Unit in the Secretariat a freestanding one.

Let me acknowledge CHRI's role in lobbying for the strengthening of the HRU. You continue to lobby for its expansion.

The Unit has done sterling work considering its small size and limited resources.

It concentrates on running education and training programmes, developing best practice, helping countries to accede to human rights conventions, and assisting national human rights institutions.

The Unit has also helped with our election observation missions. It has sought to 'mainstream' – in other words to make human rights an integral element in our work on conflict prevention, health and HIV/AIDS, gender equality, and education. It has contributed to the CMAG process.

The list goes on. In just the last year, it has published:

- a comprehensive handbook on ratifying the UN covenants
- a manual on human rights training for the police
- a model human rights curriculum for Commonwealth universities.

Very soon it will publish a Commonwealth Model National Plan of Action on Human Rights, and a major comparative study on NHRI mandates..

Of course, HRU has its limitations, both as to its mandate and its capacity.

But I am proud of what it has done: we all should be.

I salute all my colleagues in the Unit since its foundation – Hanif Valley, Jarvis Matiya, Rabab Fatima and Jo Ford – who have achieved so much in so short a time.

It is one of my dearest hopes that what we have started will, after my time is up, be safeguarded, continued, reinforced, expanded.

Progress: human rights across the Commonwealth

Second, progress in the organization as a whole – where I am pleased to report a growing culture of human rights, an awareness of the limits and obligations of holding state power, of the importance of the rule of law, of the need to act against impunity, an awareness of the duty to include people in their own development, and of the right to participate in national political life.

There is a great deal of work remaining.

For one thing, the Secretariat's own capacity requires further commitment if it is to achieve the considerable task asked of it.

I am sure that there will be further challenges when we look at the impending recommendations of the Commonwealth Commission on Respect and Understanding, which will be on the table for discussion at CHOGM in Kampala in November.

The message from the Commonwealth is very clear: that for the sake of peace and development, non-discrimination and respect for our basic human rights must become part of the way we lead our everyday lives in this global community.

May I now turn briefly to just two of your conference themes.

Conference theme 1: the importance of National Human Rights Institutions

The first is the importance of National Human Rights Institutions.

We believe that countries need strong, independent institutions to promote awareness about human rights and to monitor and evaluate their protection. And our actions bear this out.

For example, we helped Cameroon put its Commission, established by Decree, on a sound legislative basis.

We helped to ensure that its processes met with international standards.

We encouraged Cameroon to legislate for habeas corpus.

And once the Human Rights Commission was standing, we have remained involved – just in June we conducted a workshop in Yaounde for the 30 new Commissioners.

In the same way we have supported a number of countries refining or proposing NHRIs, from Papua New Guinea to Pakistan, from Swaziland to Maldives.

We have been realistic and principled. We bear in mind that the creation of such institutions should only be supported where there exists real political will and resources for an independent institution.

We don't just say: 'Here is an NHRI: we want you to plant it in your garden'. No, we work with government and civil society and encourage them to design, build and support their own model.

However, our 2002 'Best Practice' Guidelines are acknowledged as setting the standard in this field – explaining the parameters, presenting the best examples. Geneva has even asked to translate this resource into Chinese and Spanish.

And in February this year, HRU's meeting of all Commonwealth NHRIs and some ombudsmen, resulted in the formation of the Commonwealth Forum of NHRIs.

Conference theme 2: policing & counter terrorism

The second of your themes on which I would like to comment is human rights and policing, in the context of counter-terrorism.

I am conscious of the seriousness of the topic, and I know that you are about to present me with a copy of your report on this subject – I will read it!

But for now, let me note two things.

First, some context.

While it has become a 'hot topic' for lawyers and others, this subject should *not* be addressed at the expense of advocacy and attention by CHRI and others to

the equally pressing, perhaps even more real, human rights issues relating to poverty and under-development.

Second, the primary human rights duty of any government is to protect the safety and security of its population.

So States have the right and indeed the duty to take firm and positive measures against those suspected of planning, financing or conducting acts of terror.

But in counter-terrorism you shouldn't be committing a crime to solve a crime.

The limits of permissible state conduct have been arrived at by an international legal consensus.

And the balance between liberty and security is not new.

The Cold War shows one can resist an ideology without permanently damaging the very freedoms one is trying to protect.

The Commonwealth Heads of Government statement after 9/11 said that "in cooperating against terrorism...our actions will reflect the fundamental values upon which the Commonwealth is based."

I am proud to say that the Secretariat's multi-country capacity building programme on counter-terrorism has been conducted with an explicit human rights component.

Similarly with policing: the imperative to remain within the law in order to uphold the law is even more acute.

If anything, the threat of terrorist acts highlights the need for a trusted police service, working closely with the community and complying with human rights standards so as to maintain that trust and cooperation.

So I am also proud to say that HRU's programme for police training institutions in the Commonwealth, has since 2005 reached trainers from nearly 30 countries in four continents.

It's about to spread to the Caribbean.

I hope you see three threads in all this work: principles, practice – and cooperation.

We can achieve positive progress on issues as sensitive and finely balanced in human rights as these, with our member states asking us to do more help them, rather than pulling down their blinds and closing their shutters.

Looking to the future

Let me draw these thoughts to an end, by saying that our challenge is to continue to turn principles into practice, and to ensure that our fine words have some meaning to the millions of Commonwealth citizens across the world.

It's an evolving process.

CHRI has evolved from its London launch in 1987, to its move to Delhi in 1993, to its establishment in the last few years of an Africa regional office. Long live the CHRI, and its work, and I hope this growth continues.

The Commonwealth, too, needs to remain responsive to today's issues. In the last 40 years or so, I believe we have come a long way as an organization – both in our Governments and in the Secretariat. And in the last 20 years we have done so with CHRI's help.

I encourage you to continue your strong advocacy and research work, but also seek to work more closely and strategically with governments, the Secretariat and the Foundation.

Many congratulations to CHRI on its 20th birthday: good luck to it; and good luck to us all.

Human rights will always be one of the cornerstones on which we build our Commonwealth.

Thank you.

ENDS