

CHRI 2011 REPORT:
EXECUTIVE SUMMARY

A PARTNERSHIP FOR HUMAN RIGHTS: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS



CHRI

Commonwealth Human Rights Initiative

working for the **practical realisation** of *human rights* in the countries of the Commonwealth

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

CHRI's objectives are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

The nature of CHRI's sponsoring organisations allows for a national presence and an international network.* These professionals can steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups also bring local knowledge, can access policy-makers, highlight issues, and act in concert to promote human rights.

CHRI is based in New Delhi, India, and has offices in London, UK, and Accra, Ghana.

International Advisory Commission: Sam Okudzeto – Chairperson. Members: Alison Duxbury, Yashpal Ghai, Neville Linton, B.G. Verghese, Zohra Yusuf and Maja Daruwala.

Executive Committee (India): B.G. Verghese – Chairperson. Members: B.K. Chandrashekar, Nitin Desai, Wajid Habibullah, Harivansh, Sanjoy Hazarika, Kamal Kumar, Poonam Muttreja, Ruma Pal, A.P. Shah, Maja Daruwala – Director.

Executive Committee (Ghana): Sam Okudzeto – Chairperson. Members: Anna Bossman, Neville Linton, Emile Short, B.G. Verghese, and Maja Daruwala – Director.

Executive Committee (UK): Neville Linton – Chairperson. Members: Richard Bourne, Meenakshi Dhar, Derek Ingram, Claire Martin, Syed Sharfuddin, Joe Silva and Sally-Ann Wilson.

* Commonwealth Journalists Association, Commonwealth Lawyers Association, Commonwealth Legal Education Association, Commonwealth Parliamentary Association, Commonwealth Press Union and Commonwealth Broadcasting Association.



ISBN: 81-88205-97-4

© Commonwealth Human Rights Initiative, 2011

Material from this report may be used, duly acknowledging the source.

CHRI Headquarters, New Delhi

B-117, First Floor
Sarvodaya Enclave
New Delhi - 110 017
INDIA
T: +91 (0)11 4318 0200
F: +91 (0)11 2686 4688
info@humanrightsinitiative.org

CHRI United Kingdom, London

Institute of Commonwealth Studies
School of Advanced Study, University of London
Second Floor, South Block, Senate House
Malet Street, London WC1E 7HU
T: +44 (0) 207 862 8857
F: +44 (0) 207 862 8820
chri@sas.ac.uk

CHRI Africa, Accra

House No.9, Samora Machel
Street Asylum Down
Opposite Beverly Hills Hotel
Near Trust Towers, Accra, Ghana
T +233 (0) 302 971170
F +233 (0) 302 244819
chri@fr@africaonline.com.gh

A PARTNERSHIP FOR HUMAN RIGHTS: **CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

The 2011 report by the International Advisory Commission of the Commonwealth Human Rights Initiative, Chaired by Sam Okudzeto

Edited by:
Maja Daruwala and R. Iniyar Ilango

Researched and Written by:
Jennifer Kishan, Sanyu Awori and Zachary Abugov

Published by:
Commonwealth Human Rights Initiative
B-117, First Floor, Sarvodaya Enclave
New Delhi - 110017, INDIA

Concept, Visualisation, Design and Layout by:
Chenthilkumar Paramasivam

Printed by:
Printworld, New Delhi



MEMBERS OF THE CHRI INTERNATIONAL ADVISORY COMMISSION

Sam Okudzeto is Chair of CHRI's International Advisory Commission and a member of the Commonwealth Lawyers Association. He is a member of the Board of the International Bar Association and the Bank of Ghana Board, and Chairman of the University of Ghana College of Health Sciences Council. He has also been a member of the Prisons Service Council, General Legal Council and the Judicial Council, Chairman of the Public Accounts and Judicial Sub Committee of the Parliament of Ghana, and President of the Ghana Bar Association.

B.G. Verghese is Chair of CHRI India's Executive Committee and formerly associated with the Commonwealth Journalist Association (CJA). A columnist and author, he is a former Information Advisor to the Prime Minister of India, former editor of *Hindustan Times* and *Indian Express*, member of several official commissions and committees on water, security, the media, the Northeast and has served on the boards of a number of public sector enterprises.

Neville Linton is Chair of CHRI's Executive Committee, United Kingdom, is a consultant on political affairs, and specialises in democratisation and human rights issues in transition societies. Earlier, he was a political scientist at the University of the West Indies before serving as a senior official at the Commonwealth Secretariat. Currently, he is a Senior Adviser with Transparency International and works on corruption issues in Africa and the Caribbean.

Yashpal Ghai is a scholar in constitutional law. He is the head of the Constitution Advisory Support Unit of the United Nations Development Programme in Nepal and a Special Representative of the UN Secretary-General in Cambodia on human rights. He has been a Fellow of the British Academy since 2005. He was the Chairman of the Constitution of Kenya Review Commission (which attempted to write a modern constitution for Kenya) from 2000 to 2004. Ghai has written several books on law in Africa, the Pacific islands, and elsewhere.

Alison Duxbury is a Senior Lecturer at the Law School of the University of Melbourne where she teaches International Humanitarian Law and Constitutional and Administrative Law. She is a member of the Advisory Board of the Melbourne Journal of International Law; the International Humanitarian Law Advisory Committee, Australian Red Cross (Vic); the Asia Pacific Centre for Military Law; and the Australian and New Zealand Society of International Law.

Zohra Yusuf is a writer and editor on media and human rights issues. She has been a Council Member of the Human Rights Commission of Pakistan since 1990, was Vice-Chairperson (Sindh Chapter) from 1990-1993 and Secretary-General for two terms. She is also a Collective Member of Shirkatgah Women's Resource Center, a founding member of Women's Action Forum and a member of the Steering Committee of the Aga Khan Foundation's NGO Resource Centre.

Maja Daruwala is Director of CHRI and is a barrister actively advocating for human rights. She is on the board of Civicus, Open Society Justice Initiative, International Women's Health Coalition, South Asians for Human Rights, Voluntary Action Network of India and Chairperson, Multiple Action Research Group.

FOREWORD

Commonwealth Human Rights Initiative (CHRI) works for the *practical* realisation of human rights in the lives of ordinary people in the Commonwealth. This report, CHRI's eleventh to the biennial Commonwealth Heads of Government Meeting (CHOGM), is a natural progression from previous reports which suggested practical means by which many governance and justice challenges in the Commonwealth can be overcome. *A Partnership for Human Rights: Civil Society and National Human Rights Institutions* encourages close cooperation between national human rights institutions and civil society. It has been deliberately designed to be a constructive point of engagement to improve the relationship between NHRIs and civil society. The report makes practical suggestions on how engagement can be used, and has been optimised in the past, to enhance the promotion and protection of human rights in the Commonwealth.

CHRI has always advocated that the Commonwealth is about human rights or it is about nothing at all. Unlike other intergovernmental organisations, the Commonwealth has neither a universal membership, nor a geographic, thematic, military or economic focus to define its central purpose. Instead, the Commonwealth, which emerged in the spirit of post-colonial ideals such as freedom and democracy, only has a set of values around which to organise itself and build its identity.

Despite the many protestations of the Commonwealth and its member states that human rights are central to the organisation's core beliefs – and the oft-repeated assertion that the Commonwealth is as much an association of peoples as it is an intergovernmental organisation – the reality of the majority of people living in the Commonwealth demonstrates a paucity of rights and justice. This, CHRI believes, is due in large part to the failure of Commonwealth governments to create environments where everyone can realise and exercise guaranteed human rights. It is also a result of the Commonwealth's "consensus" approach which has kept the organisation silent on major human rights violations in member states, resulting in several missed opportunities to transform the soaring rhetoric of CHOGM communiqués into action.

To its credit, the Commonwealth has nurtured some non-confrontational approaches to address the human rights of its roughly two billion people. It has done so, for example, through its leadership in debt reduction, by impelling member states to sign the Convention on the Elimination of All Forms of Discrimination Against Women, and through its encouragement and practical assistance in setting up national human rights institutions (NHRIs) in member states.

There are now well over thirty NHRIs in the Commonwealth. It is this report's assertion that, while the establishment of an NHRI should be applauded, the body cannot effectively fulfil its mandate in isolation. NHRIs and civil society must work together, where mutually beneficial, to advance each other's efforts and the ultimate goal of improving human rights.

The Commonwealth needs to do all it can to catalyse support and assist in making this happen. The Commonwealth Heads of Government should encourage and promote engagement by giving the Commonwealth Secretariat a mandate to build cooperation between NHRIs and civil society. This would present an opportunity for Commonwealth realities to lean closer to its fundamental values of human rights, but also make good on the multiple CHOGM statements urging that civil society engagement be mainstreamed into all Commonwealth functions and activities.



Sam Okudzeto

Chair, Commonwealth Human Rights Initiative
New Delhi, 2011



Chapter 1: The Commonwealth Context **Rights Unrealised**

The 2011 Commonwealth Heads of Government Meeting will mark the twentieth anniversary of the Harare Declaration, which consolidated Commonwealth values for the first time and affirmed human rights as a fundamental political value of the organisation. Two decades on, as the Commonwealth contemplates reforming itself, the potential of the organisation to champion human rights exists in stark contrast to the reality lived out by the majority of its people.

The realisation of human rights relies on several factors. Most important, however, is the consistent determination of governments to respect human rights and adhere to democratic governance. The rapid expansion and strengthening of NHRIs in the Commonwealth during the 1990s could be taken as a sign that Commonwealth governments understood that human rights governance was needed and that political will existed to do something about it. This was a welcome development for civil society actors, many of whom campaigned for the promotion and protection of human rights as their central undertaking and saw themselves as natural allies of the new institutions.

Over time, however, civil society's early optimism about the potential of NHRIs has, in many cases, turned to disappointment. Plagued by misguided preconceptions about each other, both NHRIs and civil society often shy away from substantial engagement with one another. The result is a loss of opportunity for collaboration to embed a genuine culture of human rights within the member states of the Commonwealth. Both NHRI mandates and civil society goals would be better served if the two would mend fences and work together.





Chapter 2: International Standards A Bridge Too Far?

All the pre-eminent international standards, guidelines and recommendations on NHRIs recognise that human rights are furthered when civil society and NHRIs work in tandem. Most notably, the UN-adopted Paris Principles, which set out the minimum responsibilities of NHRIs, urge effective engagement between NHRIs and civil society.

International coordinating networks of NHRIs have also played a role in setting standards for NHRI-civil society engagement. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), which is a Geneva-based organisation with a global membership of NHRIs, uses NHRI-civil society engagement as an important factor in determining the level of accreditation that an NHRI merits. The Asia Pacific Forum of National Human Rights Institutions (APF), which is the ICC's regional grouping in the Asia Pacific region, has developed best practices on including civil society in the creation and functioning of NHRIs. In addition to setting and promoting high standards of engagement, the ICC and APF have standardised engagement with civil society as an important requirement in their own work.

In contrast, the relatively young Commonwealth Forum of National Human Rights Institutions (Commonwealth Forum), established in 2007, has consistently excluded civil society groups from its operations and so denied them the opportunity to participate in the exchange of ideas at Forum meetings and build in-country relationships with its membership. This neglect persists despite the fact that the Commonwealth has published its own best practice guide for NHRIs – *National Human Rights Institutions: Best Practice* – which reflects the need to work in close cooperation with civil society. Furthermore, every recent statement from the biennial Commonwealth Heads of Government Meetings lauds the work and value of civil society actors while exhorting governments and agencies to work closely with them, yet the Forum seems to lack both the means and the will to adhere to this important directive.





Chapter 3: The Domestic Environment

Human Rights Begins at Home

International standards on NHRI-civil society engagement are sometimes given expression in the founding legislation of an NHRI. It is preferable to embed the role of civil society in the mandate of an NHRI. A legislative duty obliges an NHRI to take active steps to actualise a working relationship with civil society and can help to ensure that interaction is not piecemeal or cosmetic, but rather that it is regular, meaningful and genuinely collaborative. In varied brushstrokes, just under half the mandates of Commonwealth NHRIs expressly mention the need for engagement with civil society. Other mandates are silent on the issue, yet that has not necessarily precluded engagement.

Whether mandates do or do not explicitly require NHRIs to engage with civil society, the road to engagement can be difficult. Perceptions tend to breed cautious and discerning attitudes that can strain the relationship. NHRIs are sometimes perceived as negatively motivated entities propped up by the state or guarded by its agents; lacking in ability, commitment and/or resources; and overcautious in responses to human rights violations. On the other hand, NHRIs can be aloof about civil society because they sometimes perceive them to be politically partisan, prone to inaccurate or exaggerated reporting of violations, too confrontational, lacking in adequate expertise themselves, unrepresentative, or driven by external/donor agendas.

However, when governments become less enthused or downright hostile towards human rights, working in tandem is more fruitful than working in isolation. Even in more progressive environments, building partnerships between NHRIs and civil society is more effective for the defence, protection and promotion of human rights.





Chapter 4: Developing Partnerships

Practise Makes Perfect

Engagement and cooperation with civil society should be encouraged from the inception of an NHRI. Engaging with civil society in some of its core functions can enhance an NHRI's ability to tackle human rights issues, and give civil society legitimate space for furthering the human rights agenda. Through mutual efforts, both actors are better able to shape the institution, refine debate around contentious issues, and allow the public to assert ownership.

Domestically, meaningful engagement with civil society can contribute to the transparency, accountability and legitimacy of an NHRI. At the international level, partnership between the two actors can provide a crucial advantage to hold governments accountable to their international obligations. Challenges faced by NHRIs and civil society, in the varied and sometimes difficult environments within which they function, can deter regular engagement. Yet in good or poor circumstances, both actors can accomplish their goals better by working together, as the limitations of one actor can be overcome by the strengths of the other. Through mutual engagement, both NHRIs and civil society are therefore able to maximise their efforts when working to address human rights in the local, national, regional and international spheres.

NHRI-civil society engagement in Commonwealth countries has been manifested through formal platforms and informal means. Specifically, NHRIs and civil society have successfully partnered while conducting national inquiries on human rights issues, collaborated while visiting and monitoring prisons, used the expertise of one another to impart human rights education, advised on legislation through joint consultations, and jointly advocated on a range of human rights issues, including at various international human rights venues, such as the UN Human Rights Council.





Chapter 5: Recommendations

Many people of the contemporary Commonwealth live in environments that do not reflect the Association's most fundamental values. Twenty years after the Harare Declaration put human rights promotion and protection at the centre of the Commonwealth agenda, its vision is actively pursued in some corners of the Commonwealth and actively ignored in others.

Well-functioning national human rights institutions (NHRIs) are essential for the promotion and protection of human rights within the Commonwealth. However, the potential of an NHRI to implement its mandate to the fullest is underpinned by meaningful civil society engagement. International and Commonwealth standards demand such engagement and, beyond the domestic and international legitimacy that comes with meeting these standards, NHRIs have much to gain from their realisation. Despite the obvious benefits of cooperation, the sometimes inimical environments in which both these actors work – not to mention misconceptions each harbours about the other's role and nature – can keep engagement superficial or stifle it completely. With potentially thousands of civil society groups, engagement can be a complex and time consuming process, and while NHRIs may be judicious in deciding with which organisations to engage, many are bound to feel excluded. Overcoming these challenges is a vitally important endeavour as human rights are protected more effectively when NHRIs and civil society work together.

There are now over thirty NHRIs in the Commonwealth and innumerable civil society organisations and actors. Both NHRIs and civil society have their own separate operations which must be respected, but too often they work along parallel tracks or at cross purposes. While there will always be points of divergence, it is increasing the points of intersection that CHRI extols. With the recommendations given below, CHRI offers means through which that end can be achieved.



Commonwealth Heads of Government

For over a decade, statements by the Commonwealth Heads of Government Meetings (CHOGM) have repeatedly recognised that civil society is a valuable partner in the Commonwealth's work. In continuation of this trend, CHOGM should:

- Reaffirm the value of civil society participation in all Commonwealth activities and specifically urge Commonwealth NHRIs to engage meaningfully with civil society.
- Mandate the Human Rights Unit (HRU) of the Commonwealth Secretariat to work with the Commonwealth Forum of National Human Rights Institutions (Commonwealth Forum) towards:
 - The development of a formal platform to engage with civil society at Commonwealth Forum meetings.
 - Creating a formal platform for the "A" status members of the Commonwealth Forum to engage meaningfully with Commonwealth Heads of Government.
- Provide additional funding to bolster the capacity of the Commonwealth Secretariat's Human Rights Unit to involve civil society in its work on NHRIs, including its work as the Secretariat of the Commonwealth Forum and in facilitating and advising governments on the creation of new Commonwealth NHRIs.
- Urge all member states to establish NHRIs which are compliant with the Paris Principles and follow best practice guidelines such as those in the Asia Pacific Forum's (APF) Kandy Programme of Action and the Commonwealth's *National Human Rights Institutions: Best Practice*.

Commonwealth Forum of National Human Rights Institutions

As a Commonwealth body, however informal, the Commonwealth Forum must operate in the spirit of past CHOGM declarations which proclaim civil society as a key partner in the Commonwealth's activities. As a Commonwealth network, the Commonwealth Forum should:

- Undertake a substantial review of its operations to pinpoint new avenues for engagement with civil society in all its work. Including by:
 - Widely publicising and advertising the dates, locations and agendas of its meetings.
 - Making it a priority to update its websites more frequently and improve documentation.
 - Inviting civil society to make submissions to its meetings, ensuring that this opportunity is widely advertised and the submissions are duly shared and debated among members.
 - Inviting civil society representatives to attend meetings and allowing them opportunities for meaningful oral interventions.
- Encourage increased adherence among members to the Commonwealth publication, *National Human Rights Institutions: Best Practice*, in addition to the standards in the Paris Principles. Additionally, the Commonwealth Forum should explore ways of using the publication to conduct a peer review among members.
- Establish a specific programme to share best practices on civil society engagement within the Commonwealth and assist members to carry out activities stemming from such best practices.

International and regional networks of NHRIs

Global and regional networks of NHRIs should:

- Facilitate the sharing of best practices as regards civil society engagement among members and assist them to carry out activities stemming from those best practices.
- Create and nurture multiple avenues through which civil society can input into the network's own operations and functions.

The Commonwealth Secretariat and its Human Rights Unit

For the past 20 years, the Commonwealth Secretariat and its Human Rights Unit (HRU) have shown leadership in assisting Commonwealth governments to set up Paris Principle-compliant NHRIs. Keeping this trend alive, the Commonwealth Secretariat and the Human Rights Unit should:

- Continue to encourage and assist Commonwealth governments to create Paris Principle-compliant NHRIs in partnership with civil society.



- Provide political will and practical resources and channel energy into transforming the Commonwealth Forum into a stronger network that can become a leader on civil society engagement.
- Initiate a programme to identify and nurture Commonwealth best practices in NHRI-civil society engagement and encourage their use in all parts of the Commonwealth.

Commonwealth Governments

Governments are responsible for the formulation of an NHRI's mandate and can positively or negatively affect the environment within which NHRIs and civil society function. In the spirit of the Harare Declaration, governments have a responsibility to respect and protect human rights. In addition to this basic tenet, and in aid of advancing NHRI-civil society engagement, Commonwealth governments should:

- Ensure that civil society is fully involved in the creation of an NHRI through meaningful and substantial consultations that are broad-based, with a diverse range of civil society groups and other stakeholders from across the country. Governments should also ensure that the outcomes of such consultations are duly considered and incorporated into the design of an NHRI.
- Ensure that the mandate of an NHRI includes specific and substantial avenues for effective civil society engagement.
- Make the process through which Members of an NHRI are appointed transparent and participatory and advertise vacancies widely.
- Allow civil society to nominate Members of an NHRI and include representatives of a broad cross section of civil society groups on the panel which makes the final selection.
- Ensure that the Members of an NHRI reflect the country's civil society community adequately.
- Encourage, initiate and work with multiple stakeholders, including the NHRI and civil society, to create time-bound, benchmarked National Human Rights Action Plans.

Commonwealth National Human Rights Institutions

The openness of an NHRI to civil society determines whether its engagement with civil society is substantial and substantive. In this regard, Commonwealth NHRIs should:

- Whether mandated to do so by its founding legislation or not, engage with civil society in a substantial and substantive way.
- Ensure that it meets the standards of civil society engagement as laid out in the Paris Principles, the higher Commonwealth standards set out in the publication *National Human Rights Institutions: Best Practice* and the Kandy Programme of Action.
- Aspire to "A" status at the ICC and not be content with "B" or "C" status. This would necessarily require ensuring that civil society engagement is not cosmetic.
- Go beyond informal contact to create formal platforms for civil society engagement that ensure regular, substantial, inclusive and consultative interaction with a diverse range of civil society actors.
- Consult and collaborate with civil society actors in fulfilling their mandates, including in the review of legislation, expanding outreach, educating the public on human rights, reporting to UN and regional bodies, responding to human right emergencies and undertaking national inquiries.
- Appoint a Focal Point Person for Human Rights Defenders (HRD) and, in doing so, recognise HRDs as a special and vulnerable category of civil society that has specific needs.



- Encourage and work with their governments and multiple stakeholders, including civil society, to create time-bound, benchmarked National Human Rights Action Plans.

Commonwealth Civil Society

Civil society must actively pursue and take advantage of every opportunity to work with NHRIs. In this regard, civil society should:

- Advocate for a participatory, inclusive and transparent process in the establishment of Paris Principle-compliant NHRIs in jurisdictions without them.
- Proactively engage with their NHRI to improve access to the policy-making processes of the government.
- Assist victims of human rights violations in accessing the NHRI and support them through the process of filing a complaint.
- Facilitate their NHRI's outreach by providing networks to spread awareness of its role as a mechanism for redress.
- Work with their NHRI in its role as a civilian oversight mechanism for places of detention where human rights violations are rife.
- Lobby and work with their NHRI, government and other stakeholders to develop time-bound, benchmarked National Human Rights Action Plans.
- Submit reports on the performance of their NHRI to the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights.
- Work closely with their NHRI in, *inter alia*, reporting to international and regional human rights mechanisms and implementing education programmes.

Donors

Some NHRIs can receive, and are partially dependent on, funding that comes from sources besides their governments. Nearly all civil society organisations are dependent on similar funds. Donors should:

- When supporting the establishment of an NHRI, ensure that the process is inclusive, transparent and implemented in consultation with a wide range of stakeholders, including civil society actors.
- Support the work of civil society actors who seek to catalyse greater engagement with NHRIs in promoting and protecting human rights.



CHRI'S PREVIOUS REPORTS TO CHOGM

Silencing the Defenders: Human Rights Defenders in the Commonwealth (2009)

Silencing the Defenders investigates the risks faced by human rights defenders in the Commonwealth, and explores how different contexts serve to magnify their vulnerability to state-sanctioned oppression. The report advocates that international, regional and national mechanisms be used to expand and safeguard the space of those using legitimate means to further human rights.

Stamping Out Rights: The Impact of Anti-Terrorism Laws on Policing (2007)

Stamping Out Rights examined the impact of anti-terrorism legislation on civilian policing, looking at how anti-terror laws that relate specifically to police powers have affected policing on the ground. It provides practical suggestions, for how the state, police and communities can work together to improve the security for all in the effort to counter terrorism.

Police Accountability: Too Important to Neglect, Too Urgent to Delay (2005)

The police accountability report explores the critical relationship between accountability of the police in the Commonwealth and the protection and promotion of basic rights in communities. The report considers the defining elements of good and bad policing and puts forward a road map for police reform based on accountability to the law, accountability to democratic government, and accountability to the community.

Open Sesame: Looking for the Right to Information in the Commonwealth (2003)

Open Sesame demonstrates the value to democracy and development of ensuring that people have a guaranteed right to access information held by government and other powerful institutions as well as the urgency of enabling that right. The international standards, practice and lessons expounded in this report offer a practical solution to the all too evident systemic governance problems that beset most Commonwealth countries today through the neglect of this fundamental right.

Human Rights and Poverty Eradication: A Talisman for the Commonwealth (2001)

The Talisman report shows how poverty is an abuse of human rights. It advocates the adoption of a rights-based approach to eradicating the large-scale poverty that continues to exist in the Commonwealth. It points to the gap between the rhetoric the Commonwealth espouses and the reality of people's lives. The report urges member governments to cooperate to fulfill the many solemn commitments made at successive CHOGMs or risk the Commonwealth losing its relevance.

Over a Barrel - Light Weapons and Human Rights in the Commonwealth (1999)

Over a Barrel exposed a tragic contradiction in the modern Commonwealth in that although human rights are recognized as central to the Commonwealth, millions of light weapons flow freely, jeopardising safety, development and democracy. The report outlines urgent recommendations to the Commonwealth for curbing the reach of light weapons in member countries.

The Right to a Culture of Tolerance (1997)

This report focused on two themes: ethnic and religious intolerance as an urgent problem throughout the Commonwealth; and freedom of expression/information as a crucial element of a democracy. The report noted that the norms and political values of the Commonwealth compel the association to act to promote tolerance in member countries and the report made recommendations for achieving this goal.

Rights Do Matter (1995)

Rights Do Matter explored two themes: freedom of expression and the need for major reform in prisons. The report placed this discussion in the context of the transition from authoritarian to democratic political orders and the economic transition from planned to market economies.

Act Right Now (1993)

Act Right Now was an assessment of the progress of human rights in Commonwealth countries since the Harare Declaration and was made with reference to the United Nations World Conference on Human Rights in Vienna in June 1993. It called for the Commonwealth to play a lead role in supporting the long, complex process of moving towards real democracy in transitional countries.

Put Our World to Rights (1991)

Put Our World to Rights was the first independent overview of the status of human rights in the Commonwealth. It provides practical guidance on how to use international machinery for redress.



CHRI PROGRAMMES

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

STRATEGIC INITIATIVES:

CHRI monitors member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN, and the African Commission for Human and Peoples' Rights. Ongoing strategic initiatives include: Advocating for and monitoring the Commonwealth's reform; Reviewing Commonwealth countries' human rights promises at the UN Human Rights Council and engaging with its Universal Periodic Review; Advocating for the protection of human rights defenders and civil society space; and Monitoring the performance of National Human Rights Institutions in the Commonwealth, while advocating for their strengthening.

ACCESS TO INFORMATION:

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy-makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

ACCESS TO JUSTICE:

Police Reforms: In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractice. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock on effect on the administration of justice overall.

The Commonwealth is now home to over 30 national human rights institutions (NHRIs) and innumerable civil society actors working to further human rights. All share the same goal – to promote and protect human rights – yet, for myriad reasons, they often refrain from working together.

Commonwealth Human Rights Initiative's report to the 2011 Commonwealth Heads of Government Meeting makes the assertion that obstacles to developing good working relationships between Commonwealth NHRIs and civil society must be overcome. A strong partnership between NHRIs and civil society – particularly when they function in menacing and obstructive environments – is a keystone to the effective protection and promotion of human rights, and is heralded by international standards and best practice.

The report explores successful partnerships in the Commonwealth, showcases examples where close collaboration and consultation have proven to be mutually enhancing and calls on the Commonwealth to become a champion of NHRI-civil society engagement.



COMMONWEALTH HUMAN RIGHTS INITIATIVE

B-117, 11th Floor, Sarvodaya Enclave, New Delhi - 110 017

Tel.: +91-(0)11 4318 0200

Fax: +91-(0)11 2686 4688

info@humanrightsinitiative.org

www.humanrightsinitiative.org