

RECOMMENDATIONS

The decade-long round of global conferences and successive Commonwealth summits since Harare have produced a wide range of recommendations and little purpose would be served by reiterating them. Most of CHRI's periodic recommendations also remain valid at today's date. We do not propose to provide detailed recommendations here below, as they are to be found in the body of the text and many others have the backing of international consensus.

Policy-makers, multilateral bodies, the private sector and nation states know their obligations and what needs to be done to redress past injustices and to establish fair and equitable conditions to achieve human dignity.

We restrict ourselves now to recommendations we believe will signal the will of the Commonwealth and its member states to eradicate poverty and thus rejuvenate the Commonwealth in the new century.

The Commonwealth is truly an organisation of poor people and must recognise itself as such. The first step thereafter is to state that poverty itself is an ongoing human rights violation. It must then act as a strong and unified voice for the human rights of the poor in international fora and negotiations.

In 1991 the Commonwealth Heads of Government pledged to work with "renewed vigour" toward "extending the benefits of development within a framework of respect for human rights." This statement, recognising part of the relationship between human rights and poverty, must be translated into immediate action.

This requires a sober pledging of the institutions at the Commonwealth level and of the governments of the Commonwealth to a thoughtful, structured and targeted plan of action to wipe out the worst instances of poverty. The Commonwealth must restructure the Secretariat and other institutions to make human rights their central concern. The commitment must be made as much by the governments of poor countries as of the rich, and governments must undertake to insert the procedures necessary for the achievement of poverty eradication into the very structures and sinews of government.

In addition, this CHOGM must at the very least:

- establish a clear procedure for systematically monitoring the implementation of pledges made by Heads of Government and the mandates given to the Commonwealth's official bodies. It should without doubt evaluate and publicise the progress made by the Commonwealth and its member states towards achieving the target set for halving the proportion of people living in poverty by 2015;

- urge, more vehemently than ever before, and with the explicit intention of evaluating compliance at the next CHOGM, the ratification and incorporation into domestic law of the ICESCR, ICCPR, CEDAW, CRC as well as their optional protocols and the ILO fundamental conventions;
- create the post of Commonwealth High Commissioner for Human Rights, as repeatedly recommended by CHRI;
- expand the working role of CMAG so as to fulfil its true mandate and to serve as a custodian and spokesperson for all the rights of the people of the Commonwealth; and acknowledge that serious and persistent violations of economic, social and cultural rights come within its remit;
- strengthen the capacity of the Human Rights Unit, by increasing its resources and raising both its stature and autonomy within the Secretariat;
- set an example by adopting a stated policy on open governance within the Commonwealth Secretariat and other organs of the Official Commonwealth that not only makes information readily available but actively disseminates it in the interests of democratic functioning; and
- go beyond mere formal consultation with, to participation by, associations and NGOs at all levels of Commonwealth functioning. In order to underpin this the Secretary-General must signal his clear and unequivocal support for the unofficial Commonwealth and the importance of these networks for the longevity of the Commonwealth itself.

CONCLUDING STATEMENT

CHRI believes that the Commonwealth needs human rights more than human rights needs the Commonwealth. As a grouping of several major Commonwealth NGOs, CHRI declares its commitment to promote the use of human rights for the eradication of poverty. The ideological force of human rights will make globalisation work for the good of all Commonwealth citizens. CHRI therefore extends the hand of friendship and the offer of partnership to the Heads of Government and the Commonwealth Secretariat to struggle against poverty. It urges the Heads of Government that the first item on the agenda of the 2003 CHOGM should be a review and assessment of the efforts of the official and unofficial Commonwealth in using human rights to eradicate poverty.

STATUS OF RATIFICATIONS OF PRINCIPAL HUMAN RIGHTS TREATIES¹⁹⁷

COUNTRY	ESCR	ICCPR	ICCPR- OP1	CERD	CERD (Art.14)	CEDAW	CEDAW- OP	CRC	CRC- OP1	CRC- OP2
Antigua and Barbuda	X	X	X	✓	X	✓	X	✓	X	X
Australia	✓	✓	✓	✓	✓	✓	X	✓	X	X
Bahamas	X	X	X	✓	X	✓	X	✓	X	X
Bangladesh	✓	✓	X	✓	X	✓	✓	✓	✓	✓
Barbados	✓	✓	✓	✓	X	✓	X	✓	X	X
Belize	S	✓	X	S	X	✓	X	✓	S	S
Botswana	X	✓	X	✓	X	✓	X	✓	X	X
Brunei Darussalam	X	X	X	X	X	X	X	✓	X	X
Cameroon	✓	✓	✓	✓	X	✓	X	✓	X	X
Canada	✓	✓	✓	✓	X	✓	X	✓	✓	X
Cook Islands	X	X	X	X	X	X	X	✓	X	X
Cyprus	✓	✓	✓	✓	S	✓	S	✓	X	S
Dominica	✓	✓	X	X	X	✓	X	✓	X	X
Fiji Islands	X	X	X	✓	X	✓	X	✓	X	X
Gambia	✓	✓	✓	✓	X	✓	X	✓	S	S
Ghana	✓	✓	✓	✓	X	✓	S	✓	X	X
Grenada	✓	✓	X	S	X	✓	X	✓	X	X
Guyana	✓	✓	✓	✓	X	✓	X	✓	X	X
India	✓	✓	X	✓	X	✓	X	✓	X	X
Jamaica	✓	✓	X	✓	X	✓	X	✓	S	S
Kenya	✓	✓	X	X	X	✓	X	✓	S	S
Kiribati	X	X	X	X	X	X	X	✓	X	X
Lesotho	✓	✓	✓	✓	X	✓	S	✓	S	S
Malawi	✓	✓	✓	✓	X	✓	S	✓	S	S
Malaysia	X	X	X	X	X	✓	X	✓	X	X
Maldives	X	X	X	✓	X	✓	X	✓	X	X
Malta	✓	✓	✓	✓	✓	✓	X	✓	S	S
Mauritius	✓	✓	✓	✓	X	✓	X	✓	X	X
Mozambique	X	✓	X	✓	X	✓	X	✓	X	X
Namibia	✓	✓	✓	✓	X	✓	✓	✓	S	S
Nauru	X	X	X	X	X	X	X	✓	S	S
New Zealand	✓	✓	✓	✓	X	✓	✓	✓	S	S
Nigeria	✓	✓	X	✓	X	✓	S	✓	S	S
Niue	X	X	X	X	X	X	X	✓	X	X
Pakistan	X	X	X	✓	X	✓	X	✓	X	X
Papua New Guinea	X	X	X	✓	X	✓	X	✓	X	X

COUNTRY	ESCR	ICCPR	ICCPR-OP1	CERD	CERD (Art.14)	CEDAW	CEDAW-OP	CRC	CRC-OP1	CRC-OP2
Samoa	X	X	X	X	X	✓	X	✓	X	X
Seychelles	✓	✓	✓	✓	X	✓	X	✓	S	S
Sierra Leone	✓	✓	✓	✓	X	✓	X	✓	X	X
Singapore	X	X	X	X	X	✓	X	✓	S	X
Solomon Islands	✓	X	X	✓	X	X	X	✓	X	X
South Africa	S	✓	X	✓	X	✓	X	✓	X	X
Sri Lanka	✓	✓	✓	✓	X	✓	X	✓	✓	X
St Kitts and St Nevis	X	X	X	X	X	✓	X	✓	X	X
St Lucia	X	X	X	✓	X	✓	X	✓	X	X
St Vincent and the Grenadines	✓	✓	✓	✓	X	✓	X	✓	X	X
Swaziland	X	X	X	✓	X	X	X	✓	X	X
United Republic of Tanzania	✓	✓	X	✓	X	✓	X	✓	X	X
Tonga	X	X	X	✓	X	X	X	✓	X	X
Trinidad and Tobago	✓	✓	X	✓	X	✓	X	✓	X	X
Tuvalu	X	X	X	X	X	✓	X	✓	X	X
Uganda	✓	✓	✓	✓	X	✓	X	✓	X	X
United Kingdom	✓	✓	X	✓	X	✓	X	✓	S	S
Vanuatu	X	X	X	X	X	✓	X	✓	X	X
Zambia	✓	✓	✓	✓	X	✓	X	✓	X	X
Zimbabwe	✓	✓	X	✓	X	✓	X	✓	X	X

Key: X Not a signatory

S Signed

✓ Ratified

CESR International Covenant on Economic, Social and Cultural Rights (CESR)

CCPR International Covenant on Civil and Political Rights (CCPR)

CCPR-OP1 First Optional Protocol to the CCPR on the right of individual petition

CERD International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

CERD (Art.14) Article 14 of CERD on the right to individual petition

CEDAW International Convention on the Elimination of All Forms of Racism Against Women (CEDAW)

CEDAW-OP Optional Protocol to CEDAW on the right of individual petition

CRC Convention on the Rights of the Child (CRC)

CRC-OP1 Optional Protocol to CRC on the involvement of children in armed conflict

CRC-OP2 Optional Protocol to CRC on the sale of children, child prostitution and child pornography

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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 second, the economic transition from planned to market economies.

The Right to a Culture of Tolerance (1997)

This report focused on two themes. Firstly on ethnic and religious intolerance as an urgent problem throughout the Commonwealth and secondly it explored the 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 organisation to act to promote tolerance in member countries and the report made recommendations for achieving this goal.

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 recognised as central to the Commonwealth, millions of light weapons flow freely, jeopardising development and democracy. The report outlines urgent recommendations for curbing the reach of light weapons across the Commonwealth.

CHRI'S PROGRAMMES

Right to Information: CHRI believes that the Right to Information is a fundamental right vital to the realisation of other human rights and often essential for survival. Each country must ensure that it has effective laws in place and an enabling environment that will guarantee people's participation. Over a period of four years, CHRI has worked to inform community level groups about the value of the right to information and advocated directly with policy makers to ensure that laws are made so as to reflect the real information needs of the community at large. Our report to CHOGM 2003 will be on the Right to Information.

Police Reform: In many Commonwealth countries, the police are seen as agents of repression. Poor policing underpins widespread human rights violations and denial of justice. CHRI believes that the need for police reform is urgent and essential for upholding civil rights as also for the achievement of economic progress and good governance. This programme aims at mobilising public demand and harnessing support for police reform. CHRI's programme of work has been concentrated in India but will expand into examining the supervision and control of police forces in Africa.

Prison Reform: Due to their inherently closed nature, prisons tend to become centers of human rights violations. Guided by the need to protect human rights of the most vulnerable, CHRI has conducted field studies in select jails in India, has undertaken capacity building programmes for prison visitors and has developed a manual to assist prison visitors in carrying out their duties.

Constitutionalism: CHRI believes that Constitutions must be made and reviewed in consultation with the widest number of people. At CHRI's conference on Pan-Commonwealth Advocacy for Human Rights, Peace and Good Governance in Africa, held at Harare, Zimbabwe in 1999, CHRI was mandated to develop guidelines that should inform the making of constitutions through a consultative process. CHRI has been advocating for the adoption of a consultative process in the development of the new constitution of Sri-Lanka and in the review of the Constitution in India.

Human Rights Advocacy: Many civil society groups across the Commonwealth work unceasingly for social justice and equity. Often they work in isolation, without sufficient knowledge of like-minded efforts elsewhere or the value of using human rights framework to further their concern. CHRI is building a curriculum to assist NGOs across the Commonwealth, especially those working on development and poverty related issues, in order to enable them to make a rights-based approach central to their advocacy.

Human Rights Commissions: Human Rights Commissions (HRCs) are a recent and little known phenomena in most Commonwealth countries. CHRI is committed to making HRCs in the Commonwealth better known by informing the public about their work and making them more gender sensitive.



Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly, proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all

nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Art. 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Art. 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Art. 3 Everyone has the right to life, liberty and security of person.

Art. 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Art. 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Art. 6 Everyone has the right to recognition everywhere as a person before the law.

Art. 7 All are equal before the law and are entitled without any

discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Art. 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Art. 9 No one shall be subjected to arbitrary arrest, detention or exile.

Art. 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Art. 11 Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Art. 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Art. 13 Everyone has the right to freedom of movement and residence within the borders of each State.

Everyone has the right to leave any country, including his own, and to return to his country.

Art. 14 Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Art. 15 Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Art. 16 Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Art. 17 Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

Art. 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Art. 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Art. 20 Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Art. 21 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right to equal access to public service in his country.

The will of the people shall be the basis of the authority of

government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Art. 22 Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Art. 23 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Art. 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Art. 25 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Art. 26 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Art. 27 Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Art. 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Art. 29 Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Art. 30 Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

The majority of Commonwealth people live in poverty. As a matter of urgency, this report aims to focus people's attention on poverty, human rights and the rights based approach to poverty eradication. This report will serve as a useful tool for both government and civil society alike in the fight against poverty. The Commonwealth Human Rights Initiative (CHRI) urges Heads of Government to act upon the recommendations in this report with immediate effect, in order to fulfill their obligations to the millions of people still living in poverty in the 21st century Commonwealth.



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