

# SILENCING THE DEFENDERS: Human Rights Defenders in the Commonwealth



# 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.

The objectives of CHRI 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 also 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: Eunice Brookman-Amissah, Murray Burt, Yash Ghai, Alison Duxbury, Neville Linton, B.G. Verghese, Zohra Yusuf and Maja Daruwala.

**Executive Committee (India):** B.G. Verghese – Chairperson. Members: Anu Aga, B.K.Chandrashekar, Bhagwan Das, Nitin Desai, K.S. Dhillon, Harivansh, Sanjoy Hazarika, Poonam Muttreja, Ruma Pal, R.V. Pillai, Kamal Kumar and 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; Lindsay Ross – Deputy Chairperson. Members: Austin Davis, Meenakshi Dhar, Derek Ingram, Claire Martin, Syed Sharfuddin and Elizabeth Smith.

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

ISBN: 81-88205-73-7

© Commonwealth Human Rights Initiative, 2009

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



## CHRI Headquarters, New Delhi

B-117, Second Floor  
Sarvodaya Enclave  
New Delhi - 110 017  
INDIA  
Tel: +91-11-2685-0523, 2686-4678  
Fax: +91-11-2686-4688  
E-mail: [info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org)

## CHRI United Kingdom, London

Institute of Commonwealth Studies  
28, Russell Square  
London WC1B 5DS  
UK  
Tel: +44-020-7-862-8857  
Fax: +44-020-7-862-8820  
E-mail: [chri@sas.ac.uk](mailto:chri@sas.ac.uk)

## CHRI Africa, Accra

House No.9, Samora Machel  
Street Asylum Down  
Opposite Beverly Hills Hotel  
Near Trust Towers, Accra, Ghana  
Tel: +00233-21-971170  
Tel/Fax: +00233-21-971170  
E-mail: [chriaf@africaonline.com.gh](mailto:chriaf@africaonline.com.gh)

[www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

# SILENCING THE DEFENDERS:

## Human Rights Defenders in the Commonwealth

The 2009 report by the International Advisory Commission of the Commonwealth Human Rights Initiative, Chaired by Sam Okudzeto

Edited by:  
Maja Daruwala

Project co-ordination and written by:  
Heather Collister

Research co-ordination:  
Marisa Dowswell

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

Concept, Visualisation, Design & Layout:  
Chenthilkumar Paramasivam

Cover Illustration:  
Suresh Kumar

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 International Bar Association and also a member of 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 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, specialises in democratisation and human rights issues in transition societies. Previously 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.

**Eunice Brookman-Amisshah** is a former Minister of Health in Ghana and former Ambassador to the Netherlands. She has been associated with the Commonwealth Medical Association in her capacity as Vice-President of the Ghana Medical Association. She has been active in women's rights for many years and is currently Vice-President of IPAS in Africa.

**Murray Burt** is past president of the Commonwealth Journalists Association. He is a former City and National Editor of The Globe and Mail in Toronto, and a former Managing Editor of the Winnipeg Free Press. He is on the Board of Governors of the National Newspaper Awards in Canada and a past president and life member of the Canadian Association of Newspaper Editors.

**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 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

The Commonwealth holds within it some of the most vibrant civil society organisations and human rights defenders and some of the most at risk. First to speak out against the abuse of power and breaches of the rule of law, human rights defenders are a bulwark against the erosion of civil liberties and are advocates of the oppressed and marginalised. By the very nature of their work they further the core principles that the Commonwealth is pledged to uphold.


Governments and human rights defenders are therefore natural allies. Yet across the Commonwealth human rights defenders are deliberately suppressed, work under the daily risk of abuse and are the target of both state and non-state actors for nothing more than going about their lawful activities. Many governments continue to see human rights as a brake on their power and the activities of defenders as a defiance of authority. Many would like to silence human rights defenders and many do.

The police, taking their cue from signals of the powerful, are often overzealous in the oppression of human rights defenders, and it is their actions that are the most visible. CHRI has repeatedly pointed out that in many jurisdictions obstacles to bringing illegal and abusive policing to book are prohibitive and allow impunity to flourish. At the same time there is much good policing practice in the Commonwealth. Heads of State would do a great service to their people if they mandated an examination of what common principles go into creating democratic policing. These could guide their operationalisation within Member States. Resistance to more accountable and overall better policing which *upholds* the law rather than merely enforces it holds back democracy and development.

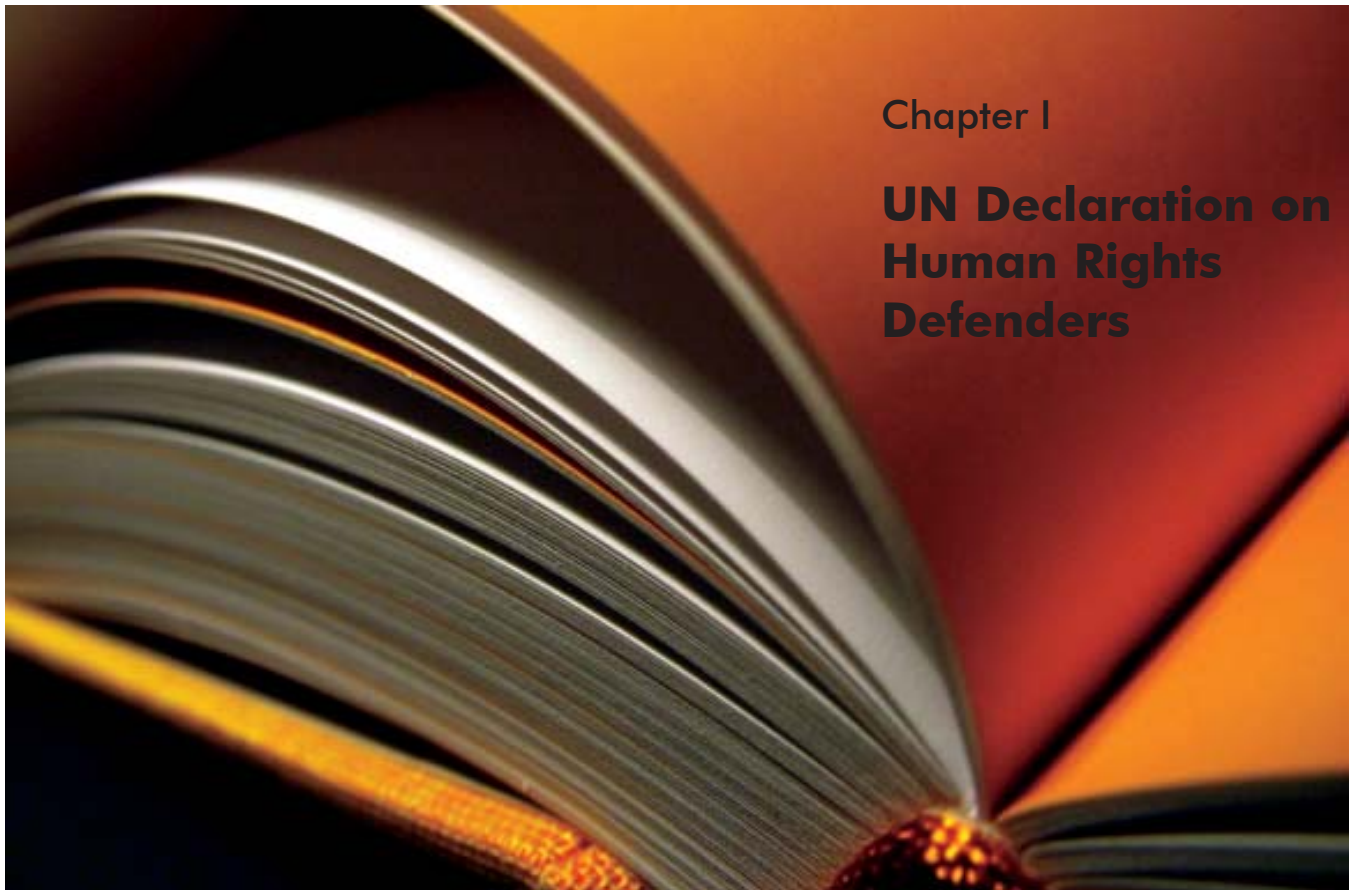
Those who would suppress dissent and peaceful challenges to authority little realise the vast ramifications of their actions. Attacks on human rights defenders severely undermine democracy and hugely increase the risk to national security. Violating their rights may silence the immediate targets but those violations also intimidate others into not speaking out and render voiceless all those on whose behalf human rights defenders dare to advocate. Discrimination is consolidated and the cycle of oppression becomes ever more difficult to break. This process of exclusion can drive people to desperate measures that directly impact security, as CHRI has emphasised in its 2007 report, *Stamping Out Rights*.

True security comes with assured human rights protection, and human rights protection begins with the protection of human rights defenders. The active engaged human rights defender is the surest ally of the security establishment. The UN Declaration on Human Rights Defenders that all Commonwealth Member States have agreed to, recognises the relationship between international peace and security on the one hand and the enjoyment of human rights and fundamental freedoms on the other. It also recognises the crucial role that human rights defenders have to play in realising those goals. But until human rights defenders have the security that they need to promote and protect human rights without fear of repression, universal respect for human rights, and corresponding security, will continue to be elusive.

The purpose of the present report is to urge the Commonwealth and its Member States to recognise and value the work of human rights defenders, afford them the space and protection needed for them to engage with those who govern, and put in place practical measures that will assure their ability to serve the cause of good governance, development and rights. These measures include eradicating impunity, ensuring zero-tolerance for abuse of power, proactively putting in place actionable, time bound national human rights plans and articulating clear policies that indicate that defenders will be afforded both space and real protection when they engage in peaceful activities to promote human rights.



Sam Okudzeto  
Chair, Commonwealth Human Rights Initiative  
New Delhi, 2009



## Chapter I

# UN Declaration on Human Rights Defenders

**The Declaration rests on a basic premise: that when the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe.**

— Kofi Annan

*From speech made by the UN Secretary-General on September 14, 1998 at the NGO/DPI Conference.*

In the seventh decade after the adoption of the Universal Declaration of Human Rights, Commonwealth governments continue to resist fulfilling their human rights obligations. Consequently, there is an ongoing need for people who are ready and willing to stand up and defend human rights. It is, however, only relatively recently that the legitimacy and value of actions done in defence of human rights have been recognised at international and regional levels.

The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the Declaration on Human Rights Defenders (the Declaration), was unanimously adopted by the General Assembly in 1998. The Declaration was born out of two fundamental considerations: one, that promoting human rights is valuable and is the prerogative of everyone, and two, that these activities make the actor vulnerable to reprisal. Although it is a declaration rather than a treaty, and hence not legally binding, the unanimity with which it was adopted gives it a unique strength and places states under a strong moral and political obligation to abide by it.

The Declaration does not provide human rights defenders with new or special rights but brings together previously agreed legal obligations found elsewhere in international human rights law. The non-binding nature of the Declaration does not therefore mean that countries are not legally obligated to ensure that the rights in it are implemented. The Declaration simply reiterates already existing rights as being noteworthy in the context of the work that human rights defenders do and their need to be able to do it unhindered and protected.

## Chapter II

# The Silencing of Human Rights Defenders



**Violations...directed against human rights defenders, have a chilling effect that reaches all other human rights defenders, directly diminishing their possibilities of exercising their right to defend human rights.**

**— Inter-American Commission on Human Rights**

*Report on the situation of human rights defenders in the Americas*

That the work of human rights defenders is not popular in many Commonwealth jurisdictions is clear from the frequency with which they are targeted. Whether they are active in a conflict situation or a stable democracy, anything that suggests criticism of government can attract dire consequences. Human rights defenders are likely to suffer a range of abuses from having their activities unreasonably restricted and their organisations unfairly scrutinised, to being spied on or defamed, denied access to funding, or being subject to arbitrary arrest, physical violence and death – all imposed with the intention of deterring them from pursuing their valuable work.

However, the state has a duty to protect. Article 12 (2) and (3) of the Declaration underlines that the state has a responsibility to ensure that everyone is protected from violence in the exercise of their right to participate in peaceful activities against human rights violations. This means that the state and its institutions – particularly the justice system and the police – must be able to provide effective safeguards for both the person and the work of those under threat wherever these threats may come from. When non-state and private actors attack human rights defenders the state is bound to bring them to justice through the proper channels. But in many countries state machineries are simply unable to do this or are wilfully neglectful in making sure human rights defenders can go about their work without coming to harm. Indeed it would be fair to say that all too often the plight of human rights defenders is heightened by the active antagonism of the state combined with the protection that it affords its agents either unofficially or through legal mechanisms that assure impunity.

## Chapter III

# Situations of Heightened Risk



**Human rights defenders stand in the front lines of protection, casting the bright light of human rights into the darkest corners of tyranny and abuse.**

**— Kofi Annan**

*From speech made by the UN Secretary-General on Human Rights Day, December 10, 2003*

There are certain circumstances and times when human rights defenders are at even greater risk than usual. Election time is one such moment. It is a time of heightened public awareness: the moment when the often suppressed *vox populi* can make itself heard. For human rights defenders the moment is an especially fruitful one for the promotion of human rights, both in terms of drawing attention to the government's past record, for example by publishing report cards on candidates or highlighting broken promises; by engaging in activities to ensure that the election is free and fair, such as educating voters about the electoral system and how to exercise their democratic rights; assisting often excluded communities to register and take part in voting; and monitoring election campaigns to ensure that codes of conduct are adhered to and pointing out irregularities such as voter intimidation and impersonation, booth capturing and ballot stuffing. It is also a time when human rights defenders are especially hopeful for change and are at their most active in attempting to capitalise on that potential. When contestation is intense and the ruling party as intent on winning another term as its rivals are in defeating it, the temptation of those in authority to use all the power of the state machinery at their disposal to stifle criticism becomes in many cases too overwhelming to resist.

Situations of internal armed conflict are another context in which human rights defenders are at increased risk. National security is a legitimate concern of governments and the presence of protracted armed conflicts within state borders has prompted the passing of special laws and an increase in police powers as part of attempts to quell conflict. In some cases, however, the use of this legislation is not well-regulated, enabling it to be turned to ends other than those for which it was intended. There is also a tendency for governments to retain these statutes and continue to use them even after the tensions that prompted their adoption have ended.





## Chapter IV

# Defending the Defenders: Key Mechanisms

**The protection of defenders is an indispensable element of the social and institutional framework for the protections of all human rights.**

— Margaret Sekaggya

*UN Special Rapporteur on the situation of human rights defenders*

The recognition that there is a huge gap between human rights norms and standards on the one hand, and adherence to them on the other, has prompted the creation of special monitoring and protection mechanisms at national, regional and international levels. The UN Special Rapporteur is mandated to monitor and report on the situation of human rights defenders around the world and with supporting the creation of conditions favourable to the promotion of human rights. Having limited resources both financially and in terms of staff, the UN Special Rapporteur must rely, for the success of her mandate, on the cooperation of states. That cooperation varies widely across the Commonwealth but unfortunately tends to be rather less than more forthcoming.

National Human Rights Institutions are also key institutions. Thirty Commonwealth countries have at least one institution that qualifies as an NHRI, but their quality and the extent to which they cooperate with, and prioritise the protection of, human rights defenders varies considerably.

Finally, the UN World Conference on Human Rights in Vienna recommended that governments create National Action Plans on Human Rights (NAPs), to provide on-the-ground strategies for the realisation of human rights. The Commonwealth Model National Plan of Action on Human Rights urges governments to include within their NAPs measures to create an enabling environment for human rights defenders, most particularly the creation of a legal regime “that balances the legitimate interest of the State on regulating some of the activities of any organisation, with the freedom of these organisations to carry out their work lawfully”. However, only a handful of Commonwealth countries have created such a plan and the importance given to the protection of human rights defenders within those plans is limited.

## Chapter V

### **Recommendations: Steps to Protection**



### **Everyone Should:**

- Recognise that the work of human rights defenders enhances the credibility of the social contract and is a legitimate activity done to support the state in its governance and in pursuit of the fundamental principles of the Commonwealth in which democracy, development and the realisation of human rights are central.
- Acknowledge the distinctive role of human rights defenders, affording them the legal protections required to realise their rights to the fullest, and assuring them the space for their activities, always recognising that certain groups such as women human rights defenders have particular vulnerabilities related to their circumstances and require special attention.

### **Commonwealth Heads of Government Should:**

- Require member countries to report to each Commonwealth Heads of Government Meeting (CHOGM) on their implementation of Commonwealth commitments, including in particular those undertaken to protect and promote human rights and their defenders. Declarations of support and intent are not enough. The Heads of State need to establish a clear procedure for systematically monitoring the implementation of past pledges and mandate the Commonwealth Secretariat to produce information that periodically examines the implementation of those pledges.
- Give the Commonwealth Ministerial Action Group (CMAG) the operational responsibility for implementing the human rights agenda of the Commonwealth.

- Expand the working role of CMAG so as to serve as a custodian and spokesperson for all the rights of the people of the Commonwealth and acknowledge serious and persistent violations.
- Strongly urge CMAG to undertake a thorough review of the impact of the Harare Declaration and the state of country compliance with international human right obligations undertaken by member states prior to the twentieth anniversary of the Harare Declaration at CHOGM 2011.
- Mandate the Secretariat, through collaborative programmes of work within its various divisions, to partner with member countries to put in place National Human Rights Action Plans and to review progress and achievements at each CHOGM.
- Mandate the Secretariat to actively assist states in adopting legal regimes governing the work of civil society that are progressive and liberal and that recognise the valuable role that civil society and human rights defenders play.
- Go beyond the mere formalities of consultation with, to genuine engagement and participation by, associations and NGOs at all levels of Commonwealth functioning. In order to underpin this, the Secretary-General should signal his clear and unequivocal support for the unofficial Commonwealth and the importance of these networks.
- Renew their call to member countries, by the next CHOGM at the latest, to introduce liberal access to information legislation as being *central* to democracy and development and obligate member states to adopt laws that are in conformity with international best practice.
- In order to facilitate the reduction of human rights violations, commit in their communiqué to setting up an expert group on policing. This would examine best practices on policing in the Commonwealth with a view to articulating, for the guidance of member states, principles of democratic policing that can be used to transform police forces into institutions for the better realisation of human rights.

## The Special Rapporteur on the Situation of Human Rights Defenders Should:

- Take steps to raise awareness of her mandate, particularly in countries from which complaints are less forthcoming.
- Engage National Human Rights Institutions in the protection of human rights defenders, by ensuring that she undertakes country visits in conjunction with them and that they take on a more active role in following up on her recommendations.

## Commonwealth Member States Should:

- Recognise that the defence of human rights is primarily the responsibility of the state.
- Initiate and encourage the creation of National Human Rights Action Plans that include detailed human rights education and awareness programmes. These plans should be created in close cooperation with National Human Rights Institutions, civil society and human rights defenders such that the process of creation is itself a means of promoting the value of democracy and human rights, as well as of indicating the special status of human rights defenders.
- Ensure that they are signed up to the key international conventions and their optional protocols, and that they are part of regional human rights mechanisms and have signed on to the relevant conventions, such as the Inter-American Convention against Torture.

- Create and support a multiplicity of independent oversight bodies including effective and independent National Human Rights Institutions that are in conformity with best practices under the Paris Principles and that can maximise the promotion and protection of human rights within a country.
- Issue standing invitations to Special Rapporteurs and regional oversight mechanisms to make in-country visits; submit timely and substantive replies to their queries, implement their recommendations and report back on the steps taken.
- Create credible mechanisms within parliament and national human rights bodies to review all legislation and to ensure that it is compliant with international and national obligations.
- Ensure that regulatory regimes governing the formation and operation of non-governmental organisations are designed in consultation with civil society and are calculated not to impede or restrict the formation of lawful associations, but rather to maximise the space available for human rights defenders to function in concert with a variety of others, both nationally and internationally.
- Repeal legislative provisions that curb freedom of speech and expression such as criminal libel laws.
- Review, and repeal or amend, vaguely worded “public order” related legislation which gives authorities wide, subjective and unfettered discretion and power to curb and control peaceful assemblies in particular.
- Ensure that special security laws, in principle required to deal only with emergency situations of violence and conflict, are not used by agents of state as covers for actions against human rights defenders who espouse causes or adopt stances contrary to or critical of the government of the day.
- Enable human rights defenders to access information relevant to the human rights situation in a country, in particular by creating access to information legislation.
- Remove legislative shields and practical impediments in bringing state actors to justice for their violation of human rights and so reduce the culture of impunity that exists in many countries, and that encourages the targeting of human rights defenders.
- Ensure that human rights defenders have effective access to justice for violations suffered, that they will be guaranteed a fair trial and that punishment for perpetrators will be appropriate.
- Recognise and create special protections for distinctive human rights defenders from particularly vulnerable groups such as women, minorities, Lesbian, Gay, Bisexual, Transgender and Intersex people, the disabled and displaced persons. In particular educational programmes aimed at countering social prejudices should be created for those whose roles affect the administration of justice within institutions of state.
- Publicly condemn acts of violence and other violations against human rights defenders.

## Parliamentarians Should:

- Push for the domestication of the UN Declaration, including repeal of repressive legislation.
- Push for human rights defenders to be included directly or indirectly in consultation processes on legislation and policy.

## National Human Rights Institutions Should:

- Cooperate with and enhance the work of international and regional human rights bodies and their special mechanisms to protect human rights defenders in all aspects of their work.

- Initiate, and work with multiple stakeholders to create time bound, benchmarked National Human Rights Action Plans and oversee their effective implementation.
- Put in place explicitly articulated and widely known policies that are designed to protect human rights defenders and encourage their work.
- Create within their establishments a defenders cell and develop and submit to national and international bodies regular status reports on the functioning of human rights defenders and their treatment by state agents, and immediately come to their aid when they are unjustly targeted.
- Create formal and informal cooperative ways of working with human rights defenders, designed to increase mutual effectiveness, spread awareness of human rights and prevent and punish violations.
- Ensure that human rights education for all is incorporated into national educational curricula and prioritised as part of the professional training programme for police and other public bodies, with a particular emphasis on the rights of women, disabled people, displaced persons, LGBTI people and other marginalised or disadvantaged groups, and that this training is a mandatory requirement for career advancement.
- Require governments to fulfil international obligations in general and in particular as they relate to human rights defenders.

## Commonwealth Heads of Police Should:

- Aver in word and deed that rule of law, human rights and democracy are core values of policing throughout the Commonwealth, and take all necessary steps to integrate these into their vision, policies and procedures.
- In relation to human rights defenders:
  - Initiate policies of zero tolerance for human rights abuse, by having effective and transparent internal mechanisms of accountability, assuring victim redress, and cooperating with, and submitting to, external oversight mechanisms such as dedicated complaints authorities, National Human Rights Institutions and the judiciary.
  - Ensure maximum possible transparency to build public confidence in the police and trust in police-community relationships.
  - Ensure whistleblowers, victims and witnesses are well protected and not subject to harassment or threat by police officers, and that such practices receive strict disciplinary action.
  - Initiate human rights training that emphasises the value and work of human rights defenders as an essential element of all initial training requirements and a prerequisite for future career advancement within the service.

## Human Rights Defenders Should:

- For their own protection and for generating solidarity, create, participate in and strengthen wider networks at both national and regional levels, such as the East and Horn of Africa Human Rights Defenders Project, that are inclusive of all human rights defenders, including women, LGBTI, disabled, minorities and displaced persons.
- Collaborate actively with National Human Rights Institutions, where they exist.
- Make full use of existing international and regional protection mechanisms, including the UN Special Rapporteur on human rights defenders.

- Undertake documentation of their activities and any subsequent abuse from the police to assist in prosecutions and in submitting complaints to the Special Rapporteur.
- Enhance and ensure their credibility by acting with professionalism and respecting their obligations to adhere to national law and refrain from violence as set out in the UN Declaration on Human Rights Defenders.
- Educate themselves and others about the rights of human rights defenders contained in the UN Declaration.



# 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. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

## Human Rights Advocacy:

CHRI makes regular submissions to official Commonwealth bodies and member governments. From time to time CHRI conducts fact finding missions and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit also ensures that human rights issues are in the public consciousness.

## 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.

Human rights defenders are ordinary people who often find themselves in extraordinary circumstances. In the course of their legitimate and peaceful efforts to protect and promote human rights many have faced assault, surveillance, arrest, arbitrary detention, and even death. The targeting of human rights defenders is a function of the light they shine on hidden truths. Many would like to silence these defenders and many do.

The Commonwealth is bound by its commitment to democracy, human rights and the rule of law. These are precisely the principles that human rights defenders uphold and advocate for. States committed to full democratisation, as all the countries in the Commonwealth are in principle, should be taking steps to ensure that all individuals within their borders enjoy security of person, justice and human rights. The true measure of a country's respect for human rights is whether its human rights defenders are able to operate freely and without fear.



**COMMONWEALTH HUMAN RIGHTS INITIATIVE**  
B-117, IIInd Floor, Sarvodaya Enclave, New Delhi - 110 017  
Tel.: +91-(0)11 2686 4671, 2685 0523  
Fax: +91-(0)11 2686 4688  
[info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org)  
[www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)