

24 November 2009, Tuesday
Kamalesh Sharma, Commonwealth Secretary-General
Port-of-Spain, Trinidad & Tobago

Commonwealth National Human Rights Institutions conference Closing ceremony

Good morning ladies and gentlemen.

I am honoured and delighted to join you, and the Minister for Foreign Affairs of Trinidad and Tobago, Her Excellency Paula Gopee-Scoon, for the closing ceremony of this 2009 Commonwealth National Human Rights Institutions conference.

I know that in this last day and a half you will have discussed your work both as individual, national human rights organisations, and as a pan-Commonwealth forum, exchanging best practice and ideas.

I know, too, that you will have discussed the specific human rights implications of climate change.

If climate change denies food, shelter, and even life, then it denies human rights.

Your findings of today and yesterday will no doubt interest our Heads of Government, who – on the eve of the UN Conference in Copenhagen – will meet and discuss this very subject, most likely on Saturday.

We believe absolutely in your role in promoting public awareness about human rights, and - more important - in protecting your citizens' rights.

An NHRI sends a message of hope, commitment and solidarity to all citizens: it embodies the fact that the State exists for the citizen, and not the other way around.

It also reflects the will of the State to be an agent of social transformation, and an upholder of rights and values.

Through NHRIs, citizens are offered right of redress when they feel that their rights have been infringed.

Further, NHRIs can serve to keep the security apparatus of the state honest, as it is frequently the enforcers of the law who are prone to excesses, ignoring restraint and guidelines, making them secretive, lax or erratic.

It is in the nature of human rights work that transgressions – reported or under investigation – are sensitive and touch a raw nerve.

That is why the most durable route to remedial action and progress is *internal* criticism and corrective measures, not external.

Most of us are open to pointing out our own faults, but we tend to go on the defensive when the same faults are pointed out by outsiders.

Hence the crucially important role played by NHRIs as agents of constant improvement in helping states entrench the rule of law.

There are over 30 NHRIs now in the Commonwealth, and indeed we ourselves have helped to establish

such bodies in places like Bangladesh, Cameroon, and The Maldives.

Back in 2001, we published our guidebook on NHRI best practice, in line with the Paris Principles.

Two years ago, in the days before the last CHOGM, we brought out a comparative study on your different NHRI mandates.

In a typically Commonwealth way, we found a coherence in values, as well as a distinctiveness in ways of applying them.

Since then, I know that you have met in Nairobi in the margins of the International Coordinating Committee of NHRIs, and in Geneva in the wings of the UN Human Rights Council.

So I am delighted that this Forum is in dynamic good health.

But let me reflect today on the health of human rights in the Commonwealth, and above all on how we are all called – often in different ways – to be human rights activists.

My preface is a simple but merited statement.

It is this: the Commonwealth is a human rights advancing organisation.

Under the 1991 Harare Declaration, Commonwealth leaders committed themselves to the ‘principles of justice and human rights, including the rule of law and accountable administrations’.

In subsequent CHOGMs they have reaffirmed their commitment, and they have also asked us for assistance how to turn it into practice.

These are mighty goals, difficult to attain to satisfaction, let alone perfection.

But they are essential to define our ambition and intent, and their embodiment has a healing and beneficial working.

Those leaders in 1991 were, of course, in part reflecting an existing situation.

The world had already seen the values-based Commonwealth as a human rights advancing organization, for instance in its implacable opposition to racism, especially in apartheid South Africa.

And it has been embodied since then in the work of the Commonwealth Ministerial Action Group, which watches over those values, and is tasked with dealing with their serious or persistent violation.

So where do we stand, as a human rights advancing organization?

With human rights, it is worth saying that there are often stark distinctions drawn between the rhetoric and the reality, the principle and the practice.

Yet there are grey areas in between.

For instance, the fact that 14 of our members have yet to ratify the two 1966 UN Covenants, on Civil and Political Rights, and Social and Economic Rights – or

subsequent Conventions, for instance against Torture, or Racism, or Women's Discrimination – does not necessarily mean that they neither agree with them nor observe them.

It may well simply mean that the practicalities of ratifying, of implementing, or of reporting, are too onerous for some smaller or poorer states with little capacity.

The Secretariat lends a supportive hand.

When we received reports that the lives of human rights workers were threatened recently, we sought clarification.

Because we should all see ourselves – governors and governed alike, and as signatories to the Commonwealth Principles – as people with responsibility to uphold human rights.

Human rights speak to our most treasured values, and we all seek to observe them and see them observed.

Disappearances, arbitrary detentions, attacks on the press and freedom of expression or the space for civil society, undermining of the independence of the legislature, the executive, and the judiciary: whenever and wherever we hear of such things, they are of deep concern.

How are we to respond when human rights are in jeopardy?

How, especially given the fact that every country in the Commonwealth is committed to journeying on the path of democracy, human rights and the rule of law ... and that most – at one time or another – will stumble...?

Not one of our 53 countries is perfect.

The Commonwealth way, therefore, is to recognize this, and to be ready to work – constructively and with quiet engagement – towards better solutions.

I feel that we gain little by publicly listing our grievances, and by naming names.

We gain the most when we agree ways of working together – or working separately, from our different points of strength, towards a shared goal – in strengthening our responses to abuses of human rights.

In doing so, here we are reflecting the very title of this CHOGM, given to us by our Trinidad and Tobago hosts this week: ‘partnership, for equity and sustainability’.

I repeat that all should be partners as human rights practitioners – equity and justice are our goals.

I have already outlined the pivotal role which NHRIs play.

Let me also at this juncture welcome the role played by non-governmental organizations and other Commonwealth bodies, such as the Commonwealth Human Rights Initiative.

The CHRI has been as passionate as it has been substantive in setting out some of our human rights concerns in the Commonwealth.

But what role should the inter-governmental Commonwealth continue to play, as an organisation which advances human rights?

First, it must continue to safeguard its principles against serious or repeated violation, which, as you know, is responsibility of all governments, and also the specific task of the Commonwealth Ministerial Action Group.

It is with great sadness that I mention the country which – in September – was fully suspended by the Commonwealth, through CMAG.

Many of you will know that this decision against Fiji Islands was taken not just because of unconstitutionality (in the form of an abrogation of the constitution), but, in the words of the Group, on account of, I quote, ‘the ongoing violation of human rights including freedom of speech and assembly, arbitrary detention of opponents of the military regime, and the undermining of the independence of the judiciary and legal system’.

This week, I believe that our leaders will look closer at the way we as a Commonwealth advance our defence of human rights, and how we, as a peer group, support each other, and where necessary sensitise each other, in that process.

We should give ourselves more scope and room to do so.

So our abiding interest is that we strive to make advances at all times.

And in that process deeds speak louder than words. This makes us an organisation given more to engagement than to pronouncement.

We have to recognise that as independent member states the bulk of our membership is only a few decades old.

The task of nation and institution building will always be difficult, and living up to the high standards we have embraced will often be beset with lapses.

The Commonwealth seeks to be a strategic partner of member states as they advance in this herculean and noble task.

Hence we see greater value in raising a helping hand, than in raising a wagging finger.

I sometimes give the analogy that the Commonwealth is more of a coach, engaged by the team, than a referee.

And the deeds of the loyal and steadfast coach speak for themselves.

Many of them, in fact, are not quite public knowledge, but we strive for worthy outcomes and not self-advertisement.

It took a decade for us to help The Maldives, for instance, towards a new constitution, and multiparty

elections in which, at the turn of this year, power changed hands peacefully.

It has taken as long to work with countries like Swaziland and Tonga on amended constitutions which marry the traditional with new, more people-centred democracy.

The Commonwealth will not cease from its engagement with its members that need it the most.

This is the shared work which we carry out with you, the Commonwealth Forum of National Human Rights Institutions.

All of us are engaged in the gradual bettering of Commonwealth societies, in the enactment of beliefs and values that we cherish, and in the balance to be struck between the necessity of what we say in stricture, and the greater necessity of what we do to bring about improvement.

We in the Commonwealth Secretariat will continue to help you as your countries go through the UN Human Rights Council's process of Universal Periodic Review, or UPR.

128 countries have gone through UPR so far, of which 22 are from the Commonwealth – all of which were aided by us in that process.

Just last September, we held a seminar in Malawi for the 7 Commonwealth countries coming up for review in the coming year.

Furthermore, we are here to support the new and renewed commitments your governments make because of the UPR process.

For instance, the Bahamas committed itself in December 2008 to ratify the two UN Covenants, and did so.

We can now help with the implementation.

After UPR, Botswana pledged to set up a national human rights commission, and again we can help with the implementation.

This is our belief and our commitment, because advancing fundamental human rights is part of what binds us.

Human rights are as universal as they are indivisible. It is our task to ensure that they are kept so, individually and collectively, in the Commonwealth. Always, we seek to lift our act.

Human rights are both the simplest of absolutes, and the loftiest of ideals.

The right to life, the right to a fair trial, the right to choose your leaders, the right to literacy: these are just some of the human rights which have been debated - and desecrated - throughout our tortuous history.

But this meeting in Port of Spain is a world away from the reality of those who have been raped or tortured or abused, or the children who never get into school.

So it will always pay for us here to remember our *real* constituents: the victims of human rights abuses, as well as the many foot-soldiers in the fight to turn back those abuses – people like the local NGOs and human rights defenders, the fearless journalists, the model politicians and others whose commitment is to the values and principles we all share.

As I say, we are all in the business of promoting human rights, and we are all bound to support each other in that great endeavour.

ENDS

2017 words