

Human Rights Update



Newsletter of the
Human Rights Unit
of the Commonwealth
Secretariat

Issue 2

June 2003

'We pledge the Commonwealth and our countries to work with renewed vigour, concentrating especially in the following areas:

- the protection and promotion of the fundamental values of the Commonwealth;*
- democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;*
- fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief.'*

Harare Commonwealth Declaration 1991

Contents

Editorial	2
The Sierra Leone Special Court	2
Education and Economic Development	3
The Rights Based Approach to Development (continued)	4
Focus on Zimbabwe	
19 March 2002: Marlborough House Statement on Zimbabwe	6
23 September 2002: Zimbabwe Mid-Term Review	7
16 March 2003: Commonwealth Statement on Zimbabwe	7
17 January 2003: Excerpts from Address by the Commonwealth Secretary-General	8
The International Convention on the Rights of Migrants and their Families	9
ILO launches first global report on discrimination at work	10
Recent Project News	12
The 59th Session of the UN Commission on Human Rights: An Overview	13
New Publications by the Human Rights Unit	15
Status of Ratifications of the Principal International Human Rights Treaties in the Commonwealth	16

Editorial

Since the last Issue in January, a number of developments in the human rights field have taken place in the Commonwealth and beyond. Commonwealth Day was celebrated on 10 March 2003 throughout member countries with observances, speeches, exhibitions and cultural events. With 'Partners in Development' as its theme, the day united the people of the Commonwealth in the celebration of their common values, aspirations and networks of co-operation. Commonwealth Secretary-General Mr. Don McKinnon noted the Commonwealth's work in consensus-building, democracy and the fight against global poverty.

In this Issue we will look at the UN Commission on Human Rights which concluded its 59th Session in Geneva in April 2003, during which a number of important resolutions on human rights were deliberated and passed. Reports of UN Special Rapporteurs and Experts on different thematic human rights issues were submitted and considered. The Commonwealth Secretariat values the importance of the Commission in the protection and promotion of human rights globally. The Secretariat has a Memorandum of Understanding with the office of the UN High Commission of Human Rights (UNHCHR) aimed at collaboration and coordination in the human rights activities of the two organisations. The resolutions of the Commission will assist in helping the Commonwealth cement further its commitment to human rights, rule of law, good governance and democracy as well as sustainable development. The Human Rights Unit participated in the Session in an observer capacity.

We continue our discussion on the 'Rights based approach to development' as advocated by the UNHCHR. The Human Rights Unit has started implementing a project on Mainstreaming of Human Rights in the Secretariat. This is being done through a number of consultations with different Divisions in the Secretariat and the rights based approach to development will inform this activity. We have also conducted a seminar on human rights for members of staff in the Secretariat. Similar training programmes have been lined up as part of the project.

The Commonwealth has always been committed to the fight against racial and gender discrimination. We highlight a report from the International Labour Organisation (ILO) dealing with discrimination in the workplace.

We have also set out the position of the Commonwealth on Zimbabwe.

We hope you will enjoy reading the newsletter.

The Sierra Leone Special Court

Pursuant to UN Security Council Resolution 1315, the United Nations signed an agreement with the Sierra Leone government in 2002 to set up a special court to prosecute persons who bear the greatest responsibility for crimes against humanity committed since 30th November 1996. Article 1 of the Statute of the Special Court for Sierra Leone gives the court power to 'prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law ... including those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone'

The court will complement the Sierra Leone Truth and Reconciliation Commission which will investigate crimes against humanity committed during the war between 1996 and 2001, when the rule of law completely collapsed and violence engulfed the country.

The jurisdiction of the court extends to war crimes, including violations of human rights under the Geneva Conventions and acts of terrorism and maltreatment of prisoners committed in the course of an armed conflict, certain crimes under Sierra Leone law such as amputations, sexual violence against children and malicious damage to property. The court, which takes precedence over Sierra Leone courts, may try those indicted for these crimes wherever they may reside and irrespective of their nationality or political affiliation. An indictment against President Charles Taylor of Liberia for war crimes and crimes against humanity has recently been issued by the Court. It cannot, however, indict any person who was under 15 at the time of the commission of the alleged crime. Defendants are entitled to legal representation of their choice and the court itself is under a duty to provide adequate free professional legal assistance to those who cannot afford the expenses of private legal services. The proceedings are held in public without undue delay with the initial indictments scheduled to be tried and processed on appeal, where appropriate, by December 2005.

In terms of punishments, although the Court has unfettered power of imprisonment and may order that sentences be served outside the country, it CANNOT impose the death sentence. It can order the forfeiture and return of property.

His Excellency Alhaji Dr Tejan Kabbah, President of the Republic of Sierra Leone describes the Court as ‘ a vivid demonstration of the fact that when a commitment to the basic principles of justice and the rule of law is matched by the will to see a society and indeed a world living up to those principles, even the most seemingly impossible goals can be attained. In a statement on the swearing in of the judges of the Court, the UN Secretary General Kofi Annan said that the Court is another testimony to the fact that it is necessary to address impunity that has caused so much suffering and sorrow among human beings for a long time. The Court, he said ‘is the first step on the path to combating impunity and addressing accountability for the serious crimes committed in Sierra Leone.’

The Court officially became operational on 1st July 2002 but began handling cases in August upon the appointment of the Registrar and Prosecutor. It comprises 5 appeal judges and a trial chamber of 3 judges to which may be added a second trial chamber. The UN appoints 3 appeal judges while the other 2 judges are appointed by the government.

Spotlight on: **Education and Economic Development**

It is often said that education is a pre-condition for the exercise of human rights. Civil and political rights including the freedom of information, expression, assembly and association, the right to vote and participate in political processes, can only be exercised in a meaningful way after at least a minimum level of education.

The right to education has been expressly set out in the Universal Declaration of Human Rights (Article 26), the Convention on Economic, Social and Cultural Rights (Articles 13 and 14) and the

Convention of the Rights of the Child (Articles 28 and 29). However, a recent publication by UNESCO and OECD entitled “**Financing Education, Investments and Returns – Analysis of the World Education Indicators 2002 Edition**” shows the direct link between investment in education and economic development in countries. Some excerpts from this publication are set out below.

A recent OECD Study pointed to human capital as the single most important engine of growth in OECD countries over the past three decades (OECD, 2000). In 1997, the World Bank and UNESCO launched the World Education Indicators (WEI) in a number of countries. Amongst these were the Commonwealth countries of India, Malaysia, Jamaica and Zimbabwe.

There is now robust evidence that human capital is a key determinant of economic growth and emerging evidence indicates that it is also associated with a wide range of non-economic benefits such as better health and well-being. Investment in human capital and, by implication, education has thus moved to the centre stage of strategies to promote economic prosperity, fuller employment and social cohesion in countries participating in the WEI programmes. Education is also increasingly considered an investment in the collective future of societies and nations, rather than simply the future success of individuals.

The Report begins by showing that better educated people are more likely to be working and, if economically active, less likely to be unemployed. In all WEI countries labour force participation rates increase with the level of education attained by individuals. Better qualifications also attract better wages for individuals.

One way of assessing the impact of human capital and national performance is by measuring the impact of various factors on growth in Gross Domestic Product (GDP), as one important component of economic well-being. It is apparent that economic well-being and, even more so, GDP alone cannot adequately reflect various aspects of human well-being which, for example, also include the enjoyment of civil liberties, right of freedom from crime, a clean environment and

individual health. At the same time, the role that economic growth plays in this equation should not be underestimated. Growth in economic output not only provides the resources for tackling social inclusion, poverty and poor levels of health but also expands the range of human choice. Economic well-being following from economic output should thus be recognised as an important component of human well-being.

The relationship between human capital and economic growth was assessed across countries, taking into account various variable factors. The result of the analysis showed a consistently strong and positive association between improvements in the stock of human capital and economic growth among WEI countries, an association that is even greater than that observed among OECD countries. On average, improvements in human capital may have accounted for about half a percentage point in the annual growth rates of almost of WEI countries in the 1980s and 1990s compared to previous decades. Overall, the results for every single year for which the average level of schooling for adult population in WEI countries is raised, there is a corresponding increase of 3.7% in the long term economic growth rate.

Feature

The Rights Based Approach to Development (cont'd)

(With the acknowledgement to the office of the UNHCHR)

In the last Issue of the **Update** we started discussing the human rights approach to development which the UN High Commissioner for Human Rights as well as other international developmental organisations are advocating. We looked at the definition of the rights based approach to development. There are 5 elements of the rights based approach, namely; Participation, Accountability, Non –discrimination, Empowerment, and Linkage to human rights standards (otherwise known as the ‘PANEL’ analysis). We will now examine these elements briefly.

P: Participation

Participation by various sectors of the society is crucial in the rights based approach. This includes participation from communities, civil society, minorities, indigenous peoples, women and others **for whom developmental policies and projects are formulated and implemented.** According to the UN Declaration on the Right to Development, such participation must be “active, free and meaningful” so that mere formal or “ceremonial” contacts with beneficiaries are not sufficient.

Rights-based approaches give due attention to issues of accessibility, including access to development processes, institutions, information and redress or complaints mechanisms. This also means situating development project mechanisms in proximity to partners and beneficiaries. Such approaches necessarily opt for process-based development methodologies and techniques, rather than externally conceived “quick fixes” and imported technical models.

A: Accountability

One of the most important elements of the Rights-based approaches focuses on raising levels of accountability in the development process by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations). In this regard, they look both at the positive obligations of duty-holders (to protect, promote and provide) and at their negative obligations (to abstain from violations). They take into account the duties of the full range of relevant actors, including individuals, States, local organizations and authorities, private companies, aid donors and international institutions.

Such approaches also provide for the development of adequate laws, policies, institutions, administrative procedures and practices, and mechanisms of redress and accountability that can deliver on entitlements, respond to denial and violations, and ensure accountability. They call for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability.

For all human rights, States must have both the political will and the means to ensure their realization, and they must put in place the

necessary legislative, administrative, and institutional mechanisms required to achieve that aim.

The International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights oblige states to take steps to ensure respect of human rights for the progressive realization of economic, social and cultural rights. It must be noted that although there are no effective mechanisms to deal with breaches of economic and social rights by states under international law, the imperative to act in good faith obliges the state to observe and translate its commitment to human rights

N: Non-Discrimination and equality

People who are discriminated against cannot exercise the enjoyment of their rights and this is detrimental to development. The rights based approach provides that particular attention should be given to discrimination, equality, equity and vulnerable groups. These groups include women, minorities, indigenous peoples and prisoners, but there is no universal checklist of who is most vulnerable in every given context. Rather, rights-based approaches require that such questions be answered locally: who is vulnerable here and now? Development data need to be disaggregated, as far as possible, by race, religion, ethnicity, language, sex and other categories of human rights concern.

An important aspect of rights-based approaches is the incorporation of express safeguards in development instruments to protect against threats to the rights and well-being of prisoners, minorities, migrants and other domestically marginalized groups. Furthermore, all development decisions, policies and initiatives, while seeking to empower local participants, are also expressly required to guard against simply reinforcing existing power imbalances between, for example, women and men, landowners and peasants, and workers and employers.

E: Empowerment

Empowerment of the community and the building of local capacity to meet their basic and essential needs signify a profound commitment to human rights. First, it calls for deep respect for the inherent dignity, worth, and potential of the

people for whom any development project seeks to benefit.

Rights-based approaches also give preference to strategies for empowerment over charitable responses. They focus on beneficiaries as the owners of rights and the directors of development, and emphasize the human person as the centre of the development process (directly, through their advocates and through organizations of civil society).

States and organizations promoting socio economic development, therefore, need to give people the power, capacities, capabilities to change their own lives, and improve their own communities, the main objective of human development. It is also important to include provisions for human rights and other relevant skills training for the communities.

L: Express Linkage to Human Rights Standards

The definition of the objectives of development in terms of particular rights - as legally enforceable entitlements - is an essential ingredient of human rights approaches; as is the creation of express normative links to international, regional and national human rights instruments.

Rights-based approaches are comprehensive in their consideration of the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social. This calls for a development framework with sectors that mirror internationally guaranteed rights, thus covering, for example, health, education, housing, justice administration, personal security and political participation.

By definition, these approaches are incompatible with development policies, projects or activities that have the effect of violating rights, and they permit no "trade-offs" between development and rights.

Bertie Ramcharan, the UN Deputy High Commissioner for Human Rights has been appointed acting UN High Commissioner for Human Rights. The appointment of Dr Ramcharan follows the assignment of the UN High Commissioner for Human Rights Sergio de Mello to Iraq as the Special Representative of the UN Secretary General. Mr Ramcharan was appointed in May 2003 and will act in that position for 4 months.

Focus on Zimbabwe

19 March 2002: The Marlborough House Statement on Zimbabwe

The Commonwealth Chairpersons' Committee on Zimbabwe met at Marlborough House in London on Tuesday, 19 March 2002. The Marlborough House Statement on Zimbabwe follows in full:

The Commonwealth Chairpersons' Committee on Zimbabwe, consisting of the Prime Minister of Australia, Rt Hon John Howard, the President of Nigeria, HE Chief Olusegun Obasanjo, and the President of South Africa, HE Mr Thabo Mbeki, met at Marlborough House, London on 19 March 2002 to discuss the situation in Zimbabwe. The Commonwealth Secretary-General, Rt Hon Don McKinnon, also attended the discussions.

The Committee recalled the mandate given to them by Commonwealth Heads of Government at their recent meeting in Coolum, Australia, to determine appropriate Commonwealth action on Zimbabwe, in the event of an adverse report from the Commonwealth Observer Group to the Zimbabwe Presidential Election, in accordance with the Harare Commonwealth Declaration and the Millbrook Commonwealth Action Programme.

The Committee noted that the Commonwealth Observer Group, led by General Abdulsalami Abubakar of Nigeria, had concluded that the Presidential Election was marred by a high level of politically motivated violence and that "the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors". They deemed these conclusions, together with other aspects of the Report of the Observer Group, to be an adverse reflection on the electoral process, requiring an appropriate Commonwealth response.

The Committee took note of the various recommendations contained in the Commonwealth Observer Group Report. It also received a Report from the Commonwealth Secretary-General on his consultations with other Commonwealth leaders.

The Committee expressed its determination to promote reconciliation in Zimbabwe between the main political parties. To this end the Committee strongly supported the initiatives of the President of Nigeria and the President of South Africa in encouraging a climate of reconciliation between the main political parties in Zimbabwe which they considered essential to address the issues of food shortages, economic recovery, the restoration of political stability, the rule of law and the conduct of future elections.

The Committee called upon the international community to respond to the desperate situation currently in Zimbabwe, especially the shortages of food.

The Committee noted the reference in the Commonwealth Observer Group Report to national reconciliation being a priority and that the Commonwealth should assist in this process: and requested the President of Nigeria and the President of South Africa to continue to actively promote the process of reconciliation in Zimbabwe between the main political parties and to appoint special representatives to remain engaged with all the parties concerned towards this end.

The Committee decided to suspend Zimbabwe from the Councils of the Commonwealth for one year with immediate effect. This issue will be revisited in twelve months time, having regard to progress in Zimbabwe based on the Commonwealth Harare principles and reports from the Commonwealth Secretary-General. The Committee mandated the Commonwealth Secretary-General to engage with the Government of Zimbabwe to ensure that the specific recommendations from the Commonwealth Observer Group Report, notably on the management of future elections, in Zimbabwe are implemented.

In line with the Abuja Agreement and the Coolum Statement, the Committee stated that land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern, and the Commonwealth will be ready to assist Zimbabwe to address the land issue and to help in its economic recovery in co-operation with other international agencies. The Committee requested the Commonwealth Secretary-General to remain

actively involved with the United Nations Development Programme in promoting transparent, equitable and sustainable measures for land reform in Zimbabwe.

The Committee will actively promote the implementation of all the goals contained in this Statement in consultation with the Commonwealth Secretary-General and will meet at the request of the Commonwealth Chairperson-in-Office.

23 September 2002: Zimbabwe Mid-Term Review

The Commonwealth Chairpersons' Committee on Zimbabwe, consisting of the Prime Minister of Australia, Rt Hon John Howard, the President of Nigeria, HE Chief Olusegun Obasanjo, and the President of South Africa, HE Mr Thabo Mbeki, met in Abuja, Nigeria, on 23 September 2002, to discuss the situation in Zimbabwe. The Commonwealth Secretary-General, Rt Hon Don McKinnon, participated in the discussions. Following a review of recent political developments in Zimbabwe, the Committee recalled that in their Marlborough House Statement of 19 March 2002, they had mandated the President of Nigeria and the President of South Africa to continue to actively promote the process of reconciliation in Zimbabwe and to appoint special representatives to remain engaged with all the parties concerned towards this end. The Committee had also mandated the Commonwealth Secretary-General to engage with the Government of Zimbabwe to ensure that the specific recommendations from the Commonwealth Observer Group (COG) to the March Presidential elections were respected and to remain actively engaged with the United Nations Development Programme (UNDP) in promoting transparent, equitable and sustainable measures of land reform in Zimbabwe. The Committee deeply regretted that the process of reconciliation facilitated by the Special Envoys of the President of Nigeria and the President of South Africa had stalled. The Secretary-General reported that as a consequence, the level of suspicion, division and hostility between the various parties in Zimbabwe has increased

considerably in recent months and that reports of harassment of the political opposition, the press and sections of the judiciary continued.

The Committee was disappointed to note that despite repeated efforts, including in collaboration with regional Commonwealth Heads of Government, the Commonwealth Secretary-General had been unable to establish a dialogue with the Government of Zimbabwe in fulfilment of his mandates. The Committee was also deeply disappointed that the President of Zimbabwe had not taken up their invitation to come to Abuja to dialogue with them. The Committee also called on the Government of Zimbabwe to engage with the Commonwealth Secretary-General at an early opportunity on the basis of the mandates given to him.

Whilst all members of the 'Troika' strongly believe that efforts to engage the Government of Zimbabwe should continue, one member, Australia, supported the full suspension of Zimbabwe with immediate effect whilst the other members wish to see how Zimbabwe responds to the Marlborough House Statement over the next six months as foreshadowed in that Statement, at which point stronger measures might need to be considered.

16 March 2003: Commonwealth Statement on Zimbabwe

"The Commonwealth looks forward to Zimbabwe being able to regain its full and rightful place in the Commonwealth family." The Commonwealth Secretary-General, Don McKinnon, issued the following statement in London today. "The Commonwealth Troika, mandated by Heads of Government to deal with the Zimbabwe issue, suspended Zimbabwe from the councils of the Commonwealth on 19 March 2002 for a period of one year. Under the Marlborough House Statement, the issue was to be revisited in twelve months time, 'having regard to progress in Zimbabwe based on the Commonwealth Harare principles and reports from the Commonwealth Secretary-General.' At their subsequent meeting in Abuja on 23 September 2002 the

Commonwealth Troika decided to 'see how Zimbabwe responds to the Marlborough House Statement over the next six months as foreshadowed in that Statement, at which point stronger measures might need to be considered.'

"Members of the Troika, in reviewing the Zimbabwe issue, agreed that I should undertake wider consultations among Commonwealth governments. Accordingly, over the past few weeks, I have been listening to the views of and discussing the issue with virtually all leaders across the Commonwealth. They have all stated that they wish to see the Commonwealth continue to work together on the issue of Zimbabwe. "Some member governments take the view that it is time to lift Zimbabwe's suspension from the councils of the Commonwealth when the one-year period expires on 19 March 2003. Some others feel that there is no justification for such a step and that there is in fact reason to impose stronger measures. However, the broadly held view is that Heads of Government wish to review matters at the Commonwealth Heads of Government Meeting (CHOGM) in Nigeria in December 2003 and that the suspension of Zimbabwe from the councils of the Commonwealth should remain in place pending discussions on the matter at CHOGM. "I have advised members of the Troika of these views. I have also submitted to them my report as foreshadowed in the Marlborough House Statement. "The members of the Troika have now concluded that the most appropriate approach in the circumstances is for Zimbabwe's suspension from the councils of the Commonwealth to remain in place until Commonwealth Heads of Government address the issue and decide upon a way forward at the CHOGM in December 2003. "I wish to reiterate that Zimbabwe and its people matter to the Commonwealth. All the Heads of Government I have spoken to have urged me to persist with my efforts at engagement with President Mugabe and his government in the context of my good offices role. I intend to do so. "The issue of land reform is at the core of the situation in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth, such as the rule of law, respect for human rights, democracy and the economy. The Commonwealth and the wider international community remain ready to assist

the Government of Zimbabwe in addressing this key issue. I once again call on the Zimbabwe Government to re-engage with the Commonwealth and the United Nations Development Programme on the issue of transparent, equitable and sustainable measures for land reform, as agreed at Abuja in September 2001. Commonwealth governments also look to the Government of Zimbabwe to honour its undertakings given to other regional leaders on issues of concern. "The Commonwealth looks forward to Zimbabwe being able to regain its full and rightful place in the Commonwealth family."

Excerpts from Address by the Commonwealth Secretary-General to Commonwealth Business Council, 17 January 2003

"Global Politics and the Commonwealth"

In Zimbabwe, we have seen the situation deteriorate, with no sign of international pressure – including suspension from the Councils of the Commonwealth – having succeeded in stopping the violence and the forceful acquisition of land.

We all know the situation for the people of Zimbabwe is dire. Growth has plummeted and millions are now facing famine.

From the very start, the Commonwealth has been at the forefront of efforts to resolve the crisis.

We sent a team to observe the Parliamentary Elections in June 2000 – sadly, none of the recommendations made by the team were implemented.

In March 2001, we offered to send a Ministerial Mission to engage with the government of Zimbabwe and offer appropriate Commonwealth assistance – the offer was rejected.

We worked alongside the President of Nigeria to bring together Britain and Zimbabwe to the conference table in Abuja in September 2001 – but the Mugabe government has shown no sign of implementing the Abuja Agreement.

We worked with the UNDP on a Land Resettlement Programme – it all came to naught in December 2001 as the government of President Mugabe went on to legalise the forcible acquisition of land and the ensuing chaos was considered by the UN to make it impossible to continue with the programme.

Our latest attempt was the constitution of a Commonwealth Troika of leaders, who sought to engage with President Mugabe in order to help find a solution that will benefit all the people of Zimbabwe.

In March last year, a Commonwealth group of election observers (a majority of which were of African or Afro-Caribbean origin and headed by a former Nigerian Head of State) concluded that “the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors in the 2002 Presidential election.” Following their report, the Troika decided to suspend Zimbabwe from the Councils of the Commonwealth for one year.

Since then, both the Troika and I have made several attempts to establish a fruitful dialogue with the Government of Zimbabwe; all have been rejected.

Despite these setbacks, we will not give up. In fact, we are the only globally representative organisation which continues to remain engaged.

Our approach to Zimbabwe is based on the following principle: land is at the core of the crisis in Zimbabwe. A programme of land reform is crucial to the resolution of the problem and this programme must be implemented in a fair, just and sustainable manner.

It must be carried out in the interests of all the people of Zimbabwe and with due regard to the rule of law.

The Commonwealth is not party to any dialogue between the UK and Zimbabwe Governments over any issue of compensation.

However, we will continue in our efforts: our main concern is for the people of Zimbabwe, for they are the ones who are suffering most from this crisis, especially, may I add, those second or third generation farm workers from the neighbouring countries who have been disenfranchised – many of them now without jobs and homes.

International Law

The International Convention on the Rights of Migrants and their Families

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families comes into force on 1 July 2003, following the requisite number of ratifications of the treaty.

More than 150 million migrants, including migrant workers, refugees, asylum seekers, permanent immigrants and others, live and work in a country other than that of their birth or citizenship. They represent 2 per cent of the world’s population. Persons who qualify as migrant workers under the provisions of the Convention are entitled to enjoy their human rights regardless of their legal status. The Convention reflects an up-to-date understanding of migratory trends as seen from the point of view of both States of origin and host States of migrant workers and their family.

The purpose of the Convention is to assist in preventing and eliminating the exploitation of migrant workers throughout the entire migration process. It further seeks to put an end to the illegal or clandestine recruitment and trafficking of migrant workers and to discourage the employment of migrant workers in an irregular or undocumented situation. The Convention also provides a set of binding international standards to address the treatment, welfare and human rights of both documented and undocumented migrants, as well as the obligations and responsibilities on the part of sending and receiving States.

The Convention breaks new ground in defining those rights which apply to certain categories of migrant workers and their families, including: “frontier workers”, who reside in a neighbouring State to which they return daily or at least once a week; seasonal workers; seafarers employed on vessels registered in a State other than their own; workers on offshore installations which are under

the jurisdiction of a State other than their own; itinerant workers; migrants employed for a specific project; and self-employed workers.

The significance of the Convention is as follows:

1. Migrant workers are viewed as more than laborers or economic entities. They are social entities with families and accordingly have rights, including that of family reunification.
2. It recognizes that migrant workers and members of their families, being non-nationals residing in states of employment or in transit, are unprotected. Their rights are often not addressed by the national legislation of receiving states or by their own states of origin. Therefore, it is the responsibility of the international community, through the UN, to provide measures of protection.
3. It provides, for the first time, an international definition of migrant worker, categories of migrant workers, and members of their families. It also establishes international standards of treatment through the elaboration of the particular human rights of migrant workers and members of their families. These standards would serve to uphold basic human rights of other vulnerable migrants as well as migrant workers.
4. Fundamental human rights are extended to all migrant workers, both documented and undocumented, with additional rights being recognized for documented migrant workers and members of their families, notably equality of treatment with nationals of states of employment in a number of legal, political, economic, social and cultural areas.
5. The International Convention seeks to play a role in preventing and eliminating the exploitation of all migrant workers and members of their families, including an end to their illegal or clandestine movements and to irregular or undocumented situations.
6. It attempts to establish minimum standards of protection for migrant workers and members of their families that are universally acknowledged. It serves as a tool with which to encourage those States lacking national

standards to bring their legislation in closer harmony with recognized international standards.

The Convention was adopted and opened for signature, ratification and accession by the General Assembly in December 1990. To date, it has been ratified or acceded to by 21 States. Out of these only 8 are Commonwealth countries. These are Bangladesh, Belize, Ghana, Malta, Sierra Leone, Sri Lanka, Seychelles and Uganda. The decision of the UN to draft and adopt this Convention was a strong statement of international consensus concerning the need for greater protection of the rights of migrants. Now, that decision must be implemented through national ratification and legislation.

ILO launches first global report on discrimination at work

The International Labour Organisation launched its first report on discrimination at work in May 2003. The report entitled '**Time for Equality at Work**' warns that neglecting to tackle "widening socio-economic inequalities" in the world of work not only amounts to accepting a "waste of human talent and resources" but could have "disastrous effects on national social cohesion, political stability, and hence growth" in the years to come. Discrimination can perpetuate poverty, stifle development, productivity and competitiveness, and ignite political instability, says the report which was prepared under the ILO's 1998 Declaration on Fundamental Principles and Rights at Work.

Discrimination is defined under ILO Convention No. 111 as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin (among other characteristics), which has the effect of nullifying or impairing equality of opportunity and treatment in employment or occupation".

The ILO report lays the blame for continuing discrimination on prejudices, stereotypes and biased institutions that have resisted decades of

legal efforts and policy measures undertaken by governments, workers and employers against unequal treatment at work. But Mr. Somavia, the ILO Director General said the news is not all bad. “We have made progress”, he said. “Today, formal condemnation of discrimination is virtually universal and action to stop discrimination at work has been taken in many places. Still, discrimination remains a constantly evolving ‘moving target’ and we have a long way to go on the road to equality.”

“Every day, around the world, discrimination at work is an unfortunate reality for hundreds of millions of people”, said Juan Somavia. The report shows that many of those who suffer from discrimination - especially on the basis of their sex or colour - face a persistent “equality gap” that divides them from dominant groups who enjoy a better life, or even from their own peers who have benefited from anti-discrimination laws and policies. “This gap must be closed”, Mr. Somavia said. “Failure to deal with discrimination at work will mean greater difficulty in dealing with the challenges posed by increasing migration, unprecedented technological change, the social dimension of globalization and the need to accommodate diversity - and seriously affect social peace and democracy.”

Below are some of the key findings of the report:

(a) Everyone gains from eliminating discrimination at work

Individuals, enterprises and society at large. Fairness and justice at the workplace boosts the self-esteem and morale of workers. A more motivated and productive workforce enhances the productivity and competitiveness of businesses. A more even distribution of opportunities to develop and use one’s talents, among different groups in society, contributes to social cohesion in increasingly diverse societies.

(b) Discrimination is still a common problem in the workplace.

“While some of the more blatant forms of discrimination may have faded, many remain, and others have taken on new or less visible forms”, the report says. “For example, the combined effects of global migration, the redefinition of national boundaries ... and growing economic problems and inequalities have

exacerbated problems of xenophobia and racial and religious discrimination.” More recently, new forms of discrimination based on disability, HIV/AIDS, age or sexual orientation have become cause for growing concern. Other types of discrimination are discrimination against women, racial discrimination, religious discrimination, tribal discrimination and indigenous discrimination.

(c) Unsatisfactory progress in fighting discrimination at work.

Efforts to tackle discrimination at work have been uneven and patchy, even for long recognized forms such as discrimination against women. “Discrimination at work will not vanish by itself; neither will the market, on its own, take care of it”, the report says. For example, many more women earn an income today than 50 years ago, but are still relegated to lower-skilled jobs. Even in countries where women are equally or more educated than men, the “glass ceiling” often blocks their ultimate rise to the top. And everywhere, most women continue to earn less than men.

(d) Inequalities within discriminated groups are widening.

Though anti-discrimination policies have increased employment and earnings for many disadvantaged groups, inequalities within these groups are widening. Affirmative action policies, for example, helped create a new middle class of formerly-discriminated persons in some countries. A few rise to the top of the social ladder, while most remain among the low paid and socially excluded.

(e) Discrimination often traps people in low-paid “informal” economy jobs.

The discriminated are often stuck in the worst jobs, and denied benefits, social protection, training, capital, land or credit. Women are more likely than men to be engaged in these more invisible and undercounted activities, such as paid domestic work, unpaid family work and homework.

(f) The failure to eradicate discrimination helps perpetuate poverty

The discriminated are often among the poorest of the poor, and poverty is more severe among women and other discriminated groups.

Discrimination creates a web of poverty, forced and child labour and social exclusion, the report says, adding “eliminating discrimination is indispensable to any viable strategy for poverty reduction and sustainable economic development”.

(f) Conclusion

The State has the obligation of banning discriminatory practices and establishing sound laws and institutions and policies that promote equal opportunities at work. Employers, workers organizations, employees and trade unions individually and together, should identify and combat discriminatory practices at the workplace.

Source: ILO News, Geneva

Recent Project News

National Human Rights Institutions

A Commonwealth workshop for national human rights institutions in Southern and Eastern Africa was held at the Centre for Human Rights, University of Pretoria, South Africa between 23 and 27 June 2003.

Present at the workshop were representatives from national human rights commissions and ombudsman offices from Uganda, Malawi, Tanzania, South Africa, Zambia, Mauritius, Kenya, Lesotho, Seychelles, Namibia and Botswana.

The workshop was organised jointly by the Human Rights Unit of the Commonwealth Secretariat and the Centre for Human Rights and aimed at strengthening human rights commissions by examining Commonwealth Best Practice, exchanging experiences and networking among themselves in order to protect and promote human rights in their respective countries.

Members of the African Commission on Human and People’s Rights recently met with the Human Rights Unit in London to discuss matters of mutual interest in the protection and promotion of human rights in African. Among the issues discussed were the establishment of the African Court of Human Rights, ratification of the Rome Statute, and joint collaboration on human rights issues between the Commission and the Unit.

Expert Group Meeting on the Rights of Internally Displaced Persons in the Commonwealth: 19-21 May 2003

The Human Rights Unit convened an Expert Group Meeting on the Rights of Internally Displaced Persons in the Commonwealth in London from 19th to 21st May 2003 in London. The purpose of the meeting was to examine the problem of internal displacement in the Commonwealth and develop best practice guidelines on legislative, administrative and policy reforms.

According to Dr Francis Deng, Representative of the United Nations Secretary-General on Internally Displaced Persons, there are more than 25 million people in 40 countries worldwide (13 of which belong to the Commonwealth) who have been forced to leave their homes — but not their countries — due to natural and man-made disasters. Unlike refugees, who receive official status and assistance from the international community, internally displaced persons are often left in isolation with no help from their national government or human rights commission.

The participants looked at how the UN’s ‘Guiding Principles on Internal Displacement’, could be applied within Commonwealth countries.

“The responsibility for meeting the protection and assistance needs of the internally displaced rests first and foremost with the national government and, through them, local government authorities,” explains Hanif Vally, Head of the Secretariat’s Human Rights Unit. “In our discussions we worked to identify the means through which national and local governments in the Commonwealth can respond to the needs of their internally displaced populations.”

Participants in the Expert Group consisted of representatives from the following institutions; Representative of the UN Secretary General on Internal Displacement, Brookings-SAIS Project on Internal Displacement; International Committee of the Red Cross; UN High Commission for Refugees; Disaster Preparedness and Management Department of Uganda; Human Rights Commission of Sri Lanka; International Federation of Red Cross and Red Crescent

Societies; Sri Lankan Consortium of Humanitarian Agencies; UN Internal Displacement Unit (UN Office for the Co-ordination of Humanitarian Affairs); Raoul Wallenberg Institute of Human Rights; and the Commonwealth Secretariat.

Mainstreaming of Human Rights in the Secretariat

The implementation of the project has started with the engagement of consultants to carry out consultations with a number of Divisions in the Secretariat. The consultants will consider the work of five selected Divisions through consultations with the Divisions with a view to identifying specific practical measures each could take consistent with a human rights based approach to development and poverty alleviation. The project will involve formulation of a human rights based approach to development for the Secretariat's Divisions for project formulation and development, identification of appropriate processes, projects and Divisions for a human rights based approach to development and for promoting the protection, and implementation of human rights.

The consultants will then prepare a Plan of Action for mainstreaming human rights in the Secretariat by focusing on the rights based approach to development and poverty alleviation in accordance with the Millennium Development Goals.

It is also expected that the project will internalise understanding of human rights in the context of Commonwealth values by the Divisions to ensure that human rights are seen as part of benchmarks and performance indicators particularly in the sphere of economic, social and cultural rights.

As part of the project the Unit recently conducted a day long human rights seminar for members of staff from across the Divisions of the Secretariat.

Training Workshop on "Youth, the Law and Human Rights"

Mumbai, India, 22nd April – 25th April 2003

The Human Rights Unit (HRU) has produced a publication titled "**Introduction to Law and Human Rights for Young People in the Commonwealth**" which provides an overview of some of the key legal and human rights issues that

affect young people in the Commonwealth. It is intended that this publication be used for training tutors delivering Commonwealth Youth Programme (CYP)'s 'Youth in Development Diploma' from the Asia, Africa, Caribbean and South Pacific regions.

The Asia workshop was held in collaboration with the Youth Affairs Unit and CYP – Asia Centre. 22 delegates from Bangladesh, India, Malaysia, Singapore and Sri Lanka from tertiary institutions delivering the diploma were trained to deliver programmes on Commonwealth values and human rights.

The objectives of the workshop were:

- To inculcate an understanding of Commonwealth values and the legal basis of society in the Commonwealth community, thus strengthening democracy and the rule of law, and creating a cadre of committed Commonwealth citizens.
- To train Tutors from the tertiary partners of the Asia region to facilitate training programmes on Commonwealth values and human rights.

This programme will be extended to other regions of the Commonwealth in order to train tutors involved in the CYP diploma programme to teach human rights to students enrolled for the diploma. The diploma is taught in some 23 tertiary institutions in 40 Commonwealth countries and has a current student enrolment of 2000 students.

Reports

The 59th Session of the UN Commission on Human Rights: An Overview

The 59th Session of the UN Commission on Human Rights took place in Geneva from 17th March to 25th April 2003. The Session debated a wide range of human rights issues and made some important decisions aimed at facilitating respect of human rights in different parts of the world. The Human Rights Unit attended the Session in an observer capacity in order to monitor developments in the international human rights arena.

In his opening address, the UN High Commissioner for Human Rights, Mr. Sergio Vieira de Mello noted that the Commission was meeting at a time of unusual convulsion in world affairs, and went on to say that at such times it was important to remember day-to-day human rights difficulties, such as the fact that many people lacked even the basics — water, sustenance, elementary education, health services — for a dignified life. He also said the world could not compromise hard-won human rights to give States a free hand in fighting terrorism, an opinion echoed by numerous national delegations as debate was carried out under such topics as the prevention of racial and religious discrimination.

The Commission adopted 86 resolutions, 18 decisions, and three Chairperson's statements. Among the issues that surfaced repeatedly during the Commission's fifty-ninth session was the war taking place in Iraq and the question of the extent to which anti-terrorism measures in the wake of the 11 September 2001 attacks in Washington and New York were racial and religious discrimination and hence a violation of human rights. A resolution to hold a "special sitting" to discuss the war in Iraq was defeated by a roll-call vote of 18 in favour to 25 against, with 7 abstentions.

At this point, the UN High Commissioner for Human Rights, Sergio Vieira de Mello stated that the human rights of the Iraqi people had been violated for many years, and that in the current crisis, humanitarian law and fundamental human rights should be protected on the ground by the parties to the conflict.

In a resolution on combating defamation of religion, adopted by a roll-call vote, the Commission expressed deep concern that Islam was frequently and wrongly associated with human rights violations and terrorism and noted with deep concern the intensification of a campaign of defamation of religions and ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001. The Commission requested the Special Rapporteur on contemporary forms of racism to examine the situation of Muslim and Arab peoples with special reference to physical attacks against their places of worship, cultural centres,

businesses and properties in the aftermath of the events of 11 September 2001.

In a resolution on the World Conference against Racism and on comprehensive implementation of the Durban Declaration and Programme of Action that resulted from the Conference, the Commission stressed that States and international organizations had a responsibility to ensure that measures taken in the struggle against terrorism did not discriminate on grounds of race, colour, descent or ethnic origin. In another resolution, the Commission requested the High Commissioner to prepare a report on the question of protecting human rights while combating terrorism.

In other action, the Commission:

- requested the High Commissioner for Human Rights to convene a two-day high-level seminar to review and identify effective strategies for mainstreaming the right to development into the policies and operational activities of the major international organizations;
- requested the High Commissioner to convene a second consultative meeting with a view to finalizing the "Basic principles and guidelines" on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;
- requested the High Commissioner to examine existing mechanisms and to identify possible gaps in the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;
- requested the High Commissioner to prepare an analytical report on measures taken to implement a Commission resolution on the protection of human rights in cases of mass exoduses;
- requested the High Commissioner to submit a comprehensive report on efforts to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts;
- requested the Office of the High Commissioner to organize jointly with the United Nations Educational, Scientific and Cultural Organization an intergovernmental workshop to assess the achievements and shortcomings of the current Decade for Human Rights Education and to discuss strategies for a second decade;

- called upon the Office of the High Commissioner to organize a second expert seminar, in 2004, to examine further the interdependence between democracy and human rights, with a focus on the topic of “democracy and the rule of law”;
- requested the Special Rapporteur on adequate housing to submit a report on women and adequate housing;
- requested the Secretary-General to commission an independent study on best practices to assist States in strengthening their domestic capacities for combating all aspects of impunity for violations of human rights;
- and requested the Secretary-General to prepare a report on the consideration being given to the possible relationship between the environment and human rights, including the right to development, as part of sustainable development.

Dates for next year’s session, the Commission’s sixtieth, were set for 15 March to 23 April 2004.

(Source: the office of the UN High Commissioner for Human Rights)

New Publications by the Human Rights Unit

Report of the Expert Group on Strategies for Combating the Trafficking of Women and Children (2003)

The Publication sets out strategies to combat trafficking in accordance with international standards. State and non state actors in countries of the Commonwealth have invested resources to combat trafficking in various ways and at different levels. These strategies, therefore, are an invitation to practitioners to engage in constructive dialogue on a gender and rights responsive paradigm on trafficking, to identify additional and alternative interventions that might enhance the efficacy of current interventions.

Introduction to Law & Human Rights for Young People in the Commonwealth

This publication is aimed at interesting and imbuing students with human rights values and their legal rights and duties, thus strengthening democracy, the

rule of law and a culture of respect for human rights. This publication is accessible enough to be used in non-formal training through institutes of continuing adult education.

Freedom of Expression, Association and Assembly

Freedom of expression, association and assembly are part of the constituent elements necessary for the establishment of democratic societies. They encompass the essential rights inherent in a democracy to establish and participate in political parties, trade unions and non-governmental organisations as well as freedom of the media. The right to demonstrate and protest forms an essential part of these rights.

This publication considers factors which hinder the enjoyment of these rights, and posits guidelines to overcome these hindrances. It examines the fundamental human rights of freedom of expression, assembly and association as set out in the international and regional instruments. In doing so, it examines such limitations of these rights which are necessary in a democratic society to ensure other fundamental rights are not infringed.

Commonwealth Guidelines for treatment of victims of crime

Victims of crime are sometimes overlooked when consideration is given to reforming the criminal justice system of Commonwealth countries. This leads to the incorrect perception that ‘criminals have more rights than victims’. It detrimentally affects the public perception and support for fundamental human rights provisions in the law, especially those dealing with the right to a free trial. It also erodes confidence in the judiciary and justice systems.

This Publication sets out best practices and guidelines of dealing with these victims at various stages in criminal justice systems in the Commonwealth, including the role of police, prosecutors and courts. It also looks at issues of compensation and restitution for victims of crime.

For copies of these Publications, please contact the Publications Manager, Commonwealth Secretariat, Marlborough House, London.

STATUS OF RATIFICATIONS OF THE PRINCIPAL INTERNATIONAL HUMAN RIGHTS TREATIES IN THE COMMONWEALTH

As of 21 August 2002

The international human rights treaties of the United Nations that establish committees of experts (often referred to as “treaty bodies”) to monitor their implementation are the following:

- (1) **the International Covenant on Economic, Social and Cultural Rights (CESCR)**, which is monitored by the Committee on Economic, Social and Cultural Rights;
- (2) **the International Covenant on Civil and Political Rights (CCPR)**, which is monitored by the Human Rights Committee;
- (3) **the Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP1)**, which is administered by the Human Rights Committee; and
- (4) **the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty (CCPR-OP2-DP)**.
- (5) **the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)**, which is monitored by the Committee on the Elimination of Racial Discrimination;
- (6) **the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, which is monitored by the Committee on the Elimination of Discrimination against Women;
- (7) **the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)**;
- (8) **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**, which is monitored by the Committee against Torture;
- (9) **the Convention on the Rights of the Child (CRC)**, which is monitored by the Committee on the Rights of the Child;
- (10) **the Optional Protocol to the Convention on the Rights of the Child (CRC-OP-AC) on the involvement of children in armed conflict**;
- (11) **the Optional Protocol to the Convention on the Rights of the Child (CRC-OP-SC) on the sale of children, child prostitution and child pornography**;
- (12) **the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)**, which was adopted by the General Assembly in 1990 and entered into force on 1 July 2003.

The following chart of States shows Commonwealth countries which are a party (indicated by the date of adherence: ratification, accession or succession) or signatory (indicated by an “s” and the date of signature) to the United Nations human rights treaties listed above. Self-governing territories that have ratified any of the treaties are also included in the chart. As at 21 August 2002, all 189 Member States of the United Nations and 4 non-Member States were a party to one or more of these treaties.

STATUS OF RATIFICATION OF HUMAN RIGHTS INSTRUMENTS BY COMMONWEALTH COUNTRIES

STATE	CESCR	CCPR	CCPROP1	CCPROP2	CERD	CEDAW	CEDAWOP	CAT	CRC	CRCOPAC	CRCOPSC	MWC
Antigua & Barbuda					25 Oct 88d	01 Aug 89a		19 Jul 93a	06 Oct 93			
Australia	10 Dec 75	13 Aug 80	25 Sep 91a	02 Oct 90a	30 Sep 75*	28 Jul 83		08 Aug 89*	17 Dec 90		s:18 Dec 01	
The Bahamas					05 Aug 75d	06 Oct 93a			20 Feb 91			
Bangladesh	05 Oct 98a	07 Sep 00a			11 Jun 79a	06 Nov 84a	07 Sep 00	05 Oct 98a	03 Aug 90	07 Sep 00	07 Sep 00	s:07 Oct 98
Barbados	05 Jan 73a	05 Jan 73	05 Jan 73a		08 Nov 72a	16 Oct 80			09 Oct 90			
Belize	s:06 Sep 00	10 Jun 96			14 Nov 01	16 May 90		17 Mar 86a	02 May 90	s:06 Sep 00	s:06 Sep 00	14 Nov 01a
Botswana		08 Sep 00			20 Feb 74a	13 Aug 96a		08 Sep 00	14 Mar 95 a			
Brunei Darussalam									27 Dec 95 a			
Cameroon	27 Jun 84a	27 Jun 84a	27 Jun 84a		24 Jun 71	23 Aug 94		19 Dec 86a	11 Jan 93	s:05 Oct 01	s:05 Oct 01	
Canada	19 May 76a	19 May 76a	19 May 76a		14 Oct 70	10 Dec 81	18 Oct 02	24 Jun 87*	13 Dec 91	07 Jul 00	s:10 Nov 01	
Cook Islands									06 Jun 97			
Cyprus	02 Apr 69	02 Apr 69	15 Apr 92	10 Sep 99a	21 Apr 67*	23 Jul 85a	26 Apr 02	18 Jul 91*	07 Feb 02		s:08 Feb 01	
Dominica	17 Jun 93a	17 Jun 93a				15 Sep 80			13 Mar 91	20 Sep 02	20 Sep 02	
Fiji Islands					11 Jan 73d	28 Aug 95			13 Aug 93			
The Gambia	29 Dec 78a	22 Mar 79a	09 Jun 88a		29 Dec 78a	16 Apr 93		s:23 Oct 85	08 Aug 90	s:21 Dec 00	s:21 Dec 00	
Ghana	08 Sep 00	08 Sep 00	08 Sep 00		08 Sep 66	02 Jan 86	s:24 Feb 00	05 Feb 90	05 Feb 90			08 Sep 00
Grenada	06 Sep 91a	06 Sep 91			S:17 Dec 81	31 Aug 90			05 Nov 90			
Guyana	15 Feb 77	15 Feb 77	10 May 93a		15 Feb 77	17 Jul 80		19 May 88	14 Jan 91			
India	10 Apr 79a	10 Apr 79a			03 Dec 68	09 Jul 93		s:14 Oct 97	11 Dec 92a			
Jamaica	03 Oct 75	03 Oct 75			04 Jun 71	19 Oct 84			14 May 91	10 May 02	s:08 Sep 00	
Kenya	01 May 72a	01 May 72a			13 Sep 01a	09 Mar 84a		21 Feb 97 a	31 Jul 90	28 Jan 02	s:08 Sep 00	
Kiribati									11 Dec 95 a			<i>Continued on page 18</i>

STATE	CESCR	CCPR	CCPROP1	CCPROP2	CERD	CEDAW	CEDAWOP	CAT	CRC	CRCOPAC	CRCOPSC	MWC
Lesotho	09 Sep 92a	09 Sep 92a	07 Sep 00a		04 Nov 71a	22 Aug 95a	s: 06 Sep 00	13 Nov 01a	10 Mar 92	s:06 Sep 00	s:06 Sep 00	
Malawi	22 Dec 93a	22 Dec 93a	11 Jun 96		11 Jun 96a	12 Mar 87a	s:07 Sep 00	11 Jun 96a	03 Jan 91a	s:07 Sep 00	s:07 Sep 00	
Malaysia						05 Jul 95			17 Feb 95a			
Maldives					24 Apr 84a	01 Jul 93a			11 Feb 91	s:10 May 02	10 May 02	
Malta	13 Sep 90	13 Sep 90a	13 Sep 90a	29 Dec 94a	27 May 71*	08 Mar 91a			13 Sep 90a	30 Sep 90	10 May 02	s:07 Sep 00
Mauritius	12 Dec 73a	12 Dec 73a	12 Dec 73a		30 May 72a	09 Jul 84a	s:11 Nov 01	09 Dec 92a	26 Jul 90a	s:11 Nov 01	s:11 Nov 01	
Mozambique		21 Jul 93a		21 Jul 93a	18 Apr 83a	16 Apr 97a		14 Sep 99a	26 Apr 94			
Namibia	28 Nov 94a	28 Nov 94a	28 Nov 94a	28 Nov 94a	11 Nov 82a	23 Nov 92a	26 May 00	28 Nov 94a	01 Oct 90	16 Apr 02	16 Apr 02	
Nauru		s:12 Nov 01	s:12 Nov 01		S:12 Nov 01			s:12 Nov 01	27 Jul 94a	s:08 Sep 00	s:08 Sep 00	
New Zealand	28 Dec 78	28 Dec 78	26 May 89a	22 Feb 90	22 Nov 72	10 Jan 85	08 Sep 00	10 Dec 89a	06 Apr 93	12 Nov 01	s:07 Sep 00	
Nigeria	29 Jul 93a	29 Jul 93a			16 Oct 67a	13 Jun 85	s:08 Sep 00	28 Jun 01	19 Apr 91	s:08 Sep 00	s:08 Sep 00	
Niue									20 Dec 95a			
Pakistan					21 Sep 66	12 Mar 96a		12 Nov 90	s:26 Sep 01	s:26 Sep 01		
Papua New Guinea					27 Jan 82a	12 Jan 95a			02 Mar 93			
Saint Kitts & Nevis						25 Apr 85a			24 Jul 90			
Saint Lucia					14 Feb 90d	08 Oct 82a			16 Jun 93			
Saint Vincent & the Grenadines	09 Nov 81a	09 Nov 81a	09 Nov 81a		09 Nov 81a	04 Aug 81a		01 Aug 01a	26 Oct 93			
Samoa						25 Sep 92a			29 Nov 94			
Seychelles	05 May 92a	05 May 92a	05 May 92a	15 Dec 94a	07 Mar 78a	06 May 92a		05 May 92a	07 Sep 90a	s:23 Jan 01	s:23 Jan 01	15 Dec 94a
Sierra Leone	23 Aug 96a	23 Aug 96a	23 Aug 96a		02 Aug 67	11 Nov 88	s:08 Sep 00	25 Apr 01	18 Jun 90	16 May 02	17 Sep 01	s:15 Sep 00
Singapore						05 Oct 95a			05 Oct 95 a	s:07 Sep 00		
Solomon Islands	17 Mar 82d				17 Mar 82d	06 May 02a	06 May 02		10 Apr 95a			

STATE	CESCR	CCPR	CCPROPI	CCPROP2	CERD	CEDAW	CEDAWOP	CAT	GRC	CRCOPAC	CRCOPSC	MWC
South Africa	s:03 Oct 94	10 Dec 98			10 Dec 98*	15 Dec 95		10 Dec 98*	16 Jun 95	s:08 Feb 02		
Sri Lanka	11 Jun 80a	11 Jun 80a	03 Oct 97a		18 Feb 82a	05 Oct 81		03 Jan 94a	12 Jul 91	08 Sep 00		11 Mar 96a
Swaziland					07 Apr 69a				08 Sep 95			
Tonga					16 Feb 72a				06 Nov 95a			
Trinidad & Tobago	08 Dec 78a	21 Dec 78a			04 Oct 73	12 Jan 90			06 Dec 91			
Tuvalu						06 Oct 99a			22 Sep 95a			
Uganda	21 Jan 87a	21 Jun 95a	14 Nov 95		21 Nov 80a	23 Jul 85		03 Nov 86a	17 Aug 90	06 May 02a	30 Nov 01a	14 Nov 95a
United Kingdom	20 May 76	20 May 76		10 Dec 99	07 Mar 69	07 Apr 86		08 Dec 88*	16 Dec 91	s:07 Sep 00	s:07 Sep 00	
United Republic of Tanzania	11 Jun 76a	11 Jun 76a			27 Oct 72a	20 Aug 85			11 Jun 91			
Vanuatu						08 Sep 95			07 Jul 93			
Zambia	10 Apr 84a	10 Apr 84a	10 Apr 84a		04 Feb 72	21 Jun 85		07 Oct 98a	06 Dec 91			
Zimbabwe	13 May 91a	13 May 91a			13 May 91a	14 May 91a			11 Sep 90			-

NOTES

The dates listed refer to the date of ratification, unless followed by:

An “a” which signifies accession,

“d”, which signifies succession, or

“s”, which signifies signature only.

* indicates that the state party has recognised the competence to receive and process individual communications of the Committee on the Elimination of Racial Discrimination under article 14 of the CERD or of the committee against Torture under article 22 of CAT.

Source: **The UN High Commission for Human Rights** (Edited by the Human Rights Unit, Commonwealth Secretariat, London).

Know your Human Rights

INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

“Torture is a barbaric violation of human dignity and human rights. No political, military, religious or other cause can justify it”, says UN Secretary-General Kofi Annan in his message for this year’s observance of the International Day in Support of Victims of Torture. **“Each year on this day, we reaffirm our unbroken will and spirit to stamp out this vile practice, bring the torturer to justice, and care for his innocent victims”**, says the Secretary-General.

On 26 June, the international community observes a special day to focus on helping torture victims and ending torture — the International Day in Support of Victims of Torture

This year’s commemoration coincides with the fifty-fifth anniversary of the **Universal Declaration of Human Rights, which in its Article 5 proclaims that: “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.**

Torture is a crime under international law; it is absolutely prohibited and cannot be justified under any circumstances, such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, which was adopted by the General Assembly in 1984 and which entered into force on 26 June 1987, obliges the 132 States parties who have ratified it to make torture a crime and to prosecute and punish those guilty of it. It notes explicitly that neither higher orders nor exceptional circumstances can justify torture.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as “any act by which severe physical or mental pain or suffering is intentionally inflicted by, at the instigation of, or with the acquiescence of someone acting in an official capacity, to obtain information or a confession. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”



The views expressed in this newsletter are not necessarily those of the Commonwealth Secretariat

For comments, contributions and copies of the publications please contact:

Human Rights Unit, Commonwealth Secretariat,
Marlborough House, Pall Mall, London SW1Y 5HX, United Kingdom.

Telephone: +44 (0)20 7747 6423 Fax: +44 (0)20 7747 6418

e-mail: b.morgan@commonwealth.int

Website: www.thecommonwealth.org