

COMMONWEALTH CONFERENCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS,  
MARLBOROUGH HOUSE, LONDON  
26-28 FEBRUARY 2007

ANNEXE

OBSERVATIONS OF THE DELEGATES ON THE PROPOSED FORUM FOR  
COMMONWEALTH HUMAN RIGHTS INSTITUTIONS

DELEGATE	VIEWS EXPRESSED
Professor Brian Burdekin, AO	<ul style="list-style-type: none"> <li>• Would be excellent to have leadership endorsed by Commonwealth.</li> <li>• From practitioner's perspective when looking at different countries it is difficult to ascertain a) definition of human rights b) status of treaties.</li> <li>• NHRIs, following Harare Declaration, need forward looking pronouncement reflecting this.</li> <li>• There are lots of training programmes being implemented but a forum would link these together. There is considerable scope for creating an entity for NHRI staff to cooperate with, without imposing an additional or unrealistic burden.</li> <li>• Notes this is the first time the Secretary General attended the conference and a clear signal has been sent - a useful entrée to CHOGM.</li> </ul>
Papua New Guinea Mr Ilamisini Geno	<ul style="list-style-type: none"> <li>• Welcomes the forum.</li> <li>• In PNG have office of Ombudsman but a forum would provide political leverage to influence the legislature to establish a Commission.</li> <li>• In PNG much work carried out in relation to investigation of public officials for alleged misconduct, usually relating to misuse of public funds.</li> <li>• Therefore really need a human rights Commission.</li> <li>• PNG pledges support for the forum if the forum would offer equal support to PNG in the establishment of a human rights Commission. The support cuts both ways.</li> <li>• Also argued that Ombudsmen offices should not be excluded - they would be qualified to have a place in the forum.</li> </ul>
OHCHR Mr Gianni Magazzeni	<ul style="list-style-type: none"> <li>• Forum is going in right direction but wants to qualify their support.</li> <li>• Important to recognise good work of other regional committees.</li> <li>• Welcomes Steering Committee.</li> <li>• Forum of CNHRI should be forum of last resort - i.e. that would only intervene where no other capacity in a country - therefore should not duplicate but offer practical support and political backing.</li> <li>• Focus on CHOGM is welcome and look forward to working with UGANDA.</li> <li>• British Council project showed huge potential.</li> <li>• Hopes UN to focus more on NHRIs because key to human rights</li> </ul>

	<p>protection at domestic level in terms of upholding the rule of law and working towards sustainable peace efforts.</p> <ul style="list-style-type: none"> <li>• Seeking ways to support national institutions is a worthwhile investment.</li> </ul>
<p>Malawi Mrs Dorothy Nyasulu</p>	<ul style="list-style-type: none"> <li>• Expresses support for the idea.</li> <li>• Emphasises need to ascertain proper objectives as to why want the forum and the necessity for it.</li> <li>• The Steering Committee would have an important role in this. E.g. look at existing structures and what value the forum will bring to NHRIs.</li> <li>• From their experience - a common background is one strength - with commonality it becomes easier to identify issues -e.g. training. Whilst the issue is the same, the set up might be different depending on resources and size of a country.</li> </ul>
<p>ECOWAS Dr Said Adejumobi</p>	<ul style="list-style-type: none"> <li>• Must address as a starting point a) is there a need for a forum b) what is the value added in establishing a forum.</li> <li>• 4 compelling reasons for a forum (mentioned by Rabab Fatima, HRU): <ul style="list-style-type: none"> <li>(1) Provide platform of interaction for CHOGM;</li> <li>(2) Could provide strong pressure point on political leadership in CHOGM for human rights standards and protection offered by NHRIs;</li> <li>(3) Platform for exchange of ideas and capacity reinforcement;</li> <li>(4) In line with Harare declaration, the forum could, if well managed, place human rights squarely in the Commonwealth.</li> </ul> </li> <li>• Issues emanating from this include the nature and purpose of an interaction with CHOGM - if the forum exerted a strong influence on deliberations at CHOGM there would be a strong need for the forum.</li> <li>• What is the nature of the relationship of the proposed forum with existing forums and networks? Will it criss-cross existing networks or will it overextend energies and limited resources because these platform and networks will place great demands on participants.</li> </ul>
<p>New Zealand Dr Judy McGregor</p>	<ul style="list-style-type: none"> <li>• There seems to be consensus that the added value of a forum would be strategic engagement with CHOGM.</li> <li>• Dr McGregor was happy to go with the consensus but expressed a need to separate this from the issue of infrastructure and funding.</li> <li>• Those of the APF know its added value of a forum but also the financial and physical costs of providing technical expertise. This has been a 10 year journey. Therefore we need not underestimate the meaning of the forum.</li> <li>• Wants (1) commitment to strategic engagement of CHOGM before we ask (2) infrastructure needed to support this. (3) Also support Steering Committee to take (2) forward.</li> <li>• Must walk before can run.</li> </ul>
<p>Mauritius Mr Dheeruj Seetulsingh</p>	<ul style="list-style-type: none"> <li>• Congratulates British Council project and hopes that the Commonwealth HRU can take up the challenge.</li> <li>• Has some experience of an association and wishes to share that with the delegates to inform the notion of a CNHRI.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Francophone association: The French government provides the funds because wants to spread influence. But this will not be replicated in the CNHRI forum. Members are ICC accredited and the others have observer status. Holds monthly meeting on different themes, e.g. last month it was on cultural rights. Could be idea to have annual or meeting every 2 years on a specific theme. Annual contribution is 300 Euros and of course funding the CNHRI would generate the same problems of contributions.</li> <li>• Word "forum" is confusing. The idea of a forum might not necessarily be a regional forum but one of language. Draws on problematic experiences in Africa where the regional association is in gestation but there was a large language barrier to begin with.</li> </ul>
CHRI Ms Stephanie Aiyagari	<ul style="list-style-type: none"> <li>• Can the HRU help forum ensure access to the foreign ministers at CHOGM? As we know civil society has had huge fight for long time to attain a way in.</li> <li>• If the forum comes together to access CHOGM - and there seems to be an advocacy focus here - then don't want to waste work and not get access.</li> <li>• She agrees with Rabab Fatima that there is a difference between civil society and NHRIs.</li> <li>• NHRIs can impact on deliberations at CHOGM.</li> </ul>
Nigeria Mrs Kehinde Ajoni	<ul style="list-style-type: none"> <li>• If it is established that NHRIs not on same platform then proposes that there is a need for the NHRIs to report back to Heads of Government.</li> </ul>
Jamaica Mr Earl Witter	<ul style="list-style-type: none"> <li>• Supports the idea of Mrs. Ajoni.</li> </ul>
Mauritius Mr Dheeruj Seetulsingh	<ul style="list-style-type: none"> <li>• Francophone association is to spread influence of French as the common language. It gives aid and help to the members. E.g. a donation of books to build up human rights library.</li> <li>• If create a formal association must have legal personality. E.g. francophone society incorporated in France into law. Must open bank account for contribution of members. Incorporation of association according to law of place where it has its seat and abide by laws such as auditing accounts etc.</li> <li>• In favour of CNHRI but not on same lines as the Francophone association- want it more loosely organised - network of members.</li> <li>• Not convinced that must go to meeting of Heads of Government at Kampala - in order to make representation to ministers or foreign ministers then this can be done personally by appointment in ones own country.</li> <li>• Commissioners should seek to get appointments with Ministers to convince them of their agenda, e.g. ratify treaties etc. Don't need to go some other place to do that. Therefore not agree need on that aspect.</li> <li>• Wants to be on Steering Committee.</li> </ul>
Kenya Mr Maina Kiai	<ul style="list-style-type: none"> <li>• Most effective forums are specific and organic. Start small and grow.</li> <li>• Accepts that there could be overload of training. End up being</li> </ul>

	<p>trained and not working so must be very careful indeed of over layering. Need more coordination and symbiosis and synergy.</p> <ul style="list-style-type: none"> <li>• Whilst Commonwealth agenda is a common one - i.e. common language - sense that there are more similarities than differences is mistaken. E.g. in Kenya there are 3 justice systems. Differences will be magnified in a forum.</li> <li>• Within African context there has been a language problem which has extended to the need for a bilingual director who is also independent.</li> <li>• Such tensions (particularly linguistic) must be resolved so that can come to the meeting with a common agenda. Urges flexibility here so that views do not become divergent.</li> <li>• The CNHRI can be pushed forward especially on interface with CHOGM. Use the activities already planned and existing rather than separate ones.</li> <li>• Wants to be on Steering Committee because very clear on where this should go.</li> </ul>
<p>Namibia Mr John R Walters</p>	<ul style="list-style-type: none"> <li>• Will not concur with Kenya.</li> <li>• Chair was instrumental in acceptance of Namibia as member of ICC and accredited status. Namibia also started from traditional office of the Ombudsman. Question is how to attain that status and for countries which have expressed need for this (such as PNG) it is a difficult process and one which requires assistance.</li> <li>• Supports idea of forum considers an international forum must be channelled through regional forums. Therefore the African network should be properly established first.</li> <li>• We need to interact and exchange idea. This conference is a learning experience. Therefore conclude with the words of Mbeki: "today I'm proud to be an African."</li> </ul>
<p>Northern Ireland Ms Paddy Sloan</p>	<ul style="list-style-type: none"> <li>• Acknowledged the British Council project and delighted to hear that work on the information network will be continued - this is a valuable legacy.</li> <li>• Workshops have practical advantages as well as useful connections- the forum might benefit from this.</li> <li>• Agree with other colleagues that there are different needs in different institutions and it is difficult to ask delegates to literally buy into a forum structure which is to provide for wide variety of needs.</li> <li>• Agrees that there should not be information overload.</li> <li>• However common denominator is need for political profile of the institutions and this true for UK and PNG and all around table even where NHRI is long established. Governments do not often understand this and therefore this engagement will be useful particularly as a collective effort which is clear on purpose and direction.</li> <li>• Impressed with Nigeria's proposal - how do we engage on peoples' forum which focuses on NHRIs - but arms length institutions too.</li> </ul>

	<p>The space between government and civil society could be valid forum for CHOGM. We must do this strategically.</p>
<p>Australia Ms Karen Toohey</p>	<ul style="list-style-type: none"> <li>• Australia plays active role in AFP and gets huge benefit from our participation. But this has taken huge work over last 10 years.</li> <li>• Therefore urges caution when “throw around the idea of starting a forum”. It rings alarm bells because takes huge resources.</li> <li>• Agrees about overload and having another formal structure might detract from regional networks which are trying to get up and running as we speak.</li> <li>• Steering Committee welcomed.</li> <li>• Curious to find today - we have heard of the British Council project - what is the Secretariat role here and what are the HRU suggestions of the arrangement of the forum.</li> </ul>
<p>Cameroon Dr Chemuta Banda</p>	<ul style="list-style-type: none"> <li>• Language is important to foster cooperation and understanding also within framework of Francophone. Need common language understood by all. English is so important that Commonwealth countries take advantage of it within the context of a human rights agenda.</li> <li>• Must improve profile of NHRIs which according to Paris principles are not supposed to be merged together with civil society organisations.</li> <li>• Concerns over resources but adds that this should not cloud the advantages to be derived from the forum.</li> <li>• Welcomes Steering Committee.</li> </ul>
<p>Professor Brian Burdekin, AO</p>	<ul style="list-style-type: none"> <li>• Speaking rights were not obtained at UN in a hurry.</li> <li>• Identity of NHRIs does not preclude our interaction.</li> <li>• Notes concerns over lack of staff and resources of the Commonwealth Secretariat. APF have millions of dollars funding.</li> <li>• Need contact point as a bare minimum and another forum might be useful in this.</li> </ul>
<p>Tanzania Justice Robert Kisanga</p>	<ul style="list-style-type: none"> <li>• Supports the proposal for new forum and reasons put forward.</li> <li>• Problems relating to implementation to a decision (if agreed) to have CNHRI. E.g. finance, overlapping of business, how forum would relate to the other fora which at present exist etc.</li> <li>• These matters to be explored afterwards by appropriate body including Steering Committee -if a decision for proposed forum is taken.</li> </ul>
<p>Zambia Mrs Pixie Yangailo</p>	<ul style="list-style-type: none"> <li>• Supports fully the role of the forum and see it as a platform to bridge the NHRIs and exchange of ideas, expertise and thus strengthening NHRIs.</li> <li>• It could be forum to provide protection because one never knows when must deal with sensitive political issues which threaten the NHRI itself.</li> </ul>
<p>Canada Mr David Langtry</p>	<ul style="list-style-type: none"> <li>• There IS consensus for the forum.</li> <li>• NO consensus for scope and mandate and structure of forum.</li> <li>• We seem to be heading in the direction of a Steering Committee. But to give direction is difficult.</li> <li>• We should just start and if we have consensus for that then let us</li> </ul>

	<p>focus on CHOGM.</p> <ul style="list-style-type: none"> <li>We will start without a formal structure requiring fees and resources, meetings etc and yet another forum that we must go to with all or our competing interests. Therefore a minimalism model will have more chance of success.</li> </ul>
Sierra Leone Ms Yasmin Jusu-Sherff	<ul style="list-style-type: none"> <li>Consensus on establishment of the network - we need a primary objective of protecting human rights at national level. Therefore must leave open every opportunity to achieve that primary objective. Sees a network as providing resources for this (particularly drawing from what has been learnt in this conference).</li> <li>Also important to ensure that sub networks are strong themselves. E.g. the regional members. It is a trite but empowered members mean empowered networks. This can assist the NHRIs to build the sub regional networks. So the forum should be now to help strengthen the sub regional networks.</li> </ul>
Belize Mr Paul Rodriguez	<ul style="list-style-type: none"> <li>Whilst Belize is member of 2 fora already they don't see how can turn back on family of over 200 years.</li> <li>Support is afforded provided: <ul style="list-style-type: none"> <li>(1) They do not become like powerful regional bodies.</li> <li>(2) It is not an exclusive club. The way to spread peace on earth is to spread it thought international language and culture of human rights and he will do all in his little power to do that.</li> </ul> </li> </ul>
Maldives Mr Ahmed Saleem	<ul style="list-style-type: none"> <li>Similar sentiments to Malawi that this is a good idea and that it is an effort in the right direction.</li> <li>Having the Commonwealth forum with a strong profile will benefit all the NHRIs particularly small states.</li> </ul>
Antigua & Barbuda Dr Hayden Thomas	<ul style="list-style-type: none"> <li>Fully supports the notion of the forum.</li> <li>Necessary to have Steering Committee.</li> <li>Main concern is cost. Steering Committee could work this out.</li> <li>Journey of 1000 miles begins with first step therefore lets start and Steering Committee see us through.</li> </ul>
Sri Lanka Justice Dharmasiri Jayawickrama	<ul style="list-style-type: none"> <li>Supports idea of a forum.</li> <li>The organisation of this conference by the Secretariat team leaves him in no doubt that it will be a success.</li> </ul>
Malaysia Ms Sharina Md. Deris	<ul style="list-style-type: none"> <li>So many commonalities in the Commonwealth a huge reservoir of expertise and knowledge which we can tap into.</li> <li>Supports the rationale as spelt out by Rabab Fatima of HRU.</li> <li>Although being in Pacific region he is mindful of concern of duplication.</li> <li>Steering Committee could decide on issues such as structure, cost etc. so that can get going.</li> </ul>
Nigeria Mrs Kehinde Ajoni	<ul style="list-style-type: none"> <li>Supports forum in principle and in fact.</li> <li>Steering Committee to move forward the strategy.</li> <li>Nigeria wishes to be on the Steering Committee.</li> <li>It is her concern that there is a clear timeframe for the Steering Committee. If there is no time limit it is merely ad hoc with open-ended time to work.</li> </ul>

	<ul style="list-style-type: none"> <li>• If there is a strategy which could be sent to members possibly the Commonwealth Secretariat to receive responses for ICC.</li> <li>• Drive towards Steering Committee to discuss this.</li> </ul>
Ghana Ms Anna Bossman	<ul style="list-style-type: none"> <li>• Reservations to the forum but supports this in principle.</li> <li>• Have had 50 years of independence with along with Malaysia and therefore endorse it.</li> </ul>
Uganda Mrs Margaret Sekaggya Expressed views as Commissioner for Uganda Human Rights Commission as opposed to those of the Chairperson.	<ul style="list-style-type: none"> <li>• Supports the forum.</li> <li>• Must be a small affordable Steering Committee because if too large then will not be able to get the members together. Perhaps of 4 or 5 people to steer this ahead.</li> <li>• Uganda will host the “first meeting” which might be imperfect but CHOGM is November so still have time.</li> <li>• If the Steering Committee is appointed then will help us identify which areas we can work on but of course do have a number of projects which have already been worked out. At peoples forum they drafted a forum but hopefully will give time to amend.</li> </ul>
Commonwealth Secretariat Ms Rabab Fatima	<ul style="list-style-type: none"> <li>• Seems that there is broad support for the idea albeit without agreement on an actual structure.</li> <li>• Consensus that Kampala CHOGM could be first starting point for the forum.</li> <li>• Decision on the Steering Committee is most important as many views have been stated.</li> <li>• HRU’s view at this point is to help work of Steering Committee and facilitate work going to Kampala. The NHRIs will have to spell out what they perceive the role of the HRU to be here so that this can be implemented in our policies.</li> </ul>
	<b>FORUM AND STEERING COMMITTEE AGREED UPON DISCUSSION MOVES TO MEMBERSHIP OF STEERING COMMITTEE</b>
Chairperson Mrs Margaret Sekaggya	<ul style="list-style-type: none"> <li>• Members of the bureau and the Commonwealth Secretariat - Canada, Africa, Asia, and Pacific. We have gone by representatives of the bureau to be the first members of the Committee. This does not preclude larger membership giving views on larger structure and eventual membership.</li> <li>• Suggested that Secretariat will send mail for NHRIs to submit views.</li> <li>• When meet in Geneva for ICC there should be a brainstorming session for those who can make it. Will then take place to work out details in many. HRU will support this and prepare a working paper for this meeting. The HRU will provide support for eventual meeting in Kampala.</li> </ul>
Belize Mr Paul Rodriguez	<ul style="list-style-type: none"> <li>• Great lack in the proposal - exclusion of a region with 17 votes in S. America and the Commonwealth.</li> </ul>
Commonwealth Secretariat Ms Rabab Fatima	<ul style="list-style-type: none"> <li>• HRU will construct a working paper to facilitate the Steering committee and ensure they will have everything they need.</li> </ul>
Canada	<ul style="list-style-type: none"> <li>• It is the Americas’ turn and they are supporting us as chair at the</li> </ul>

Mr David Langtry	<p>ICC. Canada is not separate.</p> <ul style="list-style-type: none"> <li>• There are only 4 regions at the ICC. Europe, Asia pacific, Africa and the Americas.</li> </ul>
Northern Ireland Ms Paddy Sloan	<ul style="list-style-type: none"> <li>• Europe left out too so they will happily submit views.</li> </ul>
Sierra Leone Ms Yasmin Jusu-Sherff	<ul style="list-style-type: none"> <li>• Will Ombudsman membership be automatic?</li> </ul>
Namibia Mr John R Walters	<ul style="list-style-type: none"> <li>• Supports the proposal.</li> </ul>
Jamaica Mr Earl Witter	<ul style="list-style-type: none"> <li>• Suggestion of comparative study of the statutes establishing the various NHRIs of various descriptions and laying out their mandates for education of all the participants here and the Commonwealth in general.</li> <li>• Is there general support for this and if so - whether the conference or Steering Committee could undertake such a study for one of its first projects.</li> </ul>
Commonwealth Secretariat Ms Rabab Fatima	<ul style="list-style-type: none"> <li>• Secretariat is pleased to carry this out as proposed</li> </ul>
Professor Brian Burdekin, AO	<ul style="list-style-type: none"> <li>• His book sets out the Asia Pacific model which could be used as a template.</li> <li>• However he notes that it is difficult and requires many resources.</li> <li>• There are very few meetings where African and Asians have the fares paid. Many will not have the fares paid to CHOGM. Therefore should clearly recognise that Geneva is an opportunity to meet and it is funded.</li> </ul>
Northern Ireland Ms Paddy Sloan	<ul style="list-style-type: none"> <li>• There is an accountability responsibility on the Steering group whose deliberations must be channelled back to the wider group.</li> <li>• Meetings on the back of other meetings should be encouraged.</li> <li>• Her concern is that these things are focused on small group of people driving them - inclusivity should be encouraged.</li> <li>• There is no reference in the document to accountability. All opportunities should be encouraged for the forum to meet.</li> <li>• Steering group must make take recommendations of wider group.</li> </ul>