

Human Rights Update



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Human Rights Unit
of the Commonwealth
Secretariat

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'We believe in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live'

Declaration of Commonwealth Principles 1971

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Editorial

The month of July marks the beginning of the new financial year. We have continued to pursue our mandate from Commonwealth members, in expression of their commitment to universal human rights standards, to offer advice and to develop and implement programmes to promote human rights in the Commonwealth. Essential to securing national level protection and promotion of human rights is national adoption and implementation of international human rights standards. The Unit has sought to assist in this regard, for instance, through a workshop held in April in St John's, Antigua, for Caribbean Commonwealth government law officers, on the process of ratification of international and regional human rights instruments. The focus of the workshop was on the International Covenant on Civil and Political Rights, and the International Covenant on Economic Social and Cultural Rights as well as the Inter American Convention on Human Rights. Similar workshops are being planned for other regions, particularly the Pacific region, to encourage the ratification of the ICCPR and ICESCR. Twenty of our member countries have not ratified either or both of the two Covenants.

As the Update shows, we have also been active in various programmes, such as our project on human rights awareness for uniformed services (prisons and policing), the Commonwealth counter-terrorism programme, and other activities as part of our wider programme on promoting human rights education and awareness. Of course as a large part of its work, HRU continues to give advice to the Secretariat on a range of human rights issues, and direct advice to member governments and NHRIs. In this new financial year, HRU will continue to focus on the following thematic areas: determining and developing Commonwealth-wide 'best practice' and standard setting in a common law context of existing international human rights standards, including assisting wider and improved adherence to international human rights conventions; strengthening national and regional human rights mechanisms, thus developing and empowering Commonwealth human rights institutions, including through training and technical assistance programmes and network building; increasing knowledge and awareness of, and respect for, human rights throughout the Commonwealth, especially among key actors and agencies; publication and dissemination of human rights information and mainstreaming human rights in the

Secretariat's programmes and policies.

The establishment of the UN Human Rights Council was a major development in the period under review. The Commonwealth Secretary General in a statement issued on the occasion, welcomed the establishment of the Council and expressed the hope that it will address the shortcomings of the now defunct Human Rights Commission and pay particular regard not only to standard setting, but also to the national implementation of human rights standards. The UN Commission on Human Rights was important in giving profile to human rights issues and particularly in creating foundational human rights instruments that contributed to the development of international law. The Human Rights Council is expected to provide a more accountable representation by States with the emphasis being placed on a universal peer review mechanisms, and a forum for more inclusive participation by NGOs, human rights defenders and the victims of human rights violations. From the Commonwealth's point of view, it is pleasing to note that 13 Commonwealth countries were elected as members of the Council. These countries are Bangladesh, Cameroon, Canada, Ghana, India, Malaysia, Mauritius, Nigeria, Pakistan, South Africa, Sri Lanka, UK and Zambia.

We hope that you will find the Newsletter a useful source of information on the activities of the Human Rights Unit and on important developments from around the Commonwealth. Your views and suggestions to improve the Newsletter would be most welcome.

Human Rights Unit July 2006

Recent Project News

HRU News – Caribbean Workshop on Ratification of International Human Rights Instruments

The workshop was organised to discuss ratification of international and regional human rights instruments with specific reference to the International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights as well as the Inter American Convention on Human Rights. Under the Secretary General's Human Rights Initiative, HRU seeks to encourage greater ratification and implementation of the two Covenants. The event, which was jointly organized with the Inter American Commission on Human Rights and the office of Attorney General and Minister of Justice in Antigua and Barbuda also focussed on broadening understanding of member countries in implementing international human rights standards and encouraging integration of international human rights principles and jurisprudence into the common law and statutory legislation. It involved senior government advisors on international law and human rights drawn from all Commonwealth countries in the Caribbean.

Speaking at the official opening of the Workshop, the Antigua and Barbuda's Attorney General and Minister of Justice Hon Justin Simon said that it is important to recognize that the instruments and mechanisms of the United Nations and inter-American systems can be of assistance in addressing our own national human rights challenges.

'By ratifying and fully implementing international and regional instruments, we can only strengthen our individual efforts to confront and overcome these challenges...it is in our best interests to adhere to and participate in international human rights instruments and mechanisms because we, as independent sovereign states, we created them out of a recognition that our own national and foreign policy objectives in the areas of human rights and security are best achieved through the consolidation and supervision of protections at the regional and international levels', he said.

Broadly, the issues covered by the workshop included:

- An overview of the gap between the domestic law and international human rights treaties and their practice, and the relevance of international human rights standards at the national level.
- A review of the mechanisms available within the UN human rights system as well as that of the inter-American system pertaining to human rights.
- A discussion of the current obligations by Caribbean States before international bodies, namely, periodic reports and responding to petitions before the UN human rights system and the Inter American Commission on Human Rights and challenges faced in meeting these obligations.
- An analysis of the specific challenges faced by member states in further ratification of international human right instruments, namely, limited resources, both financial and human.
- Proposals to effectively address these challenges, namely, draft ratification kits, best practices and the role of international partners in providing technical assistance in this regard.

The meeting called for greater ratification of international and regional human rights treaties and increased communication between member states and international and regional bodies on the specific challenges they face to ratification. The Commonwealth Secretariat and the Office of the High Commissioner for Human Rights were encouraged to provide technical support on ratification and report writing and submission requirements.

It may be mentioned that four countries in the region have not yet ratified the ICCPR and ICESCR. These are Antigua and Barbuda, Bahamas, St Kitts and Nevis and St Lucia.

HRU News – two programmes on ESC Rights in Asia and the Pacific

The Fiji Colloquium and Workshop for Judges and Lawyers:

The proper nature and interpretation of economic, social and cultural rights is a matter on which judges welcome exposure to the practice and jurisprudence of courts in other Commonwealth countries. The Human Rights Unit recently partnered with the Pacific regional office of the UNHCHR, Interights and the Fiji National Human Rights Commission to produce a “Colloquium and Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in the Pacific region” held in Suva, Fiji, from 1-3 June 2006.

The event was convened in the context of the United Nations Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, which aims to promote consideration of the establishment of regional and/or sub-regional human rights arrangements for Asia and the Pacific. Twenty one judges and four lawyers from twelve Pacific countries attended the colloquium and workshop. Justice Chandrachud (India), Justice Chaskalson (South Africa), and others acted as resource persons. Senator the Hon. Mr. Qoriniasi Bale, Attorney General and Minister of Justice opened the colloquium and workshop on behalf of the Government of Fiji. Mr. Walter Rigamoto, Ombudsman and Chairperson of the Fiji Human Rights Commission also addressed participants, who during the workshop examined the approach of judges and lawyers in a number of jurisdictions to the civil, cultural, economic, political and social rights embodied in the international human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights. They also considered the approach of regional and international decision-making bodies to these rights.

The Conclusions and Recommendations of the June Judges’ Colloquium in Fiji included the following:

Overarching conclusions

1. The participants acknowledged the universality, interdependence and interrelatedness

of all human rights as contained in the Universal Declaration of Human Rights. They encouraged the universal ratification of international human rights treaties. They stressed the importance of the treaty monitoring system, including the Committee on Economic, Social and Cultural Rights as a framework for establishing a culture of human rights. They also acknowledged the general comments of the treaty bodies, which provide guidance for the interpretation of human rights obligations, and the concluding observations of the treaty bodies, which provide guidance for state parties in implementing rights. They further noted the work towards the formulation of an optional procedure which would allow individuals to complain about violations of economic, social and cultural rights. Participants also recognized that some economic, social and cultural rights embodied in domestic law and international instruments have been held to be justiciable by several national, regional courts and in international decision making.

2. Participants recognized the key role of an independent, impartial, informed and adequately resourced judiciary, which is essential for the interpretation and enforcement of all rights. They noted that the judiciary in many jurisdictions has employed innovative approaches to ensure the effective implementation of economic, social and cultural rights.

3. The judiciary in many jurisdictions including in the Asia-Pacific region has interpreted domestic law guarantees such as the right to life to include aspects of economic, social and cultural rights. Participants acknowledged procedural innovations such as public interest litigation which has also led to the enhanced protection of human rights in some jurisdictions.

4. Participants recognized the key role of independent, active and accessible legal counsel.

5. Participants recognized the important role that independent national human rights institutions can play in the judicial process and the promotion and protection of all human rights, including economic, social and cultural rights.

6. Participants acknowledged the role of NGOs in protecting and promoting human rights, including economic, social and cultural rights.

7. Participants also stressed the importance of raising awareness among the general public about their rights and the remedies available to them, including judicial remedies. They also acknowledged the role of free and independent media in this regard.

The participants agreed:

8. To promote the understanding of the indivisibility, interrelatedness and interdependence of human rights and that these involve positive and negative obligations, and the recognition that some civil and political rights can contain elements of economic, social and cultural rights, and vice versa.

9. To encourage the ratification of the International Covenant on Economic, Social and Cultural Rights and all other core international human rights treaties, as encouraged in the Pacific Plan for Strengthening Regional Cooperation and Integration.

10. To promote a domestic legal framework which provides effective remedies for those persons whose human rights, including economic, social and cultural rights, have been violated.

11. In countries where they do not exist, to encourage the establishment of an independent national human rights institution mandated to promote and protect human rights, including economic, social and cultural rights, as well as civil and political rights.

12. To encourage academic institutions, professional bodies and judicial education programmes to include the study of international human rights standards and the relevant jurisprudence of regional and international human rights bodies, as well as comparative national jurisprudence in their curricula and training programmes.

13. To promote human rights capacity building for judges and lawyers including by periodically conducting regional and national level workshops and seminars in cooperation with Governments, United Nations bodies, national human rights institutions, relevant professional bodies, and relevant international and national NGOs.

14. To promote exchange of judges and other relevant professionals in and outside the Pacific

who have experience and knowledge of human rights, including economic, social and cultural rights.

15. To support existing efforts to collect the decisions of national courts which refer to international human rights, and encourage regional or international bodies to support the collation of the full text of these decisions and ensure their dissemination, including through websites and databases.

16. Where this is otherwise not required under domestic law, to consider using international human rights norms and standards to assist in the interpretation of bills of rights and other legislation, including in relation to economic, social and cultural rights.

17. To recognise that in cases involving human rights violations, justice may require the relaxation of requirements relating to standing, evidence, rules of court and procedures generally, and a flexible approach to remedies.

18. To encourage the submission of amicus briefs in appropriate cases involving human rights.

The Manila Workshop on Women's ESC Rights:

HRU's support to the meeting followed its support earlier this year (and since the last edition of this newsletter) for a capacity building workshop in Manila, the Philippines in January 2006, for Asia-Pacific national human rights institutions (NHRIs), to increase their capacity and competency to promote and protect women's economic, social and cultural rights (ESC rights) within their individual mandates and by reference to the standards and norms of the Convention on the Elimination of Discrimination against Women (CEDAW) and the International Covenant on ESC rights (ICESCR). The meeting was significant as it brought together a wide range of issues of strategic importance to the Commonwealth, *viz.* support for NHRIs, women's rights and gender equality issues, and economic and social rights (which have been relatively neglected in the evolution of human rights standards). A comprehensive training and education on women's ESC rights was conducted by use of a specially produced workbook, group

work, presentations from experts, etc. Participants considered the mandates of their own organisations and with the assistance of HRU and other facilitators, drew up and justified realistic work plans for carrying forward women's ESC rights in their own NHRIs. HRU continues to advise NHRIs on taking these issues forward.

HRU News – Launch of the Commonwealth Manual on Human Rights Training for Police

The training of police officers enhances their knowledge of law and procedure, the limits on power and respect for the basic rights of individuals. In a foreword to HRU's newly produced 'Commonwealth Manual on Human Rights Training for Police', the Deputy Secretary General Florence Mugasha noted that the manner in which police and law enforcement officers carry out their duties in the community contributes towards conditions in which human and economic development can flourish.

The manual is intended to assist police and prisons training institutions in Commonwealth countries to build knowledge and respect for human rights. Rabab Fatima, Head of HRU, launched the Manual on 12 June 2006 at the opening of a five-day Commonwealth Workshop on Human Rights Training for Police in Eastern Africa in Kampala, Uganda. About 30 senior police trainers and prison training officers from Kenya, Malawi, Mauritius, Mozambique, Seychelles, Uganda and United Republic of Tanzania participated in the workshop.

The Manual will enable police and law enforcement trainers to build human rights standards and approaches into the existing curriculum of their training institutions. At the launch of the Manual, Ms Fatima stated that law enforcement officers can demonstrate respect for human rights by exercising restraint and dignity even in the most provocative situations: "Abusive conduct by police officers or police excesses have the consequence of alienating the community in which they must work, leading to cycles of distrust and making police work harder to do. The day-to-day conduct of police in protecting and ensuring the human rights of all persons contributes to safe, stable and peaceful

communities. It is important that the police appear as trusted and respected protectors of the community and guardians of human rights, rather than as violators." Ms Fatima pointed out that effective policing involves respect for the law, regard for the rights of the vulnerable and overall good community relations. On the other hand, she noted that police officers also have rights as individuals and they deserve protection from humiliation and discrimination based on race, ethnicity or religion. They also deserve safe and fair working conditions and sufficient resources to carry out their duties effectively and efficiently, she added.

The manual has been developed from a similar manual produced for West African Commonwealth countries, and which was launched on International Human Rights Day in December last year by the Secretary General. The West Africa Manual was developed in consultation with police training institutions in five Commonwealth West African countries during 2004/5 and been used in training workshops in the region conducted by HRU. In May (and since the last Update) HRU conducted a workshop in Yaoundé, in cooperation with the Cameroon National Commission on Human Rights and Freedoms, for police and prisons trainers in Cameroon. HRU will be carrying out further regional training workshops and country programmes in the coming months using the Manual.

HRU News – The Commonwealth's counter-terrorism capacity building project

HRU has continued to collaborate with the Secretariat's Legal and Constitutional Affairs Division's on its counter-terrorism capacity-building programme by contributing to raising consciousness of the legal and strategic human rights dimensions that should inform counter-terrorism policy and practice. This includes not just knowledge of the legal framework of human rights standards that all CT responses take place in, but also a more effective translation of these standards into operational thinking and planning. The purpose of HRU's involvement in LCAD's programme in various parts of the Commonwealth has been to impart ideas for incorporating HR

effectively into CT training in Commonwealth countries, to provide advice and stimulate discussion on HR aspects of prevention, investigation, mutual legal assistance and extradition, coercive powers (arrest, search and seizure, interception of private communications, etc), and prosecution.

The inclusion of an explicit human rights element in this programme is in keeping the statement of the Heads of Government issued after the September 11, 2001 attacks, and is significant in the message it sends about the Commonwealth's approach, as well as in terms of the substantive knowledge passed on directly to law enforcement and justice officials.

Here is an excerpt of remarks by the Attorney-General of Jamaica, the Hon. A. J Patterson, when he opened the first of two multi-country week long Commonwealth Secretariat workshops for 53 police officers, prosecutors, customs officers and other specialists from the region, in Kingston, Jamaica, on 13 March 2006 (courtesy Jamaica Information Service www.jis.gov.jm):

“...It is essential that appropriate legislation be accompanied by law enforcement, intelligence officers and prosecutors trained in various areas including gathering and use of intelligence, forensic evidence, response to hostage-taking, international co-operation, mutual legal assistance and extradition, in the effort to fight terrorism. And, equally important, we must always remember that if we do not respect human rights and the rule of law, the criminals - the terrorists have won...

...In recent times, many countries, including the United Kingdom, Canada and several of our small nations, have implemented legislation to combat terrorism taking into account the various international instruments and Security Council resolutions...in enacting such legislation, we have all had to grapple with balancing the rights of the individual against the rights of the public to the safety and security of the nation. It is recognized that fundamental rights and freedoms of the individual as provided in our Constitutions and as embodied in international human rights instruments must be balanced against other rights and freedoms and the peace and security of the State.”

CARIBBEAN HUMAN RIGHTS: ARE WE BELOW AVERAGE?

**Stephen Vascianne,
Deputy Solicitor General of Jamaica**

Note from HRU – Professor Stephen Vascianne is the Deputy Solicitor General of Jamaica. This is the text of Professor Vascianne's address to the Antigua workshop on ratification, covered in an earlier section of this newsletter. These remarks are made in his personal capacity as an associate academic at the University of the West Indies. They do not necessarily represent the views of the Commonwealth Secretariat.

There are several human rights treaties that touch and concern the daily lives of citizens throughout the English-speaking Caribbean. These treaties include:

- (a) *The International Covenant on Civil and Political Rights, 1966* (the ICCPR): this treaty sets out a substantial list of rights and freedoms, including, among other things the right to life, freedom from inhuman or degrading punishment or treatment, freedom of movement, freedom of speech, the right to privacy, the right to a fair trial and the right to marry and found a family.
- (b) *The International Covenant on Economic, Social and Cultural Rights, 1966* (the ICESCR): this treaty covers, among other things, the right to work, the right to favourable conditions at work, the right to social security, the right to health, the right to education, the right to participate in the cultural life of the community, the right to non-discrimination, and the right to an adequate standard of living.
- (c) *The First Optional Protocol to the ICCPR, 1966*: the main purpose of this treaty is to allow individuals to take claims that their civil and political rights have been violated to the United Nations Human Rights Committee. Upon hearing individual cases, the Human Rights Committee may make recommendations to the Government for relief on behalf of the complainant.

- (d) *The Second Optional Protocol to the ICCPR, 1989*: this treaty is concerned with the death penalty. Countries that ratify this treaty are required to abolish the death penalty for all crimes committed in peacetime.
- (e) *The International Convention on the Elimination of All Forms of Racial Discrimination, 1965* (the ICERD): this treaty bars the State from taking actions that amount to racial discrimination, and requires it to adopt measures against racial discrimination in society. The State is also required to ensure that various rights are available to individuals on a non-discriminatory basis and that effective remedies are in place to prevent racial discrimination.
- (f) *The Convention on the Elimination of All Forms of Discrimination against Women, 1979* (the CEDAW): this treaty prohibits discrimination on the basis of sex, and requires States to apply equal treatment to women and men. The treaty also requires States to suppress trafficking in women and prostitution, and obliges States to remove barriers to equal participation by women in public and political spheres.
- (g) *The Convention on the Rights of the Child, 1989* (the CRC): this treaty sets out in some detail the minimum standards that should be available for all children. The four general principles that are to be applied under this treaty are: non-discrimination, acceptance that the best interests of the child must be a primary consideration in matters concerning the child, acceptance of the child's right to life, survival and development, and acceptance that the views of the child must be given weight in issues concerning the child.
- (h) *The American Convention on Human Rights, 1969* (the American Convention): unlike the other treaties mentioned above, this is a regional treaty, designed to reflect the particular perspectives on human rights of various countries in Latin America and the Caribbean. The American Convention reflects substantially the main provisions in the ICCPR; thus, among other things, it provides for the right to life, the right to

humane treatment, the right to personal liberty, the right to a fair trial, the right to privacy and freedom of thought and expression.

Statistical Evidence

For the following discussion, I start from the proposition that human rights are important features of modern life, and that we should be zealous in our protection of human rights, properly defined. I also proceed on the assumption that Caribbean States should be inclined to ratify the main human rights treaties, unless there are specific reasons that suggest abstention in individual cases.

Against this background, and bearing in mind that there are roughly 200 independent countries in the world, we can assess in broad statistical terms the comparative rate at which Caribbean States have ratified the main human rights treaties to date.

- (a) *The ICCPR*. Overall, 152 countries have ratified the International Covenant on Civil and Political Rights, out of possibly 200 countries (roughly speaking). This is an overall rate of ratification of approximately 75% for the international community as a whole. With respect to the 12 independent English-speaking Caribbean countries, 8 have ratified the ICCPR, giving rise to a rate of ratification of 66 2/3%. The Caribbean's rate of ratification of the ICCPR may thus be regarded as slightly below average. The four Anglophone Caribbean countries that have remained out outside the ICCPR scheme are Antigua and Barbuda, the Bahamas, St. Kitts-Nevis and St. Lucia.
- (b) *The ICESCR*. Overall, 149 countries have ratified the International Covenant on Economic, Social and Cultural Rights, again out of possibly 200 countries. This also reflects a rate of ratification of about 75% for the international community as a whole. With respect to the 12 English-speaking Caribbean countries, the situation concerning the ICCPR replicates itself, with 8 out of 12 countries ratifying the ICESCR. This is, again, a rate of 66 2/3%, giving us a rating that is slightly below average. The

Caribbean countries that have remained outside the ICCPR have also abstained from joining the ICESCR.

- (c) *The First Optional Protocol to the ICCPR.* For the international community as a whole, 104 of the 200 countries have ratified the First Optional Protocol, giving an overall ratification rate of approximately 50%. In the Caribbean, however, only 2 countries, namely, Barbados and Guyana, are now parties to this treaty. This gives the English-speaking Caribbean a rate of ratification of 16 2/3%, well below the average for the international community.
- (d) *The Second Optional Protocol to the ICCPR.* 50 countries have ratified this treaty, aimed at abolishing the death penalty. This represents a rate of ratification of approximately 25% of the international community. At the same time, however, no Anglophone Caribbean State has ratified the Second Optional Protocol. We are therefore at 0%, decidedly below average.
- (e) *The ICERD.* Of the roughly 200 countries that could ratify this treaty banning racial discrimination, 169 have done so, giving rise to a rate of ratification of approximately 85%. For the English-speaking Caribbean, 10 countries out of 12 have ratified this treaty, with only Dominica and St. Kitts-Nevis remaining outside the scheme. For this treaty, therefore, we match the average overall rate of ratification.
- (f) *The CEDAW.* 177 countries, or approximately 90% of the countries of the world, have ratified the Convention on the elimination of discrimination against women. One is pleased to note that in this category, however, the Caribbean is above average, even though the average is quite high. All English-speaking Caribbean countries are party to the CEDAW, 100%.
- (g) *The CRC.* Substantially all countries in the world have ratified the Convention on the Rights of the Child. The rate of ratification of approximately 100% internationally also means, of course, that all English-speaking Caribbean countries are party to this treaty.

- (h) *The American Convention.* The American Convention is, generally speaking, open to 35 countries in the Latin American and Caribbean region. Of this number, 24 countries have ratified it, so that the overall rate of ratification for the region is roughly 66 2/3%. Among English-speaking Caribbean countries, however, only 4 of the possible 12 countries, or 33 1/3%, are parties to this treaty. The 4 countries are: Barbados, Dominica, Grenada and Jamaica. The Caribbean rate of ratification is therefore significantly below average.

From these rough statistics, it appears that the English-speaking Caribbean matches the world in terms of its rate of ratification for the treaties that prohibit racial and gender discrimination, respectively, and for the Convention on the Rights of the Child. For the other treaties, though, the Caribbean appears to have fallen behind in significant ways. This is rather paradoxical, not least because English-speaking Caribbean countries have consistently maintained that, in rhetoric if not consistently in deed, that our human rights record can match the best in the world.

Domestic Human Rights Safeguards

To support the claim that the Caribbean is at least above average on human rights questions, local policy makers are apt to highlight the human rights safeguards set out in the constitution of each Caribbean State. All Anglophone Caribbean countries have adopted Westminster export model constitutions that contain a separate chapter listing the traditional range of civil and political rights, and they do so in language reminiscent of the International Covenant on Civil and Political Rights. This is not coincidental, for the human rights provisions in Westminster-style constitutions share common origins with the ICCPR, with both going back to the Universal Declaration on Human Rights of 1948.

Commonwealth Caribbean States also maintain that we are within the mainstream of human rights protection and promotion because we have historically been a part of the common law tradition of England, a tradition which for many years allowed United Kingdom to argue that there was no need for that country to formulate a list of

human rights to be recognised largely because the common law already protected the core human rights of citizens. As part of that tradition – and with continued resort to the Judicial Committee of the Privy Council in some instances – Caribbean policymakers have been disinclined to accept any suggestion that we are below average in human rights issues. The fact that we are lagging behind in the ratification of certain important treaties therefore merits further exploration.

Death Penalty

The question is: why are Caribbean countries apparently wary of the ICCPR, the ICESCR, the First and Second Optional Protocols to the ICCPR, and to the American Convention? I wish to enumerate some of the factors that explain this situation, in the hope that both Caribbean policy makers and international rights agencies will be able to understand each other in the important dialogue on human rights that we must continue to have.

- (a) *The Experience of States that have ratified the First Optional Protocol to the ICCPR.* Although I would have wished it to be otherwise, the question of the death penalty looms large among the explanatory factors – in fact, it is the elephant in the room that no one wants to acknowledge. In brief, Jamaica, Trinidad and Tobago, Barbados and Guyana were once all parties to the First Optional Protocol to the ICCPR. However, in 1993, the Judicial Committee of the Privy Council held, in the well-known *Pratt and Morgan Case* that in death penalty cases the time between sentencing and execution should not exceed five years. If the period exceeded five years, it would be presumed to be inhuman or degrading punishment or treatment to execute the murder convict.

The decision in *Pratt and Morgan* placed a premium on time but, at least from the perspective of various Caribbean Governments, neither the United Nations Human Rights Committee nor the Inter-American Commission on Human Rights was sensitive to the need to expedite death penalty cases. Thus, Jamaica withdrew from the First Optional Protocol to the ICCPR

for all matters. Trinidad and Tobago sought a compromise position, withdrawing from the First Optional Protocol only for matters concerning the death penalty. But the Human Rights Committee was uncompromising: in *Kennedy v. Trinidad and Tobago*, the Committee found that Trinidad and Tobago could not remain party to the First Optional Protocol for everything but death penalty questions. So Trinidad and Tobago withdrew entirely from the First Optional Protocol.

With Jamaica and Trinidad and Tobago out, and with only four Caribbean countries party to the First Optional Protocol in the beginning, it is not surprising that this treaty has limited Caribbean participation. But other Caribbean States were also entitled to note a broader point. The dispute about timing and the death penalty was one in which the international rights agencies – the UN Human Rights Committee and the Inter-American Commission on Human Rights – appeared insensitive to the publicly expressed concerns of the four Caribbean countries that were party to the First Optional Protocol. Other Caribbean countries could have concluded that there was no point in becoming party to the First Optional Protocol given the problems publicly faced by the Governments of those Caribbean States that were party to that treaty.

Sensitivity to Local Concerns

- (b) *The Issue of Sensitivity.* At one level, some policy makers have suggested that the death penalty debate reflects a general insensitivity of international rights agencies to Caribbean perspectives on human rights. Thus, it has been suggested that these agencies are against the death penalty, and were prepared to take measures that would undermine the imposition of that sentence in the Caribbean. Whether this is true or not is not really the point: it is the perception that counts. But there is also this perception in areas beyond the death penalty, with the question of homosexual sex being one issue which would find the U.N. Human Rights

Committee taking one view, and Caribbean law taking a different view. Each time the international agencies make recommendations that are contrary to Caribbean laws, the agencies open themselves to the criticism of insensitivity and to the notion that they are acting contrary to Caribbean sovereignty. The argument here is not that Caribbean States wish permission to violate universally accepted human rights norms. Rather, it is that human rights adjudication involves an understanding of the cultural and social background against which universal standards are to be applied. If decisions show little or no sensitivity to cultural and social expectations, then they will be regarded as biased or simplistic.

- (c) *The Question of Membership.* Particularly with respect to the Inter-American Commission on Human Rights, the question of active membership has arisen. 12 out of the 36 member States of the Organization of American States (or 1/3) are from the Anglophone Caribbean and are entitled to have nationals sit on the Commission. The Commission consists of 7 members, so proportionality would suggest that there should be at least 2 Caribbean nationals on the Commission at any one time. Currently, however, there is only one Caribbean national on the Commission, and traditionally no more than one Anglophone Caribbean national has occupied a seat on the Commission.

This is not simply a matter of geography or sub-regional representation. The Latin American countries that dominate membership of the Commission all adhere to the civil law tradition and principles; and as a result, it is likely that Commission recommendations may be made by a majority of persons who do not have complete command of common law practices, rules and procedures. This cannot be altogether comforting for the Caribbean States. Also, to the extent that human rights cases often turn on a balancing of interests of individuals versus interests of the State as a collective unit, Caribbean countries could reasonably

argue that the Commission would benefit from having more Caribbean nationals with knowledge of local conditions, perspectives and concerns. As already noted, the balancing of rights often requires knowledge of domestic conditions.

- (d) *The Question of Accuracy.* When States become party to the ICCPR and the ICESCR, they may be subject to United Nations fact-finding missions. A few years ago, the United Nations Special Rapporteur on Extrajudicial Killings visited Jamaica – understandably, given the prominence of that issue here. The Rapporteur’s Report has been referred to – apparently as authoritative — by the Judicial Committee of the Privy Council and the Inter-American Commission on Human Rights. And yet, the Jamaican Government’s response to the Rapporteur’s Report, which points to some inaccuracies in the Report, has not been mentioned by these august bodies. And, incidentally, the Report even got the name of Jamaica’s Minister of Justice wrong! Human rights advocacy must be built on an accurate foundation. Against this background, would one expect the Jamaican Government enthusiastically to recommend the United Nations treaties to CARICOM counterparts?

Bureaucracy

- (e) *The Bureaucratic Effort.* Several human rights treaties, including the ICCPR, the ICESCR, the CEDAW and the CRC, have periodic reporting requirements. These requirements are important, for it is all too easy for a State to accept human rights commitments but then opt to do nothing about those commitments. At least the reporting requirements prompt the State to pay attention to human rights commitments periodically. On the other hand, these reporting requirements have proven to be somewhat onerous, especially for small countries that cannot afford the systematic, full-time monitoring that the reporting requirements imply. Partly for this reason, many countries – including Jamaica – are delinquent in at least some of their reporting.

The bureaucratic effort is also significant when responses have to be prepared to individual petitions under the American Convention or under the First Optional Protocol to the ICCPR. In some instances, petitions brought pursuant to the American Convention will require the time and attention associated with a full trial before a local High Court; the small Caribbean State may well consider whether it has the resources to afford what may in effect be a retrial of issues already considered by the local justice system. My inclination is to say yes; but, nonetheless, the bureaucratic challenge must be acknowledged.

- (f) *The Nature of Recommendations.* When the Inter-American Commission or the United Nations Human Rights Committee make pronouncements pursuant to one of the relevant treaties, this amounts to a recommendation for the State – it is not a binding decision. Sometimes this recommendation is followed; so, for instance, Jamaica currently provides regular reports to the Inter-American Commission on the situation in Children’s Homes throughout the country.

But although these pronouncements are recommendations, when they are discussed in home countries, they are often offered to the public as statements of law. And so, we may well hear that “Country X is in breach of International Law” when, in fact, this may not be correct. No country wishes to have its legal position mischaracterised in this way, so if, for example, recommendations from the Inter-American Commission appear to allow this interpretation, then States will not be anxious to subject themselves to the jurisdiction of the Commission.

To be fair, the Commission cannot know with certainty how its recommendations will be interpreted by individuals or human rights groups and individuals; but, at very least, when the Commission is making recommendations, it must err on the side of caution in emphasizing that its findings do not amount to binding rules. This is especially true given that some countries already take the view that the Commission

does not adopt a balanced perspective in considering cases from the Caribbean.

Balance

- (g) *Issues of Balance.* Sometimes the question whether the Commission and the Human Rights Committee takes a balanced approach arises in individual cases. At other times, it arises in broader contexts: for example, if Government officials only hear about the Commission only when that body is criticizing the State for alleged human rights abuse, this will encourage the perception that the Commission has an anti-Government agenda. And, by extension, it will not prompt non-parties to the American Convention to join the scheme.

From a Jamaican perspective, there are well-known problems, and the Commission has dwelt on those problems. But efforts are being made to address them, and it helps neither Jamaicans nor the Commission for that agency to appear to be oblivious to these efforts. The international agencies cannot start from the presumption that human rights advocates are on the side of the angels, and that the Government is always and everywhere incorrect in its approach.

There are other factors that help to explain Caribbean abstention from several human rights treaties, but I have sought to identify some of the main considerations that appear pertinent at this time. It should be reiterated that adherence to human rights treaties does not in itself provide an assurance that human rights will be met in practice. There is always the need for vigilance by civil society, and the State always needs to bear in mind that the protection of human rights in practice is one of the fundamental objectives of government. But, of course, this fact does not give licence to international agencies to adopt an unbalanced approach to human rights issues coming from each country.

Spotlight on the newly established Human Rights Council

UN Human Rights Council First Session

The first session of the newly created UN Human Rights Council took place from 19-30 June 2006. The Human Rights Council replaces the much-criticized UN Human Rights Commission which was seen by many as ineffective. The Council was established by a General Assembly resolution adopted by a vote of 170 in favour, 4 against and 3 abstentions.

Among other things the session brought together high-level representatives from governments and intergovernmental organisations throughout the world to discuss the modus operandi of the Council in order to strengthen it and make it a more effective human rights body than its predecessor.

The Council considered a wide range of issues, including establishing the format of the universal periodic review, the groundbreaking mechanism that will allow it to effectively scrutinise the human rights records of all countries. It also set in motion the process of reviewing all mandates and responsibilities of the previous Commission on Human Rights and defining other aspects of the Council's work, such as the system of special procedures, more independent experts and groups who will be investigating issues relating to civil, cultural, economic, political and social rights or monitor the situation in specific countries.

As opposed to the Human Rights Commission which met once a year, it is expected that the Council will now be meeting regularly, at least three times a year, as a subsidiary of the General Assembly and will have equitable geographical representation. It will also have a simplified and more efficient mechanism to convene special sessions to respond promptly to human rights crises. As the Council is elected directly by the General Assembly, the new body reflects the high level of importance given to human rights and, alongside development and security, as one of the three pillars of the United Nations.

Commonwealth Secretary General's Message on the Establishment of the Human Rights Council

I welcome the historic decision by the United Nations General Assembly to establish a Human Rights Council. Commonwealth Heads of Government discussed the proposed Human Rights Council in November last year and our 53-member association declared its backing for the creation of the Council and its commitment to achieve that goal.

The adoption of the UN resolution establishing the Council by an overwhelming majority testifies to the strong commitment and resolve of the international community to the advancement of fundamental human rights and freedoms for all.

The new Council's success will be judged by the extent to which it achieves more, in terms of both quantity and quality, in tackling global human rights priorities than the Commission which it replaces.

As the principal world body now entrusted with the promotion and protection of human rights, the Human Rights Council must be given the necessary resources and support to carry out its mandate fully and effectively. I hope that a genuine spirit of co-operation and dialogue - based on the fundamental principles of universality, objectivity and non-selectivity - will guide the work of the Council.

The establishment of the Human Rights Council consolidates the mutually reinforcing and interlinked roles of human rights, international peace and security, and development. For the Council to achieve its full potential, it needs to be strong and principled and to operate with integrity, strengthening the promotion and protection of human rights at every level and for every individual. We will watch the Council's progress with great interest and keenly await its opening session on 19 June 2006.

Safeguarding human rights for all its citizens remains one of the guiding principles of the Commonwealth. We still have more work to do ourselves and are committed to raising human

rights standards in all of our 53 member countries. We are working in particular to promote pro-human rights activities at the community level and to secure ratification of UN human rights conventions at the national level.

The Commonwealth reaffirms its commitment to work closely with the Human Rights Council in furthering our common goal for the advancement of human rights around the world.

13 Commonwealth countries elected members of the Human Rights Council

Following the adoption of the resolution setting up the Human Rights Council, the United Nations General Assembly recently elected the first members of the new Human Rights Council. 13 Commonwealth countries were among those elected to office. These are: Bangladesh, Cameroon, Canada, Ghana, India, Malaysia, Mauritius, Nigeria, Pakistan, South Africa, Sri Lanka, UK and Zambia.

The composition of the Council is as follows:

African States: Algeria (1 year), Cameroon (3 years), Djibouti (3 years), Gabon (2 years), Ghana (2 years), Mali (2 years), Mauritius (3 years), Morocco (1 year), Nigeria (3 years), Senegal (3 years), South Africa (1 year), Tunisia (1 year) and Zambia (2 years)

Asian States: Bahrain (1 year), Bangladesh (3 years), China (3 years), India (1 year), Indonesia (1 year), Japan (2 years), Jordan (3 years), Malaysia (3 years), Pakistan (2 years), Philippines (1 year), Republic of Korea (2 years), Saudi Arabia (3 years) and Sri Lanka (2 years)

Eastern European States: Azerbaijan (3 years), Czech Republic (1 year), Poland (1 year), Romania (2 years), Russian Federation (3 years) and Ukraine (2 years)

Latin American & Caribbean States: Argentina (1 year), Brazil (2 years), Cuba (3 years), Ecuador (1 year), Guatemala (2 years), Mexico (3 years), Peru (2 years) and Uruguay (3 years)

Western European and Other States: Canada (3 years), Finland (1 year), France (2 years), Germany (3 years), Netherlands (1 year), Switzerland (3 years) and United Kingdom (2 years)

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

Source: Office of the United Nations High Commissioner for Human Rights

As of 1 August 2006

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;
- (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).

The following chart of States shows 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 1 August 2006, all 191 Member States of the United Nations and 1 non-Member State were a party to one or more of these treaties.

SIGNATURE OR RATIFICATION STATUS OF HUMAN RIGHTS INSTRUMENTS BY COMMONWEALTH COUNTRIES

STATE	ICERD	ICESCR	ICCPR	ICCPR-OP1	ICCPR-OP2	CEDAW	OP-CEDAW	CAT	OP-CAT	ICRMW	CRC	OP-CRC-AC	OP-CRC-SC
Antigua & Barbuda	25 Oct 88 ^d					1 Aug 89 ^a		19 Jul 93 ^a			05-Oct-93		19 Sep 02 ^a
Australia	30-Sep-75	10-Dec-75	13-Aug-80	25 Sep 91 ^a	2 Oct 90 ^a	28 Jul 83 ^b		08-Aug-89			17-Dec-90	s:21 Oct 02	s:18 Dec 01
The Bahamas	5 Aug 75 ^a					6 Oct 93 ^{a/b}					20-Feb-91		
Bangladesh	11 Jun 79 ^a	5 Oct 98 ^a	6 Sep 00 ^a			6 Nov 84 ^{a/b}	09-Dec-00	5 Oct 98 ^a		s:7 Oct 98	03-Aug-90	06-Sep-00	06-Sep-00
Barbados	8 Nov 72 ^a	5 Jan 73 ^a	5 Jan 73 ^a	5 Jan 73 ^a		16-Oct-80					09-Oct-90		
Belize	14-Nov-01		10 Jun 96 ^a			16-May-90	9 Dec 02 ^a	17 Mar 86 ^a		14 Nov 01 ^a	02-May-90	01-Dec-03	
Botswana	20 Feb 74 ^a		08-Sep-00			13 Aug 96 ^a		08-Sep-00			14 Mar 95 ^a	04-Oct-04	24-Sep-03
Brunei Darussalam											27 Dec 95 ^a		
Cameroon	24-Jun-71	27 Jun 84 ^a	27 Jun 84 ^a	27 Jun 84 ^a		23 Aug 94 ^a	7 Jan 05 ^a	19 Dec 86 ^a			11-Jan-93	s:5 Oct 01	s:5 Oct 01
Canada	14-Oct-70	19 May 76 ^a	18 May 76 ^a	19 May 76 ^a	25 Nov 05 ^a	10 Dec 81 ^c	18 Oct 02 ^a	24-Jun-87			13-Dec-91	07-Jul-00	14-Sep-05
Cyprus	21-Apr-67	02-Apr-69	2 Apr 69 ^a	15-Apr-92	10 Sep 99 ^a	23 Jul 85 ^{a/b}	26-Apr-02	18-Jul-91	26-Jul-04		07-Feb-91		s: 8 Feb 01
Dominica		17 Jun 93 ^a				15-Sep-80					13-Mar-91		20 Sep 02 ^a
Fiji Islands	11 Jan 73 ^d					28 Aug 95 ^{a/b}					13-Aug-93	20-Sep-02	s:16 Sept 05
Gambia	29 Dec 78 ^a	29 Dec 78 ^a	22 Mar 79 ^a	9 Jun 88 ^a		16-Apr-93		s:23 Oct 86			08-Aug-90	s:21 Dec 00	s:21 Dec 00
Ghana	08-Sep-66	07-Sep-00	07-Sep-00	07-Sep-00		02-Jan-86	s:24 Feb 00	07-Sep-00		07-Sep-00	05-Feb-90	s:24 Sep 03	s:24 Sep 03
Grenada	s:17 Dec 81	6 Sep 91 ^a	6 Sep 91 ^a			30-Aug-90					05-Nov-90		
Guyana	15-Feb-77	15-Feb-77	15-Feb-77	10 May 93 ^a		17-Jul-80		19-May-88			14-Jan-91		
India	03-Dec-68	10 Apr 79 ^a	10 Apr 79 ^a			9 Jul 93 ^b		s:14 Oct 97			11 Dec 92 ^a	30-Nov-05	16-Aug-05
Jamaica	04-Jun-71	03-Oct-75	03-Oct-75	03-Oct-75		19 Oct 84 ^b					14-May-91	09-May-02	s:8 Sep 00
Kenya	13 Sept 01 ^a	1 May 72 ^a	1 May 72 ^a			9 Mar 84 ^a		21 Feb 97 ^a			30-Jul-90	28-Jan-02	s:8 Sep 00
Kiribati						17 Mar 04 ^a					11 Dec 95 ^a		
Lesotho	04 Nov 71 ^a	9 Sep 92 ^a	9 Sep 92 ^a	6 Sep 00 ^a		22 Aug 95 ^{a/b}	24-Sep-04	12 Nov 01 ^a		16-Sep-05	10-Mar-92	24-Sep-03	24-Sep-03
Malawi	11 Jun 96 ^a	22 Dec 93 ^a	22 Dec 93 ^a	11 Jun 96 ^a		12 Mar 87 ^{a/c}	s:7 Sep 00	11 Jun 96 ^a			2 Jan 91 ^a	s:7 Sep 00	s:7 Sep 00
Malaysia						5 July 95 ^{a/b}					17 Feb 95 ^a		
Maldives	24 Apr 84 ^a					1 Jul 93 ^{a/b}	13 Mar 06 ^a	20 Apr 04 ^a	15-Feb-06		11-Feb-91	29-Dec-04	10-May-02

STATE	ICERD	ICESCR	ICCPR	ICCPR-OP1	ICCPR-OP2	CEDAW	OP-CEDAW	CAT	OP-CAT	ICRMW	CIRC	OP-CIRC-AC	OP-CIRC-SC
Malta	27 May 71 ^a	13-Sep-90	13 Sep 90 ^a	13 Sep 90 ^a	29 Dec 94 ^a	8 Mar 91 ^{ab}		13 Sept 90 ^a	24-Sep-03		30-Sep-90	09-May-02	s:7 Sep 00
Mauritius	30 May 72 ^a	12 Dec 73 ^a	12 Dec 73 ^a	12 Dec 73 ^a		9 Jul 94 ^{ab}	s:11 Nov 01	9 Dec 92 ^a	21 June 05 ^a		26 Jul 90 ^a	s:11 Nov 01	s:11 Nov 01
Mozambique	18 Apr 83 ^a		21 Jul 93 ^a		21 Jul 93 ^a	16 Apr 97 ^a		14 Sep 99 ^a			26-Apr-94	19 Oct 04 ^a	6 Mar 03 ^a
Namibia	11 Nov 82 ^a	28 Nov 94 ^a	28 Nov 94 ^a	28 Nov 94 ^a	28 Nov 94 ^a	23-Nov-92	26-May-00	28 Nov 94 ^a			30-Sep-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 94 ^a	s:8 Sep 00	s:7 Sep 00
New Zealand	22-Nov-72	28-Dec-78	28-Dec-78	26 May 89 ^a	22-Feb-90	10 Jan 85 ^{bc}	07-Sep-00	10-Dec-89	s:23 Sep 03		06-Apr-93	12-Nov-01	s:7 Sep 00
Nigeria	16 Oct 67 ^a	29 Jul 93 ^a	29 Jul 93 ^a			13-Jun-85	22-Nov-04	28-Jun-01			19-Apr-91	s:8 Sep 00	s:8 Sep 00
Pakistan	21-Sep-66	s:3 Nov 04				12 Mar 96 ^{ab}					12-Nov-90	s:26 Sep 01	
Papua New Guinea	27 Jan 82 ^a					12 Jan 95 ^a	20 Jan 06 ^a				02-Mar-93		
St Kitts & Nevis						25 Apr 85 ^a					24-Jul-90		
St Lucia	14 Feb 90 ^d					8 Oct 82 ^a					16-Jun-93		
St Vincent	9 Nov 81 ^a	9 Nov 81 ^a	9 Nov 81 ^a	9 Nov 81 ^a		4 Aug 81 ^a		1 Aug 01 ^a			26-Oct-93		15 Sep 05 ^a
Samoa						25 Sep 92 ^a					29-Nov-94		
Seychelles	7 Mar 78 ^a	5 May 92 ^a	5 May 92 ^a	5 May 92 ^a	15 Dec 94 ^a	5 May 92 ^a	s: 22 Jul 02	5 May 92 ^a		15 Dec 94 ^a	7 Sep 90 ^a	s:23 Jan 01	s:23 Jan 01
Sierra Leone	02-Aug-67	23 Aug 96 ^a	23 Aug 96 ^a	23 Aug 96 ^a		11-Nov-88	s:8 Sep 00	25-Apr-01	s:26 Sep 03	s: 15 Sep 00	18-Jun-90	15-May-02	17-Sep-01
Singapore						5 Oct 95 ^{ab}					5 Oct 95 ^a	s:7 Sep 00	
Solomon Islands	17 Mar 82 ^d	17 Mar 82 ^d				06-May-02	06-May-02				10 Apr 95 ^a		
South Africa	10-Dec-98	s:3 Oct 94	10-Dec-98	28 Aug 02 ^a	28 Aug 02 ^a	15 Dec 95 ^a	18 Oct 05 ^a	10-Dec-98			16-Jun-95	s:8 Feb 02	30 Jun 03 ^a
Sri Lanka	18 Feb 82 ^a	11 Jun 80 ^a	10 Jun 80 ^a	3 Oct 97 ^a		05-Oct-81	15 Oct 02 ^a	3 Jan 94 ^a		15-Mar-96	12-Jul-91	08-Sep-00	s:8 May 02
Swaziland	7 Apr 69 ^a	26 Mar 04 ^a	26 Mar 04 ^a			26 Mar 04 ^a		26 Mar 04 ^a			07-Sep-95		
Tonga	16 Feb 72 ^a										6 Nov 95 ^a		
Trinidad & Tobago	04-Oct-73	8 Dec 78 ^a	21 Dec 78 ^a	14 Nov 80 ^b		12 Jan 90 ^b					05-Dec-91		
Tuvalu						6 Oct 99 ^a					22 Sep 95 ^a		
Uganda	21 Nov 80 ^a	21 Jan 87 ^a	21 Jun 95 ^a	14 Nov 95 ^b		22-Jul-85		3 Nov 86 ^a		14-Nov-95	17-Aug-90	6 May 02 ^a	30 Nov 01 ^a
United Kingdom	07-Mar-69	20-May-76	20-May-76		10-Dec-99	7 Apr 86 ^b	17 Dec 04 ^a	08-Dec-88	10-Dec-03		16-Dec-91	24-Jun-03	03-Jul-03

STATE	ICERD	ICESCR	ICCPR	ICCPR-OP1	ICCPR-OP2	CEDAW	OP-CEDAW	CAT	OP-CAT	ICRMW	CRC	OP-CRC-AC	OP-CRC-SC
United Republic of Tanzania	27 Oct 72 ^a	11 Jun 76 ^a	11 Jun 76 ^a			20-Aug-85	12 Jan 06 ^a				10-Jun-91	11 Nov 04 ^a	24 Apr 03 ^a
Vanuatu						8 Sep 95 ^a					07-Jul-93	s:16 Sep 05	s:16 Sep 05
Zambia	04-Feb-72	10 Apr 84 ^a	10 Apr 84 ^a	10 Apr 84 ^a		21-Jun-85		7 Oct 98 ^a			06-Dec-91		

SIGNATURE OR RATIFICATION STATUS OF HUMAN RIGHTS INSTRUMENTS BY DEPENDENT COUNTRIES

STATE	ICERD	ICESCR	ICCPR	CEDAW	OP-CEDAW	CAT	OP-CAT	ICRMW	CRC	OP-CRC-AC	OP-CRC-SC
Cook Islands									6 Jun 97 ^a		
Niue									20 Dec 95 ^a		

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.



HUMAN RIGHTS TITLES

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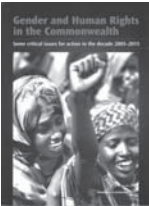
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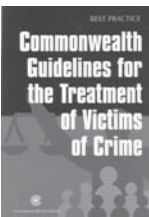
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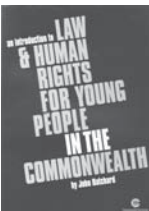
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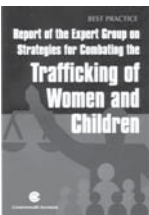
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Trafficking of people (mostly women and children) for commercial sexual activities and forced labour is one of the fastest growing areas of international criminal activity – and one that is of huge concern. Trafficking in humans is now considered the third largest source of organised crime after drugs and arms. The Commonwealth Law Ministers at the 1999 meeting in Trinidad and Tobago concluded that the Commonwealth Secretariat should propose strategies to assist countries in developing national and regional initiatives against human trafficking. This title is the result of these proposals.

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HUMAN RIGHTS UNIT

Commonwealth Secretariat

Human rights have long been at the centre of the Commonwealth's values and its practical interventions, and the Commonwealth Secretariat's work in the field has achieved growing prominence in recent years.

The importance attached to human rights by the Commonwealth is reflected in the increase in the activities of the Human Rights Unit (HRU) since its reconstitution in January 2002. The HRU's primary mandate and objective is to increase awareness and respect for human rights in the Commonwealth. The Unit's programme activities support the Secretariat's strategic goal of strengthening democracy and respect for human rights within the Commonwealth. In order to achieve this, the HRU focuses on the following thematic areas:

- Supporting member countries to improve adherence to and compliance with international and regional human rights conventions, as well as to adopt national human rights instruments and standards;
- Promoting best practices on human rights across the Commonwealth;
- Strengthening the capacity of key institutions in member countries in promoting and protecting human rights, including national human rights institutions and other independent bodies established as part of the national human rights protection system, human rights NGOs and government agencies, through technical assistance and advisory services;
- Promoting human rights education and general awareness on human rights, including through targeted programmes for the uniformed services, government agencies, vulnerable groups and young people across the Commonwealth; and
- Mainstreaming human rights in the Commonwealth Secretariat's programmes and policies.

Examples of the activities carried out include building capacities of national institutions on human rights, workshops on wide ranging human rights issues throughout the Commonwealth, training and capacity building programmes on human rights, supporting the political work of the Secretariat through assessment missions and the Commonwealth Election Observer Groups, and publication and dissemination of human rights information.

For more information about the work of the Unit, please contact us at:

hru@commonwealth.int, Tel: +44 (0)20 7747 6423 Fax:+44 (0)20 7747 6418