



AUSTRALIAN FEDERATION OF AIDS ORGANISATIONS INC
ABN: 91 708 310 631
PO Box 51 Newtown NSW 2042 Australia

Tel: +61 2 9557 9399
Fax: +61 2 9557 9867

Email: afao@afao.org.au
Internet: www.afao.org.au

The Eminent Persons Group,
C/o Daisy Cooper
The Commonwealth Secretariat

Via Email: d.cooper@commonwealth.int

15 June 2011

To the Eminent Persons Group,

Comments on the recommendations of Commonwealth Eminent Persons Group

The Australian Federation of AIDS Organisations (AFAO) is pleased to comment on the recommendations of the Commonwealth Eminent Persons Group (EPG). We support the Commonwealth Secretariat's aim to promote Commonwealth values and principles, including human rights and the rule of law.

AFAO is the national federation for the HIV community response. We provide leadership, coordination and support to Australia's policy, advocacy and health promotion response to HIV/AIDS. Internationally we contribute to the development of effective policy and programmatic responses to HIV/AIDS at the global level, particularly in the Asia Pacific region.

The recommendations released in May by the EPG cover key issues, including the enhancement of democracy and the rule of law. In particular, we welcome the idea proposed by the EPG to create both a "Charter of the Commonwealth" and a Commissioner for Democracy and the Rule of Law. We believe that a "Charter of the Commonwealth" could serve to advance important Commonwealth values and principles including equality of all citizens before the law and the rights of individuals to be free from discrimination. We also welcome the creation of a Commissioner for Democracy and the Rule of Law, which we believe could meaningfully advance the human rights of Commonwealth citizens by providing clear and objective information to the Commonwealth Secretary General on serious or persistent violation of the rule of law.

AFAO recently participated in the Pacific regional consultation of the Commonwealth People's Forum (the Pacific Forum). At the Pacific Forum, priority issues for civil society were identified. The Pacific Forum Outcome Statement, which we commend to the EPG, articulates these priorities issues. Two we would like most to highlight are:

- i) Reform of laws that impede responses to key public health issues

AFAO strongly supports this recommendation. We echo the view expressed in the Pacific Forum Outcome Statement that the presence in some instances, and the absence in others, of laws

AFAO is the peak non-government organisation representing Australia's community-based response to HIV/AIDS. AFAO's members include the State and Territory AIDS Councils, the ANWERNEKENHE National Aboriginal & Torres Strait Islander HIV/AIDS Alliance, the Australian Injecting & Illicit Drug User's League, the National Association of People Living with HIV/AIDS and the Scarlet Alliance.

which impede an effective public health response, should be reviewed, and where appropriate reformed. For example, laws which criminalise key populations affected by HIV, such as men who have sex with men, injecting drug users and sex workers, need to be reformed.

ii) Support for local community human rights advocates

AFAO supports civil society organisations being empowered as partners in planning and implementation processes. The Commonwealth should directly support local community human rights advocates and community legal centres to build capacity and mechanisms for bottom-up advocacy for human rights and progressive reform towards better governance and improved human rights, with priority given to the most disadvantaged groups. Similar to the proposal for exchanges of electoral officials, we support exchanges between civil society organisations to facilitate capacity building in this area.

We appreciate the opportunity to provide feedback and look forward to seeing the full version of the EPG's recommendations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Lake', with a stylized flourish at the end.

Rob Lake
Executive Director
Australian Federation of AIDS Organisations