



# CHRI

COMMONWEALTH HUMAN RIGHTS INITIATIVE

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## NEWSLETTER

### DEEPENING DEMOCRACY: THE PRESIDENTIAL ELECTION IN SRI LANKA



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The Commonwealth Human Rights Initiative (CHRI) is an independent international NGO mandated to ensure the *practical realisation* of human rights in the countries of the Commonwealth

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CHRI was founded in 1987 and is currently constituted by the

**Commonwealth Journalists Association**

**Commonwealth Lawyers Association**

**Commonwealth Legal Education Association**

**Commonwealth Parliamentary Association**

**Commonwealth Press Union**

**and**

**Commonwealth Broadcasting Association**

These sponsoring organisations felt that while Commonwealth countries had both a common set of values and legal principles with which to work, they required a forum to promote human rights. It is from this idea that CHRI was born and continues to work.

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Dear Reader,

I present to you the spring edition of CHRI's Newsletter.

The New Year began with presidential elections in Sri Lanka which ended the incumbent's decade-long rule as president. Since assuming office, the new President, Maithripala Sirisena, and his government have made positive overtures towards addressing issues of shrinking democratic space and started to engage with the international community on constructive dialogue regarding its Tamil minority population. Keeping in mind the potential polarisation in the upcoming parliamentary elections in Sri Lanka, the Office of the High Commissioner for Human Rights (OHCHR) agreed to delay the release of the OHCHR Investigation on Sri Lanka (OISL) from March to September of this year. In the interim, the administration's assurance of an independent and credible domestic investigation into the allegations of war crimes and crimes against humanity will further aid in the process of reconciliation and healing of wounds of the three-decade long civil war in Sri Lanka.

While positive steps are being taken in Sri Lanka, the Maldives witnessed regression in its commitment to upholding the rule of law. Following the removal of two Supreme Court justices and thereby undermining the independence of the judiciary, the Government of the Maldives in February arrested former President Nasheed on terrorism charges and sentenced him to 13 years of imprisonment. His trial has raised serious questions on the impartiality of the judiciary.

Freedom of speech and expression is considered to be the hallmark of the international regime of human rights and forms the core foundational principles of the Commonwealth. However, this basic freedom continues to be threatened across the Member States of the Commonwealth, especially

in the form of restrictions imposed on the media. Fiji's Leader of the Opposition has called for repealing the country's media decree as it suppresses media freedom and is used by the government to stop critical reporting. Likewise, the Swaziland Editors Forum called on Parliament to review the legal provisions on criminal defamation for hindering the freedom of expression. It criticised the concerned law, which allows the arrest of journalists on the mere suspicion of defamation. Regarding the case against President Uhuru Kenyatta, the chief prosecutor of the International Criminal Court (ICC) withdrew charges of crimes against humanity against the President. Following closely on the heels of the ICC judgement, Kenya's Parliament passed a sweeping counter-terrorism bill backed by President Kenyatta that allows security forces to hold suspects for nearly a year without charges and eliminates several checks and balances on presidential power.

Pakistan lifted its moratorium on death penalty and thus brought the issue back into the limelight. The country's government rejected the United Nation and the European Union's calls against it by contending that the execution of terrorists does not contravene international laws and 16 prisoners were executed in three weeks' time. Similar troubling trends are also apparent in Bangladesh where a former junior minister was convicted on charges relating to the war of 1971 and awarded the death penalty; the Tribunal convicted 15 individuals and 13 of them were awarded the death penalty. On the other hand, as a silver lining, the High Court of Malawi started rehearing the cases of 170 prisoners sentenced to mandatory death penalty on the basis of an initiative undertaken by the Malawi Human Rights Commission.

Violence against women and girls continues to be entrenched within the global discourse, and especially in South Asia. Official Indian statistics

reveal that every day over 848 women and girls are harassed, raped or killed after abduction. Sierra Leone too has reported around 500 incidents of physical and sexual abuse in one of its districts over a period of eight months, thereby highlighting the scope of the issue across political, social and cultural divides.

On the issue of refugees, Australia continues in its stance and over 400 asylum seekers were returned to their countries of origin since the introduction of Operation Sovereign Borders. On the other hand, the Canadian government has responded to the United Nation's plea for assistance by agreeing to resettle 10,000 Syrian and 3,000 Iraqi refugees over the next three years. The United Nations High Commissioner for Refugees (UNHCR) has stressed the need for Malta to revise its laws concerning reception conditions and integration of refugees. The Maltese government is also working to reduce the maximum detention period for asylum seekers.

While some positives have emerged from within the Member States, greater strides need to be made in order to imbibe the spirit of the Commonwealth Charter, which continues to be relegated. And finally, the United Nations Human Rights Council (UNHCR) convened its twenty-eighth session in Geneva on 2 March 2015. The United Nations High Commissioner for Human Rights reiterated that "human rights are the only viable way to build safe and harmonious societies". We sincerely hope that his opening address to the Human Rights Council resonates among the Member States in affirmation to the principles of human rights.



Sincerely,  
Maja Daruwala



# One Step Forward, Two Steps Back on the Death Penalty in the Commonwealth

By David Kaner



Photograph by Patrick Feller (Flickr)

“The death penalty,” United Nations Secretary-General Ban Ki-moon declared in remarks last year, “has no place in the twenty-first century.” It was a sentiment echoed by several speakers, including a representative of CHRI, during the Biennial High-Level Panel on the Question of the Death Penalty, hosted by the UN Human Rights Council in Geneva on 4 March 2015.

The progress towards global abolition of the death penalty has been remarkable. While fewer than ten states had banned capital punishment at the United Nation’s founding in 1945, today around

100 countries have. Some 50 more have eliminated the death penalty in practice through longstanding moratoriums. Since the 1990s, the number of countries carrying out executions in a given year has fallen by half.

These trends have resulted in, and been reinforced by, action at the international level. In 2007, the UN General Assembly called for a worldwide moratorium on executions, with an eye towards ending them entirely, for the first time. It has reiterated its anti-death penalty stance on three occasions in the past eight years.

But while momentum has been building for death penalty opponents, grave challenges remain. Billions around the world continue to live in countries where they can be legally deprived of their life. At least 19 of those countries carried out executions between 2014 and early 2015.

In the Commonwealth, the year began with several positive developments. In January, Barbados, which has not executed a prisoner since the 1980s, moved to end compulsory executions in murder cases. A few weeks later, Fiji struck the last remaining mentions of capital

punishment from its law code, joining the ranks of fully abolitionist nations.

However, there are more causes for concern than for optimism. As of March 2015, nine Commonwealth nations continue to actively employ the death penalty: Bangladesh, Botswana, India, Malaysia, Nigeria, Pakistan, Saint Kitts and Nevis, Singapore and Uganda.

Last December, in the wake of the Peshawar school massacre, Pakistan lifted its moratorium on executions in cases of terrorism, which was in place for seven years. In March, the moratorium was lifted for non-terror offenses as well. More than 25 individuals have already been hanged under the revived statutes.

The coming months may bring more bad news for death penalty opponents. Papua New Guinea and the Maldives plan to carry out executions for the first time since the 1950s this year, after the lifting of long-held moratoriums in both countries. The government of Trinidad and Tobago has also voiced a desire to revive hangings.

Clearly, despite the gains made in the past several years, the death penalty is not quite yet on the verge of extinction. The small minority of states that continue to execute their citizens may prove to be abolitionists' biggest challenge yet.

One of the most viable paths towards global abolition, the participants in the high-level panel

agreed, is through regional and intergovernmental bodies. Europe has been particularly successful in this regard; in part because membership in the Council of Europe is predicated on having abolished the death penalty. Today, all the nations on the continent except Belarus have ended the practice.

In Africa, the number of countries without the death penalty has more than doubled since the African Commission on Human and Peoples' Rights started working towards abolition in 1999. In April, the Commission is slated to approve a new additional protocol to the African Charter on Human Rights banning the death penalty, which it hopes will hasten progress towards abolition on the continent.

If the Commonwealth is truly committed to the values of human dignity laid out in its Charter, it must join these intergovernmental organisations in pushing for abolition. As a set of countries with a shared legal heritage, it is a particularly logical avenue for anti-death penalty advocacy, and has already been identified as such by the Commonwealth Lawyers Association and the United Kingdom's Foreign and Commonwealth Office.

While the world is progressing towards the end of the death penalty, the nations of the Commonwealth are, if anything, backsliding. Moving towards an official policy of abolition would lock in the gains of the past several

decades, and help hasten the day when the death penalty is, finally, a thing of the past.

### **Spotlight: Death Penalty in India – Discriminatory**

While executions are rare in India (three people have been executed in the past 20 years), hundreds of individuals languish on the country's death rows. Capital trials are plagued by many of the same deficiencies that characterise the justice system as a whole.

The Death Penalty Research Project, headed by National Law University, Delhi Professor Anup Surendranath, completed the first major study of the application of the death penalty in India last year. The study found widespread evidence of sentences being issued discriminatorily. A large majority of individuals sentenced to death are from socially disadvantaged communities and "virtually all" are poor. Most had been tortured in custody, and many were convicted on the basis of inadmissible police station confessions. Procedural failings in investigation, detention and trial are compounded by the "abysmal" quality of legal aid.

"None of the professed aims of the death penalty can be met using the criminal justice system we have," Prof. Surendranath said in an interview with *Mint* last year. "In that context, we have no choice but to abolish the death penalty." ■

# Deepening Democracy: The Presidential Election in Sri Lanka

By Niran Anketell



Photograph by The Republic Square

The ouster of President Rajapaksa from office in the wee hours of the morning on 9 January 2015 was a dramatic surprise to international observers. Mahinda Rajapaksa's ten-year reign as President engorged the powers of what was already described an "over-mighty" presidency through a mixture of ways: the dismantling of limited checks on the presidency, such as the two-term limit; a war victory that conferred unprecedented popularity on Rajapaksa amongst the majority Sinhala community; the relegation of the public service, police and judiciary to mere appendages of the executive; and the wholesale repression of dissent and minority rights. In late 2014, a Rajapaksa march to a third term and

Sri Lanka's march to authoritarian rule seemed inevitable. And yet, through a remarkable opposition stratagem of wielding a respected leader from the Sri Lanka Freedom Party – Rajapaksa's own party – Maithripala Sirisena, as a common opposition candidate, the Rajapaksa spell was finally broken.

There are several lessons to be drawn from Rajapaksa's defeat, but I venture to outline the most important for those concerned with democracy and human rights in countries along the authoritarian-dictatorship continuum.

First, there is much to learn from the messaging that enabled the opposition to mount a

campaign capable of defeating an entrenched and powerful leader with despotic tendencies. The opposition campaign borrowed deeply from civil society slogans of good governance, the rule of law and democratising constitutional reforms. Over several decades in Sri Lanka, these liberal ideas were derided as Western, incompatible with "Sri Lankan values" and the work of a few foreign-funded NGOs. And yet, these ideas that survived through the Rajapaksa era in the rarefied confines of NGO seminar rooms, suddenly transformed into ultimately successful election rallying cries. The reason? Not one, but many. Of them, the fact that a few highly visible public campaigns by lawyers protesting the brazen impeachment of the Chief Justice and university lecturers demanding spending on higher education captured the imagination of some sections of the public and popularised formerly unpopular rallying calls for the rule of law and good governance. But Sri Lanka's small and beleaguered NGOs fighting for human rights and rule of law, Tamil political leaders, a small group of lawyers and critical journalists must take some credit for keeping the flickering flame of dissent alive in moments when to dissent was tantamount to treachery. Of course, the

Rajapaksa government's excesses were decisive in turning the electorate, but without the burning embers of a dissent community, the ultimately successful opposition would have had nothing to build a campaign on.

Another lesson from Rajapaksa's defeat is that the way forward for Sri Lanka's beleaguered Tamils is sensible, principled engagement with the Sri Lankan state in a manner that incrementally transforms the nature of the State. The Rajapaksa era saw unprecedented levels of brutality unleashed on the Tamil community, during and after the war. But a Sirisena presidency was never a guaranteed panacea to the historical political grievances of the community, exacerbated by the effects of repression and armed conflict. Indeed, a few extreme Tamil parties and Diaspora outfits campaigned vociferously for a Tamil boycott of the election, ostensibly to signal Tamil separation from the Sri Lankan State. Rejecting this intemperate posturing, the Tamil National Alliance's call for a Sirisena vote was heeded by the Tamil electorate, and delivered a bloc of votes that proved crucial in compensating for Rajapaksa's lead in Sinhala areas. In the months following the election, there is a clear lack of progress in normalising civilian rule and demilitarisation in Tamil-dominated areas, but there have also been some key successes. Beaten down by Rajapaksa's

militarised chauvinism, Sri Lanka's Tamils have now received some breathing space within which a serious conversation on political strategy and direction can be held. This is vital to ensure a principled struggle in post-LTTE Tamil politics.

A concluding note to deal with the international community's role in Sri Lanka is appropriate here. The Rajapaksa regime's intransigence on delivering on what it had earlier promised would be a priority of post-war reconciliation with Tamils, as well as mounting allegations of horrific crimes committed during the last stages of the war, meant that the regime faced intensifying pressure from the international community. This pressure culminated in 2014 in mandating an international investigation into alleged international crimes by both sides. Nevertheless, the immediate aftermath of the war has seen some in the international community being willing to afford the new Sri Lankan government significantly more time and space. If heeded, this strategy will be a mistake. In fact, the Rajapaksa regime's worsening relationship with the West – on account of its intransigence and woeful record on human rights – pushed Sri Lanka into China's embrace. While India and the United States bristled at this, they were constrained by their policies from matching China's investment

incursion into Sri Lanka. But the tilt towards China cost Rajapaksa Sri Lankan votes. China's commercial lending rates, corrupt vanity projects and infrastructure projects with wildly inflated costs – undoubtedly providing allowances for fat commissions – displeased voters. Sri Lanka's tilt back to the West and India in the last few months is, therefore, motivated by internal demands. What this means is that countries that pressured Sri Lanka on human rights, rule of law and devolution to Tamils now have significant leverage within Sri Lanka. This leverage must be used. Instead of adopting a relieved acceptance of the Sirisena government's tardiness in delivering reconciliation, countries such as the UK, US and India must use their increased bargaining power within Sri Lanka to make the government move swiftly.

A peaceful, prosperous, just and fair Sri Lanka may be within reach on account of a truly remarkable turn of events in the country's politics. A combination of dedicated civil society activism, astute Tamil political leadership, political courage on the part of the new government, and smart but sustained international pressure will help get us closer to that which, until recently, appeared a distant unapproachable dream. ■



# CHRI London: Human Rights Debates

By Sashy Nathan



Photograph by ItzaFineDay (Flickr)

CHRI London has been running a series of public debates on exploratory areas within the human rights discourse. In November 2014, we asked the question: “Should the responsibility to protect (R2P) include fighting Ebola?” and in February 2015 we asked: “Should the 1951 refugee convention include climate asylum seekers?” The idea was to provide a forum for joint thinking on key contemporary humanitarian/human rights issues, and for affiliated individuals and groups to engage in further targeted action.

## R2P and Ebola

Regina Keith, Course Leader and Senior Lecturer for M.Sc. in International Public Health Nutrition at the University of Westminster proposed the motion, stating that the responsibility was a moral imperative not least because 37 per cent of UK health professionals were from developing countries. She also stressed that the moral imperative extends beyond contemporary borders especially when one views historical examples such as the 1848 hut tax imposed

by the UK on colonies. Overall minimising of preventable deaths in global health crises was an achievable objective but developing countries needed more investment, resources, skills and technology. Health care that was free at the point of access would mean developing countries could get closer to richer countries’ average of 1 health worker per 1,000 of the population. Ebola represented genocide by bacteria. Just \$60 per person per year was being spent in the region through aid and this did not allow for the utility

of diagnostic and other medical facilities. R2P should be extended to incorporate health crises as the need for action was urgent and the Ebola crisis was largely due to the lack of investment (before the crisis) in poorer countries' health infrastructure.

Aidan Hehir, Reader in International Relations and Director of the Security and International Relations Programme at the University of Westminster agreed that there was a moral imperative to act on Ebola but that should be distinguished from the narrow remit of R2P (for atrocity crimes). There were dangers in linking health to security and R2P was not the correct mechanism for action. The only reference to Ebola and R2P was from Canada, citing that they needed to protect their own citizens in justifying restrictions on travel from affected regions. The reason for R2P's narrow remit was to prevent it becoming a pretext for Western interventionism. If humanitarianism and security are conflated, victims of disease might then become threats to national security, which is a dangerous path to tread. Is it that the UK/US interest levels in Ebola are high because of scare-mongering and a perceived threat to their populations? Health should be as neutral as possible and not overly-politicised, as the alteration of the WHO to suit Western geopolitical interests exemplifies.

Jude Mesquita, Consultant, UNFPA Azerbaijan, and Fellow of the

Human Rights Centre, University of Essex focused on the international community's response and the duties involved since the evolution of the pandemic and the WHO's declaration of a health crisis of international concern. There was a large gap between what was pledged and what was needed; i.e. strong health systems, prevention mechanisms and human resources and medicines. The international legal framework already provides the basis for states to act but norms need to be developed for international cooperation in responses. R2P does not provide a legal basis to fight Ebola but it is in leaps of faith and evoking novel new areas of law that we can address needs for urgency, up-scaling priority, and the fact that inaction is a crime against humanity. It is not clear whether the third pillar of R2P (to take timely and decisive collective action) is practical in the Ebola context given the extent of cooperation required by the afflicted state in a health crisis as opposed to action in an atrocity crime. R2P might unnecessarily politicise the issues involved with combating the disease.

Members of the audience provided some of the following comments:

"The WHO constitution is beautifully drafted (post-WW2) but the funding resources do not match the aspirations (30 per cent reduction in the last few years) and the current situation is the result of States' failure to provide adequate resources. Liberia spends almost 20 per cent of its national budget

on health and Ebola comes at a difficult time as Liberia and Sierra Leone are post-conflict States."

"WHO funding is perceived as falling on richer Western nations but where are regional bodies and BRIC countries on providing for the organisation?"

"The evolution of human rights arguments from the civil and political arenas in the 20-30 years after the UN declaration to now incorporate more social and economic rights displays the need to constantly evaluate and reconceptualise rights."

"Timely/decisive action (3rd pillar) is an obvious attraction of R2P doctrine in theorising mobilising action on Ebola but that is questionable in practise as the examples of action on atrocity crimes in Darfur, Sri Lanka, Syria and Bahrain show. Libya does not prop up R2P as a successful norm for mobilising urgent action – there are probably more arguments to suggest it is a cost-free distraction and a failure thus far."

### Climate Change and Asylum

Jenniffer Dew, Project Coordinator at the UK office of the International Organization for Migration (IOM) gave three main arguments against amending the Refugee convention. Firstly, there was a multi-causal aspect to environmental migration, which may include competition for resources or conflict and the mobility issues arising were

heavily context-specific. As such, it was very difficult to classify one discernible class of environmental refugee, which would in turn make it a very difficult challenge to ascertain or allocate their political status. Secondly, the majority of environmental migration was estimated to occur on an internally-displaced basis without the need for people to cross international borders; this would render the 1951 convention otiose. Lastly, it was very difficult to classify who would be an environmental refugee as the lines between forced or voluntary migration would be blurred, depending on the nature of the climate change.

In the case of a rapid onset of a natural disaster the need for relocation would be clear but at what point on a slow-onset event such as the sinking island example would migration cease to be economic and start to be seeking asylum? How would an individual prove a “well-founded fear of persecution” which was not on the basis of race, religion, ethnicity, social status or membership of a particular social group and within a climate disaster-framework? It was very clear that the problems envisaged by environmental migration were too broad for an amended 1951 convention to remedy. There needed to be an improvement in the policy dialogue and framework of international humanitarian/human rights law that brought together the standalone subjects of migration and climate change. IOM and UNHCR already

provide protection and assistance to mixed migrant flows, without determining refugee status before providing help, so refugee status is not currently necessary to receive at least initial/temporary help.

Alex Randall, who coordinates the UK Climate Change and Migration Coalition – a network of refugee and migration rights organisations – opened by clarifying that the term “climate refugee” coined by media outlets last year, arose from the New Zealand Immigration tribunal case AD (Tuvalu) [2014] NZIPT 501370-371. However, somewhat ironically, the judge in the case specifically cited that factors relating to climate change on the island of Tuvalu were outside the scope of his decision to grant the appellants leave to remain and that it was not “necessary on the facts of this appeal to reach any conclusion on this issue in relation to any of the appellants as the Tribunal is satisfied that by reason of the other factors identified in this case.”

There were two examples of different types of environmental migration that clarified why amending the convention was not a solution. The drought in the horn of Africa was a slow-onset natural disaster which displaced millions who were not assisted by the convention as it was difficult to ascertain to what extent they had exercised some agency and discretion into how/when/why they moved. Importantly, when many of them who were housed in refugee camps under UNHCR were

questioned as to why they moved, there was a variety of reasons given, not just climate change. Updating or amending the convention would represent an enormous political task and was less pragmatic in a geopolitical sense than pushing for integrating migration into UNFCCC deliberations further. The SDGs and Hyogo frameworks also offered valid mechanisms that environmental migration could be piggy-backed on, which would be far more relevant and pragmatic than the refugee convention. The Commonwealth was a unique forum that allowed for some parity and open discussion between small island states and richer countries to discuss consensus. There may also be room to approach the issue in an alternative way, through facilitating labour migration programmes such as those seen in the South Pacific islands to New Zealand.

In conclusion, we were pleased at the high level of insight displayed at these debates and the theme that appeared to run through both discussions was that there is a gap between the principles of the post-WW2 international institutions and their capacity to react in a timely and decisive way to twenty-first century problems such as Ebola or environmental disasters that develop rapidly. These are issues the international community, including the entirety of the globe, and we as international humanitarian and human rights actors must address. ■



# Protection or Control: Tackling Insecurity in Kenya the Western Way

By **Uladzimir Dzenisevich**



Photograph by Abayomi Azikiwei (Flickr)

At the end of 2014, Kenyan society went through several dramatic experiences. Low intensity insurgency that occasionally erupted in acts of violence reached its height when Al-Shabaab, a Somalia-based jihadist group that terrorised Kenya since 2011, carried out two ambush attacks on civilians in Mandera county. The attacks claimed 64 lives and triggered an uproar among Kenyans over the state's failure to provide security. Subsequently, the government came up with a rather asymmetrical response in an attempt to curb insecurity and redefine national security policy.

## Changing the Law

The ruling coalition introduced a bill that aimed to amend 22 laws, however distantly related to security, in a fundamental way, with many clauses looking suspiciously unconstitutional. Despite that, the bill was tabled as introducing “minor amendments” that do not merit publication of separate bills. This, essentially, equated to changing security policy through the back door, without amending the Constitution.

The bill became a source of a fierce

dispute, largely because it contained several controversial provisions that disaccorded with the letter and spirit of the 2010 Constitution. For instance, right to fair trial was dealt a heavy blow. Procedural guarantees, such as the right of the accused to be informed in advance of the evidence against him or her, the right to be released on bond or bail and even the right to remain silent, were significantly diluted. The bill also intended to curtail freedom of expression and media by restricting what materials the media could publish and what police operations it could cover. Other troubling sections included fixing the number of refugees in Kenya to 150,000 at any given moment, allowing extension of remand for up to 90 days (360 days in terrorism cases), as well as giving immense powers to the executive in appointing and removing top officers of the National Intelligence Service (NIS) and the National Police Service (NPS), thus undermining their security of tenure and, consequently, the independent nature of their services.

Further, NIS officers were to be permitted to engage in “covert operations” aimed at “neutralising threats against national security” and necessary to “deal with any threat to national security”. No court



warrant was required; only a written authorisation of the NIS Director-General (whose appointment, as just mentioned, was dependent on the will of the executive). At the same time, the lawmakers proposed to limit criminal responsibility of police officers to only 10 years, which, in effect, undermines rule of law and equality.

This bill came as an alarming sign amidst accusations that

confusion in Parliament. This “extraordinary mayhem and chaos” was one of the grounds, on which political opposition and civil society decided to challenge the SLAA in the Nairobi High Court. Others included lack of public consultation and unconstitutionality of specific provisions of the Act. In its judgement, delivered at the end of February, the Court struck down some of the controversial provisions mentioned above (right to fair trial,

Court or not.

### Appointing the Right People

A new Inspector-General – Joseph Boinett – was recently sworn into office. The lucrative office was vacated in December, when the bosses of both, NPS and NIS, as well as the Cabinet Secretary for the Interior were forced to resign after the Mandera attacks.

**“The intention behind these measures is clear: the government wants to hit hard by emulating the approach many Western countries have adopted – over-empowering security agencies at the expense of people’s rights with little, if any, oversight and accountability.”**

Kenyan security services, quite ill-famed for acting with brutality and impunity, had engaged in carrying out extrajudicial killings of allegedly pro-jihadist Muslim preachers. Furthermore, a brief look at the Kenyan socio-political context reveals that the proposed act was destined to further a binary, with-us-or-against-us approach to security. As one commentator pointed out, the bill was a law against Kenyans, against the spirit of the new Constitution, dividing communities along religious and ethnic lines.

Notwithstanding numerous concerns, the bill was passed with minor changes as Security Laws (Amendment) Act (SLAA) amidst havoc and

freedom of media, refugee rights and so on), while clearing the rest of the Act.

In this respect, the judgement is a dubious win. It protected some rights, while allowing the abuse of others. More importantly, judges permitted structural changes in national security policy by closing their eyes at new rules on appointments, removals and covert operations exercised without independent judicial oversight. In a situation like this, one can only hope that security bodies, whose independence, accountability and transparency have been greatly undermined, will respect and protect human rights, whether shielded by the High

It should be noted that Mr Boinett was appointed under the new procedure that does not require nomination and vetting by the independent National Police Service Commission. As a result, he was nominated by Kenya’s President Uhuru Kenyatta and approved by Parliament. His appointment has not come as a surprise, given that Boinett’s credentials perfectly match the government’s focus on fighting terrorism. Joseph Boinett started his career in the Kenyan police department, but made his name in the National Intelligence Service with over 30 years of service. Boinett’s appointment was framed as a bridge between the police and intelligence – two services that are notorious for mutual distrust and

lack of cooperation. The inability of the two agencies to work together, coordinate and act upon intelligence was often named as one of the main reasons for failing to curb insecurity.

However, this appointment is not without serious concerns. Questions were raised about the authenticity of his degrees, seniority in the NPS, his status as an outsider to the police, his promotion history in the NIS and even his ability to lead. As Senator Boni Khalwale put it, “The man has never held any position of leadership or command in the Police Service or NIS. He has only served for two years in the Police Service, and does not know the work of an OCS, OCPD or county commander.” Nevertheless, Boinett’s perceived ability to bring cohesion and coherence to the security sector’s activities overshadowed these concerns.

### Handling Security the Western Way

These developments signify a shift in the design of security policy and, more fundamentally, in the values that underscore it. The government tries to achieve two aims. Firstly, it wants to erode protection of human rights and post-2010 security structures that envisage impartial, transparent, accountable and professional security services. The SLAA is not grounded in a genuine desire to tackle insecurity. As was mentioned during the hearing of the SSLA case, there is

considerable research that shows that the legal framework is too permissive for terrorists to operate. On the contrary, it was persuasively argued that it is not the laws that are the problem, but systemic failures such as underfunding, pandemic corruption and lack of political will to implement these laws.

Secondly, the government tries to deal with insecurity by bringing in people who can fill gaps in the security establishment. In this regard, it should be noted that although strong and committed leadership is very important in enhancing the efficiency of the police, it cannot go hand in hand with eroding constitutional frameworks that keep security bodies in check. In other words, making NPS and NIS work together is a good thing, but its added value is questionable when checks and balances that ensure that security bodies protect citizens’ right are overseen and those accountable are weakened or scrapped.

The intention behind these measures is clear: the government wants to hit hard by emulating the approach many Western countries have adopted – over-empowering security agencies at the expense of people’s rights with little, if any, oversight and accountability. The logic that underpins this vision is that democracy with its constitution, due process and human rights is somewhat of an inconvenience to the efficient work of the security services. This changes the very

paradigm of security: it is no longer to protect citizens, but to control them.

Now it is becoming more evident that this approach, legitimised by the “war on terror”, has not only failed, but has contributed greatly to the unprecedented growth of terrorist organisations. Contrary to the claims of Kenyan politicians, drawing inspiration from their occidental colleagues, tough laws and a heavy-handed attitude towards terrorism are more likely to radicalise people and encourage them to join terrorist groups, as it may hold out a promise of empowerment and retribution against state oppression and institutionalised violence. If Jihadi John’s story can be believed even slightly, it illustrates exactly this point.

The High Court’s judgement and Joseph Boinett’s appointment did not end the debate about security in Kenya. On the one hand, a group of terror victims, who view abolishing certain provisions of the SLAA as pro-terrorist, intends to appeal the judgement. On the other hand, it is yet to be seen if the NPS will live up to people’s expectations under the new Inspector-General’s command. At the same time, civil society must be vigilant as never before, stand its ground and keep the security bodies in check. Losing more ground (both legally and epistemologically) to security maniacs is threatening to bring back the nightmares of the Moi era. ■

# India's Supreme Court Curbs Arbitrary Policing of the Internet

By Saurav Datta



Photograph by Patrick Feller (Flickr)

By quashing Section 66A, the Court has protected and championed freedom of expression.

One legal provision was the scourge of Internet democracy in India. There are a rash of sections in India's Information Technology (IT) Act which permit dragnet surveillance and wanton takedown and blocking of websites and other content which the government disapproves of, but nothing was more arbitrary and reflective of an authoritarian state than Section 66A. Thus, on 24 March 2015 when the Supreme Court ruled that the entire provision

is unconstitutional and struck it down, it lit a glimmer of hope for an Indian cyberspace which could be the true marketplace of ideas, where freedom of expression can flourish fearlessly.

The Court had before it a batch of petitions, challenging the constitutionality of various provisions of the IT Act, not only Section 66A. The Rules which imposed criminal liability on intermediaries (such as Google, Snapdeal and other sites, which are merely channels for hosting content and never take editorial decisions to censor content) and

permitted the government to block content without proper accountability, were assailed for falling foul of various constitutional provisions, including certain fundamental rights. Perhaps the Court was keen on incremental change, because despite the glaring infirmities, the judges only read down, that is, pared to reasonable and constitutionally permissible limits and laid down mandatory procedural norms. But the scrapping of Section 66A deserves a detailed comment simply for the enormous significance this development has for certain fundamental civil liberties in India.

## A Veritable Police State

Here is a ready-reckoner to Section 66A. Simply put, the police were given untrammelled powers to make arrests and harass people merely because what they said online could be termed as offensive, annoying, intimidating or inconvenient. Needless to say, such vaguely-worded terms defy the canonical rules of constitutional and reasonable interpretation. And the government and its agencies used this vagueness to their advantage. A list of arrests over the years, and the very profitable use of this provision by purveyors of communal violence bore testimony to its illegal provenance.

No government wants to let go of such a potent tool. True, it was brought in by the previous Congress government, but the present political dispensation, at one time, one of its staunchest critics, spared no effort to vigorously defend the provision in Court. As recorded in the judgement, the government was even willing to hedge this provision by inserting a host of qualifiers, but was reluctant to allow a single word to be changed.

It is unfortunate that state censorship isn't treated as a political issue in India. A hue and cry follows every egregious use of censorious powers, but such scattered, politicised reactions don't amount to very much. The Court recognised this, and refused to buy the government's unctuous pleas of reassurance, that it would not

use 66A randomly. "Governments may come and go, but 66A stays forever," the judges said.

As mentioned above, the petition challenged provisions of the IT Act other than 66A, among which Section 69A deserves a thought. The latter, which the Court found constitutional, empowers the state to block an Internet site for very specific and limited reasons. Certain incidents show that these blocking rules that are meant to ensure observance of natural justice have been circumvented in worrying manners. The issue concerning due process rights of individual affected by Section 69A needs constructive deliberation.

## Advocacy is not Instigation

There was a particular modus operandi the state and its law enforcement agencies followed. Should anyone post something critical of the government or politicians, or take pot-shots at religious bigots, and the police swoop down. Cartoonist Aseem Trivedi realised this to his detriment when he was booked for sedition and allied grievous charges. In addition to Section 66A, charges for religious hate speech, obscenity and criminal defamation followed. In the protracted trials in court, the government used the alleged offence under 66A to justify levying other criminal provisions. Thus, the coercion to prevent any form of dissent worked at two levels, both of which fed off each other.

The Court held that merely because Internet speech has a reach and speed far superior to that of other means of communication, it cannot be subjected to a regulation regime more restrictive than what the Constitution permits. Integrating the "clear and present danger" test (propounded by the United States Supreme Court in *Schenck v US*) to determine the threshold to launch criminal prosecution for speech acts, the judges ruled that withering criticism and zealous advocacy, even if inflammatory, cannot be regarded as incitement to violence, disruption of public order, or acts of sedition. The State must prove a truly imminent threat, as opposed to reasonable apprehensions.

On 12 March, the Delhi High Court handed down a stinging rebuke to the government for accusing Greenpeace activist Priya Pillai of seditious libel and preventing her from testifying before an international tribunal. Pillai had organised demonstrations and protests against a mega power project commissioned by the government. Had she taken her protest to Facebook or the blogosphere, nothing would have come in the way of the government using 66A and putting her behind bars.

The implications of this ruling go beyond only Internet speech, because it raises the bar for minimum standards to restrict freedom of expression. No wonder that the government, while emphasising the need for a legal regime post 66A, is sounding cautious. ■



# The WJP Open Government Index: Wealth Not Necessary for Open Government

By Alejandro Ponce and Stephen Lurie

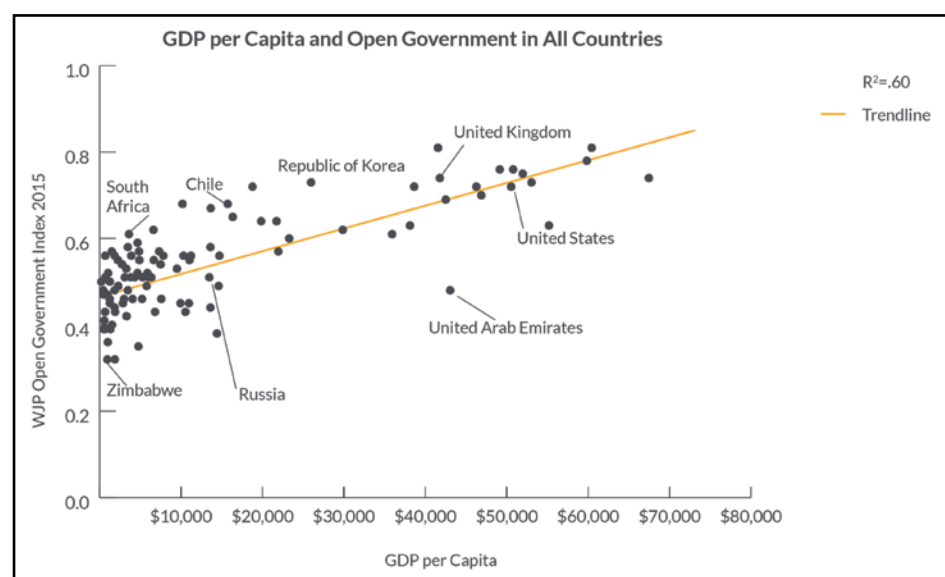
The open government movement is often recognised by its most newsworthy reforms: e-government; open source data initiatives; innovative management techniques; and bureaucratic modernisation in the name of transparency. As a result, many gain the impression that open government is a resource intensive doctrine—that wealth and development is a prerequisite to openness. After all, the logic goes, building technological infrastructure, digitising government files, and managing and responding to citizen engagement isn't funded by political will alone.

Our new report, the “World Justice Project Open Government Index 2015”, is an effort to measure government openness based on the general public's experiences and perceptions worldwide. The Index presents scores and rankings for 102 countries (derived from more than 100,000 household surveys and in-country expert questionnaires), organised around four dimensions: publicised laws and government data; right to information; civic participation; and complaint mechanisms.

In analysing the data for our report, we tested the relationship between economic development and open

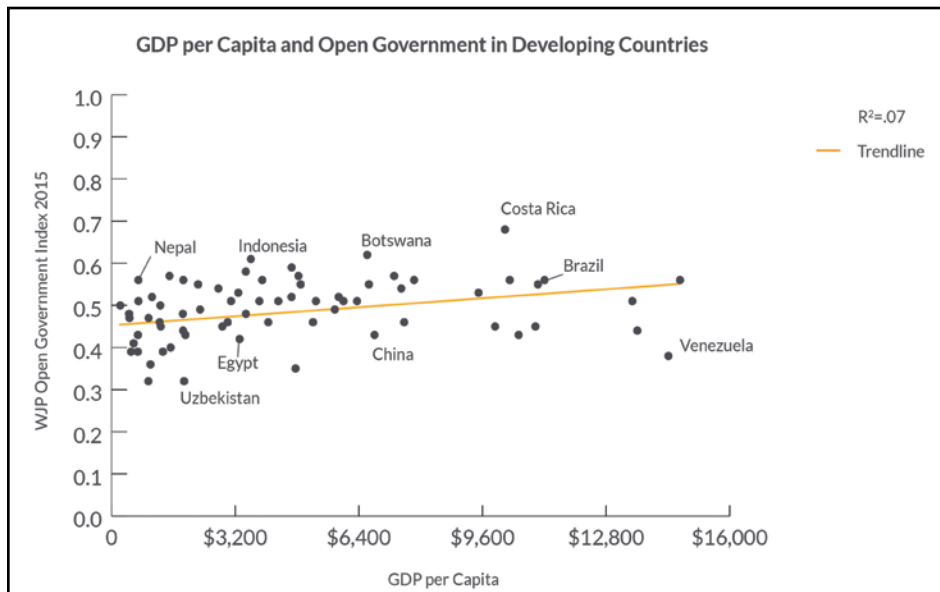
government and found evidence that both confirms and challenges the conventional wisdom about that relationship. Initial comparison of aggregate Open Government Index scores with GDP per capita presents a positive association.

At least at first glance, there is general support for the idea that wealth facilitates open government.



That plot, however, seems to show two rather distinct groupings: a lower income cluster up to about \$16,000 GDP per capita, and a tail of high-income countries. In that upward trend, the top ten performers in the Index are all high-income countries, but several middle and low-income countries do outperform wealthier countries. Indeed, a closer look at the low-income cluster presents a caveat to the overall trend: amongst developing countries, GDP per capita is not necessarily predictive of open government.

The absence of a significant association between income and open government among developing countries challenges, at least in part, the notion that open government has to be expensive. As examples, Botswana and China, or Indonesia and Egypt, are pairings of similarly situated



countries with vastly different open government outcomes. Amongst these countries, something other than governmental resources may be responsible for the openness of government.

The same caveat exists for wealthy countries that underperform their peers. Success at open government requires not only wealth, perhaps, but

**“The absence of a significant association between income and open government among developing countries challenges, at least in part, the notion that open government has to be expensive.”**

also prioritisation of resources towards open government and then usage of those resources. Technological improvement of government services is good, for example, but is only effective when bureaucrats effectively employ those technologies or citizens are able to access them.

What is to explain, then, the uniquely robust open government practices of high-income countries? There is a range of possibilities ripe for further study. It could be that political will is sufficient to allow developing countries to reform government, but that resources are required to implement infrastructure and programmes that reach a “next level” of open government. It is also possible that non-economic factors are at play: that legal and cultural traditions shared by high-income countries are the cause of their differentiation. International associations and membership in open government groups, structures of government institutions, or longevity of open government commitments might also be influential

factors. We hope that the data from our report will inspire further research and scholarship on these issues.

Whatever the force responsible for the two-level differentiation, and however influential GDP per capita may be in predicting overall open government, the new data presented here does seem to robustly defy the connotations surrounding open government practices. Wealth is neither a guarantor nor a necessary precondition for an open government.

#### About the World Justice Project

The WJP Open Government Index 2015 is produced by the World

Justice Project, an independent, multidisciplinary organisation working to advance the rule of law around the world. The rule of law is the foundation for communities of peace, opportunity and equity-underpinning development, accountable government and respect for fundamental rights. Our work engages citizens and leaders from across the globe and from multiple work disciplines to advance the rule of law. Learn more about the rule of law and our work at: [worldjusticeproject.org](http://worldjusticeproject.org). ■



(www.hindu.com)

To recall the life and career of B. G. Verghese in the opinion-driven times we live in, is to marvel at the unique quality this frail 97-year-old demonstrated in ample measure: intellectual courage. The courage to go against left liberals and the right wings alike, when he took a stand, unmindful of the vilification enabled by the Internet and social media, that comes so easily these days.

He was a journalist, an advocate for the issues he believed in and espoused in his writings, a humanist, and sometimes an activist. In his 60-year writing career he began as a journalist in the *Times of India*, was editor of the *Hindustan Times*, then of the *Indian Express*, and in between he edited a rural development journal at the Gandhi Peace Foundation. He wrote numerous books: *Waters of Hope*, *Harnessing the Eastern Himalayan Rivers*, *Winning the Future*, *India's Northeast Resurgent*, and *Reorienting India*. *Rage, Reconciliation and Security* (Penguin 2008) deals with managing India's diversities. His personal memoir and "worm's eye" view of India, *First Draft: Witness to the Making of Modern India*, was released by Tranquebar in October 2010.

B. G. Verghese lost his editorship of the *Hindustan Times* for opposing Indira Gandhi's annexation of Sikkim and her imposition of the Emergency. He took unfashionable positions on issues big and small. He opposed Arundati Roy's glorification of the Maoists in her essay in *Outlook*, much lauded by sections of the left liberal intelligentsia. He opposed the media witch hunt of

## Remembering B. G. Verghese

By Sevanti Ninan

*Tehelka* magazine and its managing editor Shoma Chaudhury following the sexual harassment allegations against Tarun Tejpal, the founder editor of the magazine. He supported the construction of the Narmada Dam even as the Narmada Bachao Andolan became a major civil society campaign.

His advocacy of human rights led him to file, along with others, a petition before the Supreme Court for a direction to order a CBI probe into the 22 fake encounters that took place during 2002-2006 in Gujarat under the Narendra Modi government. He was also a member of the Editors Guild of India Fact Finding Mission to Gujarat in April 2002, investigating the role of newspapers in the Gujarat riots.

He was above all a humanist whose intellectual contributions ranged wide. When he died in December 2014 reporters recalled his personal support as editor when they covered the 1984 riots for the *Indian Express*, and a former head of the National Institute of Design in Ahmedabad recalled Verghese's early interest in design. (He wrote a book on the subject.)

Ashoke Chatterjee writes: "Despite the load he carried, BGV as Chair (Chairperson of NID) not only gave us unstintingly of his time, he also helped guide and sustain NID's first efforts at design for basic Indian needs, enthusiastically supporting our entry into livelihood efforts in rural Rajasthan and the Northeast."

A former Chairperson of Prasar Bharati, Mrinal Pande recalled how he helped her understand the complexities and challenges posed by public broadcasting in a semi-feudal state like India, when she took over. He was after all the man who wrote the first draft of an autonomous public broadcaster in 1978, at the behest of the then Information and Broadcasting Minister, L. K. Advani and served on

the first Prasar Bharati board. But a decade earlier he had also served as Prime Minister Indira Gandhi's information advisor.

His interest in both development and environment shaped his public advocacy of the Narmada dam, and during his last year of life he visited the Andes as part of an Indus Basin study group wanting to learn from the experience of the Andean glacier monitoring study. On his return, he wrote about the health of glaciers as an index of climate change in the *Hindustan Times*.

Verghese joined the Centre for Policy Research after his retirement from the Express. He was Information Consultant to the Defence Minister for a short period in 2001, during the first Bharatiya Janata Party government. He served as a member of the Kargil Review Committee and was co-author of the Kargil Review Committee Report tabled in Parliament chronicling the sequence of events leading to the India-Pakistan confrontation and recommendations for the future. He was a recipient of the Magsaysay Award in 1975, Assam's Sankaradeva Award for 2005, and the Upendra Nath Brahma Soldier of Humanity Award in July 2013. He served on a number of official and unofficial boards and committees and was associated with several NGOs in the fields of media, education, the environment and community relations.

His range of involvements is probably unparalleled among the intellectuals who emerged in post-Emergency India. But he is most remembered for his qualities as a human being—his warmth, humour, personal integrity and matter-of-fact Spartan ways. When his son sought to borrow his father's car for a date, he suggested the young man go on a cycle. And I know of nobody else in our consumerist times who at the end of a distinguished career, continued to drive a Maruti 800. ■

## Updates from CHRI this Quarter

### CHRI, Delhi Office

We mourn the demise of eminent journalist and former Chairperson of CHRI, Delhi, Mr B.G Verghese, who died on 30 December 2014. A Magsaysay Award winner, Boobli George Verghese was educated at The Doon School, St.Stephen's College, Delhi and Trinity College, Cambridge. He was a lifelong crusader for human rights and will always be a source of inspiration for CHRI.

### Access to Information Programme

- After Afghanistan's Access to Information Act was signed, the Access to Information (ATI) team hosted its eighth Right to Information Learning Programme (LP) exclusively for Members of Parliament, senators and civil society representatives from Afghanistan from 8 to 12 December 2014. Participants interacted with former information commissioners, media representatives, government officials and civil society members who shared their experiences about best practices and the values of a guaranteed access to information regime to transparency, accountability and participation in a democracy.
- The coordinator of the ATI team visited Kabul at the behest of Integrity Watch - Afghanistan in January 2015 as

a resource person at a workshop for Members of Parliament and civil society representatives. The issues discussed were for consideration in the new Afghan RTI law, based on the experience of implementing India's RTI Act over the last decade.

- The ATI team in collaboration with the National Constitution Club (NCC) organised a People's Meet on RTI in Palakkad, Kerala. Unanimous approval was received from the participants to frame a resolution comprising various recommendations for the central government, state government and Kerala State Information Commission on problems in implementing RTI in Kerala and recommendations to resolve them. CHRI has formally communicated the resolution to the Department of Personnel Training, Kerala State Information Commission and the Chief Minister of Kerala. It contains eight recommendations for the central and state governments to take appropriate action.
- The ATI programme coordinator co-chaired a breakup session of the RTI and the private sector. He was a discussant on a panel where the experience of using and implementing the RTI Act of Bangladesh was discussed at the regional meeting of the Transparency Advocacy Group in South Asia.

- CHRI analysed Sri Lanka's draft RTI bill and provided suggestions to strengthen the legislative proposals. It circulated the same through civil society and media networks. The ATI team provided technical inputs based on international best practices of Right to Information to civil society members of the Drafting Committee.

### Police Reforms Programme

- CHRI made a submission to the Kenyan Parliamentary Committee on Administration and National Security on the Security Laws (Amendments) Bill, 2014, highlighting gaps and weaknesses, and recommending amendments to strengthen democratic accountability of national security organs.
- CHRI Police Reforms Programme together with the Maldivian Democracy Network (MDN) published a report titled "Review of the Legal Framework of Maldives Police Service". The report analysed legal gaps in three documents pertaining to the police: Maldives Police Internal Regulations on Arrest, Stop and Search; Maldives Police Service Bill, 2012; and relevant provisions of the Code of Criminal Procedure Bill, 2012; and recommended suitable amendments.
- The team conducted a training



session on police reforms for the Northeast Network (NEN), a leading women's rights organisation based in Guwahati, Assam (with offices in Nagaland and Meghalaya) in preparation for a joint study between CHRI and NEN on women police in Assam and Meghalaya.

- A press conference was held together with the Police Reforms Watch programme of NAGAR, a civil society organisation based in Mumbai, on the Maharashtra Police (Amendment and Continuance Act, 2014). Key concerns surrounding the Act and its non-compliance with the Supreme Court directives on police reforms were highlighted.
- CHRI made a submission to the Commission for the Implementation of the Constitution in Kenya on the National Police Service Regulations, 2014. The submission analysed gaps and weaknesses in the regulations, and suggested amendments to bring it into conformity with national and international standards.
- CHRI served as a resource for a consultation on the Odisha Police Bill, 2013, organised by the Civil Society Forum on Human Rights, a civil society coalition based in Bhubaneswar, Odisha. The

team presented a critique of the tabled bill. Oriya translation of the critique, together with the bill, was circulated to all MLAs, the media and civil society organisations.

### Prison Reforms Programme

- The team conducted a training session in collaboration with the United Nations High Commissioner for Refugees (UNHCR) on "Human Rights and Refugee Protection" for the Welfare Officers of all correctional homes in Kolkata, West Bengal.
- After facilitating access to UNHCR for processing her refugee status application, the team successfully facilitated the grant of refugee status to Johra, a Rohingya Muslim from Myanmar which led to her release from a detention centre and eventual reunion with her 18-year-old son on 15 December 2014.
- The team also successfully facilitated the repatriation of Raju Fakhir, a Bangladesh national.
- An order from the Rajasthan State Information Commission directing the Prison Department to proactively disclose all the details of foreign national prisoners lodged in the jails of Rajasthan on their website was secured.
- An orientation workshop was organised by the team for newly appointed lawyers under the

Rajasthan Remand & Bail Lawyers Scheme, 2012 at Alwar, Rajasthan. A similar orientation programme was organised for Remand and Bail Lawyers in Jodhpur district, Rajasthan. In conjunction with the above, the team organised a problem assessment meeting on the Rajasthan Remand & Bail Lawyers Scheme with relevant lawyers in Jodhpur.

- The team published a study on Rajasthan's Court Production System as well as a Watch Report on the working of the Undertrial Review Mechanism (Periodic Review Committees) in Rajasthan.
- A one-day round table on "Civil Society & Corporate Participation in Prison" was conducted by the team in collaboration with the Rajasthan State Human Rights Commission (RSHRC) in Jaipur, Rajasthan.
- Members of the team attended the national workshop on "Research Methodology" organised by ITM University, Gwalior, Madhya Pradesh.
- The team participated in a three-day training programme for probation officers at the Regional Institute for Correctional Administration (RICA), Kolkata, West Bengal.
- Team members were part of a panel discussion on "India and Challenges of Statelessness: A Review of the Legal Framework

Relating to Nationality” at The National Law University, Delhi.

- In collaboration with the School of Women Studies, Jadavpur University, West Bengal, the team conceptualised plays, “Apnar Legal Aid” and “Rabeya ya Ruksana”, on legal aid and rights of trafficked Bangladeshi women. Information was disseminated to national law universities, law departments of universities in West Bengal, National Judicial Academy, State Judicial Academies, and National and State Legal Services Authority.
- The team published awareness posters on legal aid, fair trial, Mulaqat in prisons, and a pamphlet on legal aid clinics in prisons.
- A press statement was issued on the mob lynching of an undertrial prisoner held in Dimapur Central Prison, Nagaland that occurred on 5 March 2015.

### Strategic Initiatives Programme

- CHRI has significantly progressed in its preparations for the next Commonwealth Heads of Government Meeting (CHOGM). The Strategic Initiative Programme’s (SIP) liaisons with several partners and stakeholders have resulted in collation of substantial information for its upcoming CHOGM report. The on-going

research now includes valuable inputs and comments from interviews with various academics, diplomats and practitioners. The research continues to gain considerably from the responses of numerous organisations to an online survey.

- CHRI and the Delhi Policy Group jointly organised a round table discussion on “The Challenges to Democracy in Sri Lanka”. Dr Saravanamuttu of the Centre for Policy Alternatives, Sri Lanka was the main speaker. The event provided a platform to civil society members, policymakers and academicians to hold a dialogue on strengthening the democratic space in Sri Lanka, accountability and reconciliation, Indo-Lankan strategic partnership and geopolitics in the Indian Ocean Region.
- The team furthered its engagement with the United Nations Human Rights Council (UNHRC). SIP raised contemporary and thematic human rights issues at the Council’s 28th Regular Session by providing verbal statements at the Biannual High Level Discussion on the Death Penalty and another discussion jointly held with the UN Special Rapporteurs on Torture and Human Rights Defenders. The statements emphasised issues in certain Commonwealth

Member States and encouraged the independent human rights experts to engage constructively with the Commonwealth Secretariat and governments. Another statement, made during the follow-up of Fiji’s Universal Periodic Review, drew the Council’s attention on the issues of freedom of expression and peaceful assembly and the pragmatic challenges in Fiji’s recently adopted Constitution.

- The SIP team made two successful submissions to the Commonwealth Ministerial Action Group’s meeting held on 12 March 2015. The country-specific submissions presented human rights issues in Swaziland and the Maldives. They elaborated on issues concerning: the rule of law; torture and ill-treatment; the judicial system; freedom of expression, association and assembly; repressive legislation; media censorship; police impunity; forced labour and trafficking; and elections.

### CHRI, London Office

- We welcome Katie O’Byrne to CHRI’s London Executive Committee. Ms O’Byrne is an international human rights barrister with special interests in extradition, immigration and public law. In the past, she has been associated with the International Criminal Tribunal for former Yugoslavia.

She has published extensively on gender, children's rights, refugee law and international law.

- In February, the team hosted the second of its Human Rights Debates on the issue of climate change refugees. Jenniffer Dew, Project Coordinator at the UK office of the International Organization for Migration and Alex Randall, Coordinator, the Climate Change and Migration Coalition, were the main speakers.
- The team attended the Commonwealth Youth Policy Forum and International Women's Day events as well as the launch of the Foreign and Commonwealth Office's Human Rights and Democracy Report.
- On 24 March 2015, the day before the scheduled release of the OHCHR's Investigation on Sri Lanka (OISL) which has been postponed to the thirtieth session of the Human Rights Council in September 2015, the team organised the third Human Rights Debate on Sri Lanka. The speakers at the debate were Callum Macrae, filmmaker "No-Fire Zone; The Killing Fields of Sri Lanka"; Shivani Jegarajah, human rights barrister, Mansfield Chambers; and Kirsty Brimelow, Queens Counsel, Doughty Street Chambers.

## CHRI, Accra Office

### Access to Justice Programme

- The Regional Coordinator and Project Officer of the Access to Justice Programme met the Controller-General of the Ghana Prisons Service. The meeting was aimed at discussing CHRI's Access to Justice Programme and to seek the approval of the Prisons Service to offer legal assistance to inmates at the Kumasi Central Prison. The meeting was successful as the request was approved.
- A team of paralegals from Accra Justice Centre and Kumasi Justice Centre handled 210 cases till December 2014. Of these, 30 were released without charge, 145 were granted police enquiry bail and 35 had their cases discontinued for lack of evidence against them and lack of interest by complainants in pursuing the cases. The presence of paralegals at the selected police stations in which the project operates has resulted in an increase in the respect for the rights of suspects.

### Police Reforms Programme

- The team met with the Parliamentary Select Committee on Defence and Interior on the Independent Police Complaint Commission (IPCC) to brief them on the purpose of the IPCC Coalition and also seek the Committee's support towards the establishment of an IPCC for Ghana.

- The Regional Coordinator and project officer met the Director-General, Legal and Prosecutions of the Ghana Police Service (GPS). The aim of the meeting was to brief the GPS on the outcome of the multi-stakeholder round table discussion on the establishment of an IPCC and to inform the Service of the progress on the project.
- The team organised a multi-stakeholder round table discussion aimed at bringing together all relevant stakeholders on one platform to discuss the IPCC under the theme, "An Effective Independent Civilian Policing Oversight: Too Important to Neglect, Too Urgent to Delay". It was agreed by all stakeholders at the round table discussion on the need for an IPCC. A report of the multi-stakeholder round table was launched on 10 December (Human Rights Day) by the Chair of the Parliamentary Select Committee on Defence and Interior, Hon. Fritz Baffour and had in attendance representatives of selected media houses, the Commission on Human Rights and Administrative Justice (CHRAJ), Members of the IPCC Coalition and the general public.

### Access to Information Programme

- As part of efforts to promote

access to information at the grass-roots level across the country, trained interns carried out a series of information van campaigns in their communities to educate their members on their constitutional right to access to information and the existing provisions that promote access to information.

- Trained interns from Radio Breezy conducted a series of radio discussions on their station to connect access to information with everyday issues. The discussions provided a platform for duty bearers to share information

with community members on their work and to inform them about the appropriate authorities from whom to seek information, depending on the issues at stake. Resource personnel from various departments of the Ajumako-Enyan-Esiam District Assembly assisted with discussions on issues such as: responsibilities of presiding/assembly members; sanitation and health; how to access subsidised fertilizers for farmers; etc.

- The Accra office organised two workshops in Akropong-

Akuapem, Eastern region and Takoradi, Western region on 5 and 8 November 2014 respectively to create awareness on citizens' constitutional right to access information and build a constituency committed to seeking information based on provisions in existing laws. The workshops brought together students from the Presbyterian University College, Akropong-Akuapem campus, Takoradi Polytechnic, Holy Child College of Education and Nursing & Midwifery Training College. The participants were also joined by the media. ■

## Opportunities with CHRI

### Internship and Stipendary Positions in Research and Advocacy

Please inquire about specific current vacancies or send job applications with a CV, statement of purpose, references and a short original writing sample to [info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org). To know more about us visit us at

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