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Reviewing the Review : The First Session of the Universal Periodic Review, the Human Rights Council

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The Universal Periodic Review (UPR) is the mechanism established under General Assembly Resolution 60/251, which also created the Human Rights Council (the HRC). Arguably, unlike its predecessor, the HRC's UPR mechanism was intended to undertake a review of countries 'based on objective and reliable information [and] of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States'. In addition, the Resolution states that 'the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies.'¹ However, having seen the first sessions of the UPR unfold and approaching the time in which the country reports will be released, mixed feelings remain around the process, its ability to be manipulated and whether it is an effective mechanism for assessing human rights situations and in which civil society can have valuable input.

The first session of the UPR took place from 7 to 18 April 2008, with the review of 16 United Nations (UN) member States, three of which being Commonwealth members. The first States to be reviewed under the UPR were: Bahrain, Ecuador, Tunisia, Morocco, Indonesia, Finland, United Kingdom, India, Brazil, Philippines, Algeria, Poland, Netherlands, South Africa, the Czech Republic and Argentina.

¹ Para 5 (e), General Assembly Resolution 60/251 [The Resolution does not set out the details of how the process will work but instead asks the Council to "develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session"].

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

Please send your feedback to aditi@humanrightsinitiative.org.

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As pointed out by the International Service for Human Rights (ISHR)², on the one hand States that would never have found their human rights records being discussed at the Council have, at times during review, found themselves facing difficult questions before their peers. However, the process has also been vulnerable to consummate manipulation, where ‘friendly States’ have had the ability to collectively present, or represent, an image that is not reflective of the human rights context in the specific country under review. In some cases genuinely robust questions have been asked, and have received a response. In other cases they have not. In some cases useful recommendations have been formulated, in other cases recommendations are so vague that they cannot be realistically measured and at times appear to show that background research has not occurred in order to formulate useful lines of enquiry. In this regard, many States have applied different standards of scrutiny to States with whom they have a regional or organisational allegiance.³

Up to the beginning of the First Session of the UPR States exhibited degrees of nervousness; much of which arose from the uncertainty around the functioning of the process and the many outstanding issues related to the working methods of the UPR Working Group.⁴ During March 2008, such concerns⁵ led to a meeting

in Geneva of Commonwealth countries in an attempt to alleviate concerns and find practicable solutions for those Commonwealth countries that may not have the resources or expertise to produce a Government report for the review. At this meeting, the United Kingdom, a co-host, provided their experience of preparing for the review as an example of the processes of report writing and stakeholder consultations. CHRI was invited to present its experiences, as a stakeholder in the consultation process, and provided recommendations to Commonwealth governments to not see the finalisation of the government report for UPR as the end point in stakeholder consultation, but rather the beginning of an ongoing process including the implementation of recommendations from the review.

Review processes and the questions they raise

During the First Session, States taking part in the interactive dialogue developed a general practice of first noting positive developments in the country under review, then (if they chose to progress beyond compliments) to issues of concern, leading then to questions and to possible recommendations. Generally, the degree of positive comments far outweighed criticisms, and recommendations made were at times so broad and vague that it may prove difficult to measure their implementation in the future. During the interactive dialogue certain States continued a practice of asking the same standard thematic

² International Service for Human Rights, UPR Monitor, Human Rights Monitor Series UNIVERSAL PERIODIC REVIEW, OVERVIEW OF FIRST SESSION 7-18 APRIL 2008 (2008) at www.ishr.ch (last accessed on 12 June 2008) [CHRI has relied on information published by ISHR on the First Session of the UPR in the absence of being able to attend all of the reviews. In addition, CHRI would like to give its appreciation to ISHR who provided CHRI with the necessary means to be able to enter and attend any of the UPR and HRC sessions. In this regard, special consideration should be given to the ISHR Advanced Geneva Training Course team].

³ This has been the practice even of those States who vowed that the UPR would do away with the ‘politicisation’ often associated with the former Commission on Human Rights, and would ensure the equal treatment of all States.

⁴ See ISHR’s Council Alert, 4 April 2008, at http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_alert_4_april_2008.pdf. For a summary of the President’s opening statement and positions put forward relating to outstanding modalities, see http://www.ishr.ch/hrm/council/upr/upr_1st_session_2008/upr_001_bahrain_final.pdf

⁵ Many of the questions related to the concerns certain countries appeared to hold were around the apparent transparency of the process. In this regard, the inclusion of NGO and stakeholder reports publication on the website of the Office of the High Commissioner for Human Rights (OHCHR); whether questions submitted to the State under review via the troika would also be published on the website; how time would be allocated to States under review to present their report and answer the questions, and how the interactive dialogue would be conducted; and whether the UPR Working Group meetings should be webcast.

questions to all States.⁶ In some respects, this lowered the standard of dialogue and the weight of the response during the interactive session, insofar that it inevitably reduced the degree of enquiry into the actual human rights situation of those countries being reviewed. Nevertheless, the interactive dialogue proved to be useful in drawing attention to the recommendations of treaty bodies and of special procedures of the Council, in addition to recommending their implementation. And, whilst direct reference to the information submitted by other stakeholders was sporadic, it was apparent in certain cases that the vast majority of issues raised in the submissions of NGOs were raised by States during the interactive dialogue.

A question can be posed as to how the apparent inconsistencies produced and played out during the First Session will impact not only on the future sessions of the UPR, but the credibility of the HRC itself?

Despite the inevitable criticisms that such inconsistencies have and will continue to draw, the fact remains that the UPR has been utilised by certain States to ask important and difficult questions to States on issues that would have been unlikely to have been raised through the Council or other intergovernmental bodies. Likewise, States under review are on occasion answering questions that they would not consider to answer before the Council or in other fora. This has opened new opportunities for NGOs to enter into dialogue with particular States that would not have existed in the past. The process has also generated a new avenue for engagement at the domestic level, particularly in terms of developing plans for engagement in the future. In addition, the

comments, questions and recommendations (and States commitment to implement them) presented during the dialogue are also being recorded in official UN documents; when combined with the compilation of information submitted for the review, it amounts to a useful compendium on the situations of human rights in the country under review. However, it can also be argued that the information submitted for the review has so far been of more value than the outcome, in providing a more comprehensive overview of the human rights situation in the country.⁷ Questions could also be raised around the value of the Troika, where less than half the States under review allocated time to address questions submitted to them via the troika.

Perhaps in the end, for those civil society members disenchanted with the process thus far, one positive can be seen whereby States that did not respond to questioning on areas of concern are easily identifiable through the process. So too are the cases of State-based alliances and their pre-agreed and self-serving compliments. Unfortunately, the recent departure of the United States from HRC does raise inevitable credibility concerns for the future of the UPR, particularly the timing of departure. However, with more positive developments, such as the formation of a Commonwealth grouping in Geneva, in the long-run the HRC and the UPR stands potentially to benefit from many of the Commonwealth core human rights principles, particularly those principles that promote the role of civil society; while also offering an opportunity for Commonwealth civil society to undertake layered advocacy both directly with the Commonwealth Secretariat, with the HRC via the UPR, and in wider collaborative frameworks.⁸ ■

⁶ In its questions sent to the troika, the UK addressed the role of national human rights institutions and civil society to the troikas. Australia enquired whether the State under review had a national human rights institution. While the intention may have been to avoid selectivity, and the practice was in certain cases positive, the latter example of Australia also unfortunately illustrated a perfunctory approach to the process, as it was clear in many cases that Australia had not first checked whether the State under review did already have a national institution.

⁷ International Service for Human Rights, UPR Monitor, Human Rights Monitor Series UNIVERSAL PERIODIC REVIEW, OVERVIEW OF FIRST SESSION 7-18 APRIL 2008 (2008) at www.ishr.ch (last accessed on 12 June 2008).

⁸ CHRI will continue to provide updates of Commonwealth performance during the UPR. For further information on Commonwealth performance at the HRC refer to the soon to be published 'Easier Said Than Done: Commonwealth Countries Performance at the Human Rights Council' (2008).

ZIMBABWE: Is the Commonwealth is Coming Back on to the Scene?

Derek Ingram

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The horrendous mess in Zimbabwe is a product of decades of mistakes on all sides. In a few lines they include:

- Failure to follow up the Lancaster House agreement immediately after independence in 1980, by building the fund for land reform and to hold the Americans to their promise to deliver a substantial contribution;
- President Robert Mugabe's failure in the first ten years of independence, to press the British for concessions on the land issue which had not been satisfactorily sorted out at Lancaster House;
- Britain's complicity with Mugabe to hush up the Matabeleland massacres in 1982 (Mugabe told friends that after that he knew he could get away with anything);
- Britain's cancellation in 1997 of the fund of money it had put aside in 1980 for land reform, although by this time Mugabe was grabbing farms and giving them to cronies (they were right to withhold the money but wrong to take it off the table); and
- The Commonwealth failure to dissolve the troika of Presidents Thabo Mbeki of South Africa and Olusegun Obasanjo of Nigeria, and Prime Minister John Howard of Australia after the deeply flawed election of 2002 instead of passing the problem back to the eight-minister Commonwealth Ministerial Action Group (CMAG).

Many other mistakes can be added to a catalogue that goes right back to 1923 when Britain handed self-government (with strings) to a handful of tiny white settlers and to the creation in 1953 of the Central African Federation made up of Northern and Southern Rhodesia and Nyasaland (now Malawi). But the literature on all this history is voluminous.

To move fast forward, what we have today is terrible suffering and violence in a land which was in the early Nineties in much better shape and more advanced than most countries

in Africa. The quality of education was high and growing year by year. The country was a food exporter. It is often said now that independence began in 1980 with a seriously flawed election, but that is not the case.

As media adviser to the Commonwealth Observer Group I was in the country for several weeks. There was certainly considerable intimidation and the electoral system, hastily organised in extraordinary circumstances, was far from perfect. That was hardly surprising considering the turmoil and years of civil war that it followed. But there is not the slightest doubt that at that point Mugabe's ZANU party had the overwhelming support of the people.

Mugabe will be the subject of a huge literature in the years to come. He is a fascinating figure, intellectually brilliant – a Roman Catholic and Marxist who it now seems clear was devious from the outset and with cruel intent. There are, for example, question marks about the deaths of potential leadership rivals such as Josiah Tongogara, the highly intelligent and liberal-minded army leader killed in a road accident a few days after he had played a notable mediatory role in the Lancaster House talks in 1979, and of lawyer Herbert Chitepo a popular rival in the ZANU power play, further back, in 1975.

In Judith Todd's book *Through the Darkness* her father Garfield Todd, liberal prime minister before Ian Smith, is quoted as saying that what he detested most about Mugabe was his ability to corrupt just about anyone who ever came close to him.

From the outset of independence in 1980 Mugabe had an able team of ministers. Some are still in the government. The puzzle is how they have remained compliant over so many years and still hang in there with him. The only conclusion can be that they have stayed there as the result of a combination of threats and bribery. In cabinet he treated almost all of them roughly.

The question is what can be done now as the suffering grows. The country continues to function in a curious way, perhaps

because it is now a black economy with a few people making a lot of money while the masses are left with nothing. The infrastructure remains and, almost surreally, a lot of it still works.

The Rhodesia Herald never steps beyond the party line but two other small papers which are highly critical remain, and 230,000 copies of *The Zimbabwean*, published in South Africa and the UK, are weekly on sale in Zimbabwe. Only recently for the first time was a lorry load attacked and set on fire and the South African driver and his Zimbabwean distribution assistant beaten up.

The BBC is banned, but reporters go in clandestinely and filmed interviews are aired. To ensure their safety interviewees' faces are obscured and voices distorted. One or two other resident journalists for British newspapers continue to report, outspokenly for the London Times, Daily Telegraph, Reuters and AP.

The biggest disappointment is that southern African countries have proved incapable of lancing this boil in their region. One reason is the African tradition of respect for the old and for those who led their struggle for independence. Mugabe is now, with the notable exception of Mandela, the only senior figure of that generation. He sees all the other leaders as juniors and treats them as such.

Even one or two presidents have come away from personal meetings with him stunned by the way he has dressed them down almost like children. Although president Thabo Mbeki of South Africa is rightly criticised for mishandling a situation which has landed his country with up to three million refugees and caused serious unrest in Johannesburg, there is little doubt that he has found Mugabe as difficult to handle as everyone else. He has also obviously been worried at the prospect of a military regime becoming entrenched in southern Africa just at a time when such governments have been all but eliminated in Africa – and, perhaps most importantly of all, of the real danger of land problems being stirred in South Africa itself. The indications are that the situation is running out of Mugabe's control and that three army and air force chiefs, the director-general of the central intelligence organisation and the police commissioner-general are mostly in charge.

Hopefully, the Commonwealth is beginning to come back into the picture. When Zimbabwe, having been suspended

in 2000, walked out of the Commonwealth at the end of the 2003 CHOGM in Abuja a view was wrongly taken in the Secretariat that Zimbabwe was now no longer the Commonwealth's business. Little or no attempt was made to help the people of Zimbabwe, as had happened in the case of South Africa. Admittedly it was difficult because circumstances were quite different and most African members of the Commonwealth felt this was an African problem that required an African solution.

Zimbabwe was not mentioned in the communiqués of either the Malta or Kampala CHOGMs – even though opposition leader Morgan Tsvangirai was invited to Kampala by Commonwealth civil society organisations that included CHRI and addressed a packed meeting there. To be fair, over the years since Zimbabwe withdrew from the Commonwealth the Secretariat's Political Affairs Division has continued to monitor the Zimbabwe situation and talked informally with other member governments, but now the attitude has markedly changed.

The new Commonwealth Secretary-General Kamallesh Sharma became active on the issue almost from the time he took office on 1 April, aware that Zimbabwe must still be a matter of central concern for the Commonwealth.

When nine Heads of Government chaired by British Prime Minister Gordon Brown met in London on 10 June to talk about reform of the international institutions Zimbabwe was discussed bilaterally and informally discussed in the margins. Three African leaders were at the meeting - President Yoweri Museveni of Uganda, currently chairperson of the Commonwealth, President Jakaya Kikwete of Tanzania, and Vice-President Alhaji Aliu Mahama of Ghana. Sharma had let it be known before the final press conference that he would be prepared to answer questions on Zimbabwe, but this was not conveyed to the journalists and in the event nobody asked about it. The issue was, of course, far removed from the subject of the meeting.

At the time of writing, just before the rerun of the presidential election, the situation is that no parliament is sitting in Harare. The House that was elected with a majority for the first time for the opposition Movement of Democratic Change (MDC) has still not been convened and no MPs have been sworn in. Zimbabwe is in fact a country without a legally installed president or parliament. In fact, a coup by stealth. ■

Ongoing Attacks on Civil Society in the Commonwealth

By Clare Doube

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Civil society can be defined in many ways and can include or exclude different entities, depending on the context. In general, however, it is understood to cover the space between family, the state and the market - and therefore includes non-governmental organisations (NGOs) working in a variety of fields from human rights to health service delivery to environmental protection and beyond, as well as trade unions, faith-based groups, peoples' movements and loose community groupings.

All these groups have the right to exist and operate in any country around the world, by virtue of internationally-accepted human rights such as freedom of association, assembly and expression. There are, however, very few countries where such freedoms have been fully realised and enjoyed without some infringement. Such restrictions take different forms with differing degrees of severity and the full spectrum is evident in the Commonwealth.

This is despite public recognition of the value of civil society and commitments to working with the sector. The Coolum Declaration of 2002, for instance, talked of the Commonwealth "family" and the "need for stronger links and better two-way communication and coordination between the official and non-governmental Commonwealth". Again in 2005, in Malta, heads of government "noted the steps taken by the Commonwealth and its institutions to mainstream civil society in all its activities and called for these efforts to be increased."

Yet, despite such announcements, legislation is passed that limits the space for civil society to function, and outright attacks on civil society continue with impunity. In too many countries, legislation that governs the sector has been rushed through parliament without consultation with the very groups that it seeks

to regulate nor reference to international or regional good practice. While sinister reasons such as deliberately limiting the work of the sector may not be the motive behind the legislation, this may end up being the result as overly onerous or arbitrary registration or reporting requirements may end up restricting the legitimate work of legitimate organisations. This can then limit the contribution they are able to make, whether to the delivery of health or education services, monitoring of governance activities, counselling or promotion of social inclusion and equality.

Restrictions may exist in different forms. A few of these, and some examples from different Commonwealth countries, are listed below.

Law-based restrictions: the legal framework that governs civil society organisations may place barriers on organisations, such as limiting their ability to register while at the same time also placing severe penalties on individuals working for un-registered entities. In the Maldives, after considerable delays, some independent non-governmental organisations have now been allowed to be formed; however intimidation and restrictions continue. Often the process for the development of the law is flawed, which leads to a sub-standard law. In 2006, the NGO Registration (Amendment) Act in Uganda, for instance, was quickly passed, without genuine parliamentary debate and ignoring virtually all suggestions made by civil society during the previous years of discussions. This law, along with others such as the Sedition Act, is restrictive of the work of civil society groups in the country and limits the space for dissent.

Sometimes laws that relate to other sectors or issues may impact on civil society, for instance anti-terror

measures. Terrorism laws in Australia for instance, have been criticised for providing inadequate protection of human rights, particularly due to the lack of constitutional checks and balances that protect the individual and prevent abuse of the system. Some research in 2007 linked this and the environment underpinning it, with the shrinking space for public debate and dissenting opinion that was then evident.

Excessive bureaucratic discretion: when considerable power is vested in the bureaucracy without adequate guidance, decisions may be made arbitrarily or with political motivation. Excessive demands on an organisation can also swallow limited resources and requirements such as re-registration dependent on extensive reporting can lead to self-censorship to improve the chances of re-registration.

Limits on content of work: even those that are able to register may then be restricted as to the kind of work that they can be involved in. An example would be requiring that work be “non-political” without providing a definition, which may cause problems for organisations involved not in partisan politics, but in legitimate activities such as election observing or monitoring of electoral commitments. Limits on publications may be another restriction, which would limit freedom of expression. An example of this relates to an education organisation in Tanzania has faced threats from the government, research restrictions and publication bans. Such censorship violates obligations to allow civil society organisations to work freely without fear of intimidation.

Operational difficulties: these commonly include violations of freedom of movement and assembly, such as limiting travel, either within or outside the country, and banning meetings from occurring without prior permission. In Fiji, activists who spoke out against the 2006 military takeover have been banned from travel, as well as facing arrest and warned to stay quiet. In Kenya, restrictions in 2007 on public demonstrations and criticising the President, and

government statements that it will ruthlessly crack down on dissent, reflect a disturbing trend of increasing violations of freedoms of expression and assembly.

Harassment by government agencies: this includes publicly undermining organisations or their leaders or the broader sector, raids and damaging of offices, direct attacks on activists or their families including physical intimidation, attack or even death. Sometimes this includes criminal cases against individuals. In Bangladesh, staff members of civil society organisations have received death threats, other harassment and been arrested. In some cases, harassment and arrests has led to the temporary closure of offices. Another example comes from another corner of the Commonwealth, Jamaica, where civil society activists and organisations working on issues related to sexuality continue to come under often violent attack. Authorities have done little to protect them or investigate the attacks.

Establishing GONGOs: the term “GONGO” is used to describe so-called non-governmental organisations that are actually government-run or controlled. Establishing GONGOs can be a way for governments to claim that they have an existing civil society within a country, but avoiding independent and often critical voices. This can undermine and stifle the genuine civil society within that country.

These are just a few of the ways in which space for civil society in Commonwealth countries has been and continues to be restricted, often in violation of freedoms of expression, assembly and association. These are restricting the valuable contribution to be made by civil society and violate commitments made by Commonwealth members and must be resisted at all levels.

CIVICUS works to support and strengthen civil society around the world. More information at: www.civicus.org. ■

Analysis of Police Immunity in the Commonwealth

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Across the Commonwealth unreformed police forces use seemingly reasonable legal protections, provided to public servants to assist them in the course of their duties, as a means to escape the consequences of illegal and unjustified actions. The wrongful use of legal barriers to prosecution, particularly when utilised to protect the police from the consequences of egregious human rights violations, generates a strong sense of grievance and disbelief in the state's ability or desire to enforce the rule of law. The result is that state actions are delegitimised and confidence in the rule of law is eroded. This article explores police immunity namely in three countries of the Commonwealth i.e. Canada, India and the United Kingdom.

Canada

Section 25.1(2) of Canada's Criminal Code reads: "It is in the public interest to ensure that public officers may effectively carry out their law enforcement duties in accordance with the rule of law and, to that end, to expressly recognise in law a justification for public officers and other persons acting at their direction to commit acts or omissions that would otherwise constitute offences". This clause was added in 2002 in response to the recognition that sometimes police officers will be justified in behaving illegally when that is the only way to achieve a good outcome, and that officers should be protected in those situations. Throughout the Commonwealth, jurisdictions have sought to give similar protections to their police officers with more or less success.

When immunity becomes impunity

Section 197 of India's Criminal Procedure Code holds that "when any ... public servant ... is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty no court shall take cognizance of such offence".

The phrasing of this immunity clause is significant. The term "in the discharge of his official duty" makes it very difficult to hold the officer accountable for his or her actions, since it is not the officer who determines

what his or her duty is. The officer's duty is what the system determines it to be, or what the officer is ordered to do. It is the officer's responsibility only to act in accordance with that duty. This is a very weak standard of accountability. It enables officers to pass off responsibility for their actions elsewhere, with the claim that 'I was only doing what I was told' or 'I was doing what police officers are expected to do'. In many countries where illegal acts by the police are often turned a blind eye to, where indeed they often appear to be part of a state sanctioned practice, the result is that illegal behaviour becomes part of the officer's duty and immunity makes the all too easy slide over into impunity.

For example, in India, in extra-judicial killings or so-called 'encounter killings', in which a suspected criminal is killed in an apparent shoot-out, have been described by S. R. Sankaran, a social activist and former civil servant, as a "deliberate and conscious state administrative practice". Thus the illegal killings, through the medium of state sanction, in fact become part of the police officer's duty, and, under Section 197, the protection of immunity is extended to that officer.

The need for systemic accountability

In the United Kingdom, police are not granted explicit immunity for their actions. They are held to be subject to the same law as everyone else, hence the actions that are illegal for everyone else are illegal also for the police.

Officers in the United Kingdom are empowered to use "reasonable force" in effecting an arrest or preventing crime. Like all citizens they have access to the common law defence that their decision to use force was based upon an honest belief that it was reasonable. That defence has two components, first a subjective component, which concerns the officers' own perception of the situation: what did he or she believe was happening? Secondly an objective element: given what the officer believed the situation to involve, was the degree of force that he or she used reasonable? If the degree of force is shown to be commensurate to what the officer honestly believed to be

the situation on the ground, then the officer has a defence against the harm caused.

The “honest belief” element of the defence requires that the officer on the ground should make his or her own assessment of the situation and act accordingly. There is no exemption from responsibility. Unlike the “discharge of duty” clause in India’s CrPC, officers cannot evade responsibility by claiming that they were simply acting as the system requires them to act.

In practice, however, this does not make it any more likely that officers will be successfully prosecuted for use of force. A case against an officer in the UK will only go to trial if the Crown Prosecution Service (CPS) believes there to be a reasonable chance of a conviction. The CPS’s ruling on the Jean Charles de Menezes case stated that, “[t]he two officers who fired the fatal shots did so because they thought that Mr de Menezes had been identified to them as a suicide bomber and that if they did not shoot him, he would blow up the train, killing many people. In order to prosecute those officers, we would have to prove, beyond reasonable doubt, that they did not honestly and genuinely hold those beliefs. In fact, the evidence supports their claim that they genuinely believed that Mr de Menezes was a suicide bomber and therefore, as we cannot disprove that claim, we cannot prosecute them for murder or any other related offence”.

When responsibility falls squarely on the shoulders of those on the ground the very intensity of the pressure that they are under in situations where they must make split second life-or-death decisions in fact makes it all but impossible to hold that they behaved wrongly in the circumstances. The result is that no fatal shooting by a police officer over the last fourteen years in the United Kingdom has resulted in a successful prosecution. This can create frustration amongst relatives of the killed who want to see someone held accountable for their loss, but who find that the only people legally responsible are the officers whose defence is very difficult to disprove.

The point to take from this is not that it should be easier to hold those officers accountable, but that the entire system should be opened up to scrutiny. That system must not be allowed to hide behind front-line officers.

Regulating immunity

Canada takes yet another approach to protecting its officers. In 2002 the decision was made to grant them immunity, but within certain well-defined parameters. Immunity is not granted absolutely, but only to certain officers in certain circumstances, on the decision of a relevant Minister. This requires the Minister to take at least part responsibility for the subsequent illegal acts committed. The rest of the responsibility is spread throughout the system, from officers on the ground, who, though not legally responsible, are nevertheless in their professional capacity required to behave illegally only when they have “reasonable grounds” to believe that doing so would be a “proportional” response to the situation; through to their superior officers, who must authorise specific actions that would result in loss of or substantial damage to property, and authorise the grant of immunity to covert sources. All these decisions can and should be scrutinised. In this way, even while the officers on the ground cannot be criminally liable for doing as ordered, they and others within the system can be held professionally liable for their actions.

In order to facilitate this level of accountability, all cases in which the law is broken by officers are to be reported in writing “as soon as is feasible after the commission of the act or omission” to “an appropriate senior official”. In addition, the police are to release an annual report detailing those who have been granted immunity and the nature of the crimes during the resolution of which illegal acts have been committed. This, in principle at least, gives the public the means to hold the police, and Ministers, accountable for the decision to grant immunity, and the way in which the police officers utilise that privilege.

There are certainly problems with the Canadian method of providing immunity. For example, information about incidents can be withheld if it would compromise an ongoing investigation, compromise the identity of undercover officers, put anyone’s life in danger, prejudice a legal proceeding or otherwise not serve the public interest. This gives a great deal of scope for keeping information from the public and removing that necessary level of systemic accountability. Nevertheless the Canadian legislation is a serious attempt to address the problems that arise when granting immunity to officers, and it should be taken as a guide for jurisdictions throughout the Commonwealth when drawing up or amending their own provisions for creating police immunity. ■

Freedom of Information – The Case of Ghana

Florence Nakazibwe

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The global trend towards the adoption of Freedom of Information (FOI) laws as the bedrock of true democratic dispensation is slowly gaining momentum in the African continent. With a total of three countries having FOI laws and nine more countries in the process of considering Bills, there is a promising progression towards entrenching FOI legal frameworks in Africa.

Ghana has been touted as a leader on the African continent, however, this profile has not been strongly exhibited in the FOI movement since the state is yet to promulgate a specific law to protect the peoples' right to information. Ghana is a state party to a number of international and regional human rights instruments obligating the passage of FOI laws such as the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and the African Union Convention on Preventing and Combating Corruption.

At the national level, Article 21 (1) (f) of the 1992 Constitution, provides that *all persons have the right to information (RTI) subject to such qualifications and laws as are necessary in a democratic society*, but 16 years since the current Constitution came into operation, a law to operationalise this provision has still not materialised.

In 2002, the Government made attempts to provide a legal framework on the right to information in a draft Bill with a provision extending the scope of the Bill to private bodies. This Bill was later reviewed in 2003, 2005 and in 2007 following civil society concerns on some of the existing discrepancies in the Bill. Some of these included: long timelines within which to process information requests, the lack of independent review and enforcement mechanisms, exorbitant fee requirements and cumbersome application procedure.

Despite numerous reviews, the current Bill still falls short of international best practice standards. In 2005 the inclusion of private bodies obliged to provide information access under the Bill was, for no sound reason, removed creating a serious drawback on the strength of the government-sponsored Bill. The Bill has further been compromised by the continued retention of the Attorney-General, the Government chief

legal advisor, as the primary implementing organ of the Bill indicating a conflict of interest. This will potentially subvert the objective of the Bill to protect the public's right to information. These inadequacies have therefore compelled civil society advocates to collectively advocate for a revised model law on freedom of information in Ghana.

The Coalition on the Right to Information, Ghana, spearheaded by the Commonwealth Human Rights Initiative Africa Office and various influential civil society organisations and interest groups have been on the fore front in advocating for the passage of the RTI law in Ghana.

Established in 2003, the Coalition has sought to promote enhanced accountability and transparency in Government, as well as greater participation in the democratic process through advancing the need for the right to information legislation. The Coalition has since its inception undertaken a series of advocacy activities including regional workshops in Ho, Cape Coast, Kumasi, Sunyani, Koforidua and Takoradi, focus-group discussions with religious groups in Accra, formulated simplified publications on the right to information and issued media releases for public education. The Coalition has also endeavored to serve as a civil society lobbying agent during high-profile meetings with the Parliamentary select committee on Legal and Constitutional affairs, the Deputy Minister of Justice and the Attorney-General's department. The focus of such meetings has been to advise Government on the content of the Bill to make it into an effective and clearly worded Statute.

The Coalition has also built strong networks in the African region as a member of the Steering Committee of the Africa Freedom of Information Centre based in Lagos, Nigeria. In July 2007, CHRI, Africa office, the Coalition Secretariat, hosted an African Regional Conference on Freedom of Information with participants from different parts of the Commonwealth region and called on the Ghana Government to pass the FOI law as a matter of urgency. The very next day, the Government issued a press statement announcing the appointment of Justice VCRAC Crabbe, a former Justice of the Supreme Court as the commissioner tasked to review the Bill and collect public views on the Bill. The Coalition

later met and shared its views with Justice Crabbe, a Statute Law Commissioner, and submitted a critique to him during a strategic meeting that took place on the 'Right to Know' day on September 28, 2007. The Coalition has since been closely collaborating with the Commissioner.

Recognising the public as the primary beneficiaries of the RTI law, the Coalition has focused on public awareness campaigns. Coalition activities are funded by a grant from the Open Society Initiative for West Africa, which is for the adoption and implementation of a comprehensive advocacy strategy for the promulgation of the right to information legislation in Ghana. The advocacy plan has been designed to increase outreach programs to the masses at the grassroots level with the aim of promoting public awareness on the relevance of the RTI law to peoples' daily lives. This effort has also necessitated broadening the base of the Coalition, which has extended its membership to organisations promoting good governance in the different regions of Ghana. This is meant to build a wide network of partners that is strong and sustainable to collectively spearhead the advocacy campaign nationwide.

With the recent increase in Coalition membership, the Coalition with support from the World Bank, organised a National Advocacy Training Conference on freedom of information in June 2008 targeted at key civil society organisations forming the Coalition.

The Conference acted as a capacity building event to bolster the expertise and capacity of Coalition members, providing them knowledge, skills and techniques on RTI advocacy that they will utilise in their own local advocacy campaigns. Participants gained innovative ideas on RTI advocacy strategies that have successfully been applied in other jurisdictions like Nigeria, South Africa and India. Renowned local speakers with wide experience in public policy processes and effective advocacy techniques resourced the workshop. The Conference also provided a platform for participants to articulate key strategies on how to spread the advocacy campaign nation-wide and build consensus on advocacy strategies that will more effectively pressurise the Government towards the passage of the Right to Information legislation and push for its effective implementation in Ghana once passed into law. With the Coalition's activities, it is projected that Ghana is poised for a Right to Information legal framework soon that would help entrench its democratic culture and tradition and maintain the nation's exemplary position on the continent. ■

Workshop on Right to Public Information in US¹

The Carter Centre organised a three day international conference on the Right to Public Information from February 27-29 in Atlanta, Georgia, USA. The conference brought together 125 participants from 40 countries and represented governments, civil society organisations, international bodies and financial institutions, donor agencies and foundations, private sector companies, media outlets and scholars. CHRI's Director, Maja Daruwala attended the conference that was chaired by former President Jimmy Carter of the United States. The main objective of the conference was to promote and to reflect on current worldwide status of the right to public information. This was achieved through various panel presentations, working groups, and plenary discussion where different key note speakers spoke on this subject.

After three days of discussion, the working groups produced prioritised recommendations, for the International Community, States as well as for the Corporate, Professional and Civil Society Organisations that formed the framework for the *Atlanta Declaration and Plan of Action for the Advancement of the Right of Access to Information*. Some of the recommendations are:

- Intergovernmental organisations - including the United Nations and all of its bodies, Council of Europe, Organisation of American States, African Union, the Organisation for Economic Cooperation and Development and international financial institutes, regional development banks, and trade bodies - and international and domestic non-governmental organisations to give effect to the right of access to information in accordance with the findings and principles enumerated in the declaration;
- that passage and implementation of access to information laws should be prioritised as essential to reporting on progress toward and achievement of the Millennium Development Goals;
- that States should integrate promotion of the right of access to information into their own national development and growth strategies and sectoral policies;
- Civil society should ensure full enjoyment of the right of access to information by demanding and using public information, and promoting and defending the right;
- A free and independent media should be developed and promoted, and journalists should be trained in use of the right to information.

¹Source: http://www.cartercenter.org/peace/americas/ati_conference/right_to_public_information_conf.html

RTI in Cinemas – Animation this Time

Swati Kapoor

Media and Communications Officer, CHRI

In October 2005 Right to Information (RTI) Act was introduced in India and since then many initiatives have been undertaken to promote awareness on this subject. Apart from undertaking activities like training of Public Information Officers (PIOs), training of trainers and encouraging people through talks and seminars on how to use RTI and the value of its practical usage, it's encouraging to observe the media's involvement in promoting the Act. CHRI too has worked towards informing people on this topic through its various media and programmatic initiatives. Informative and dramatic radio series, catchy spots and jingles for the audio and visual medium have been quite innovative in reaching out to the people in the remotest areas. CHRI's attempt has been to make its products even more simple and appealing. Each of our campaigns have quite a success given the number and kind of feedback we receive from our audiences. Taking further this initiative of spreading awareness on RTI, CHRI decided to produce and air a spot on RTI exclusively for the remote cinema goers.

Why a RTI campaign

In spite of the impetus given to the various campaigns on RTI, there lies a huge disparity between the rural and urban India when it comes to awareness on the Act. While in the urban areas, people have some awareness however, the rural population as well people living in smaller towns and cities in India still needs to be awakened to this great power that they can use for their benefit and empowerment. Taking cue from this finding, CHRI decided to develop an audio-visual spot targeting the remote audiences. Far-flung cinema halls were decided to be the medium of dissemination for the spot. Cinema halls are one place where a captive audience can be addressed with a message and 100 per cent audience attention is guaranteed. Each spot is aired on a rotation basis, ensuring that each spot gets a prime slot of being played just before the movie starts. This is one time when

the audience makes it a point to be seated inside the hall. Even the latecomers who have missed the advertisements would prefer being inside the hall just before the movie starts.

Reach out

When it came to demarcating our target areas and regions, we were clear in our minds that this time we would specifically reach out to the remote areas focusing on the B and C grade cinema halls. Focusing on the remote locations of our target audience, we selected 10 states in the northern region of India - Bihar, Chhattisgarh, Jharkhand, Delhi, Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan, Uttar Pradesh and Uttarakhand. Finally 411 cinema halls (grade B and C) were pin pointed for carrying out the campaign. A leading advertising solutions company helped us reach out to the various cinema halls.

Programme Content

We decided to develop a low-budget animation that attracts and appeals to the audience, and presents RTI in a fresh approach. We had already developed Saakshi (protagonist for the radio series on RTI) and Info Genie (mascot for the 2008 annual calendar). Since the characters were already tested with the audience segments and were highly appreciated, it was safe to go ahead with them as lively characters for the spot. We selected an animation production house that was ready to work on a limited budget. And within two months of brainstorming and conceptualisation we were ready with the animation spot. Saakshi opens the Act book and Genie appears from it. He then spells out the features of RTI and its usage on a magical mirror. Application procedure, application fees, role of the information commission, appeals etc has been colourfully discussed in the slides. The product was then tested with varied audiences to check for its acceptability and freshness. After receiving a good response from various segments of audience

(rural, urban, students, teachers, lawyers) we were confident that this would work well across various cinema halls.

Media Coverage

We were careful to choose the low budget cinema halls and did not concentrate on the high end ones as our target audience would hardly visit the expensive cinema halls. We changed the screening time and venues depending on the success of the film in a particular theatre. Once the campaign was launched another level of advocacy was to be undertaken – to inform the civil society, media and government about this initiative. Most media appreciated this endeavour and New Delhi Television (NDTV) a leading national channel in India covered the campaign details for the entire day on their national Hindi news channel *NDTV India*. The news feature highlighted the screening inside the hall, took sound bytes from viewers coming out of the theatre as well as from the CHRI representative working on the campaign. This was the first time that an animation spot was being aired in cinema halls to spread awareness on the issue of RTI. CHRI takes great pride in being the first organisation

to do so. The campaign has brought many people closer to the Act, and many have realised the importance and power of the RTI. Shanti Devi on watching the spot in Bareilly, Uttar Pradesh was surprised that an Act like this existed. She has had problems with her electricity bills for months now. “I will file an application as soon as I get home. It’s wonderful to have such a powerful means to derive information from the government,” she added.

Going forward

Taking motivation from the success of this campaign, CHRI endeavours to take the cinema campaign to various states of India by replicating it in various regional languages. The southern, western and eastern states need a translated version for creating awareness. CHRI is also planning on coming up with a high quality 3-D animation that is even better than what we have made so far. One of the biggest challenge here is to take such public service information products to the nook and corners of the country and spread knowledge on RTI not just through cinemas but TV, radio, outdoor media campaigning and other relevant means of communication.



RTI Genie

Tailored for the President -The Constitution of Cameroon

Elphie Galland

Intern, Human Rights Advocacy Programme, CHRI

With the next presidential elections in Cameroon being scheduled for 2011, the country remains to see the advent of an independent electoral commission. The modern state of Cameroon was created in 1961 via the unification of two former British and French colonies. For 20 years Cameroon suffered under the repressive government of President Ahidjo. In 1982 Mr Ahidjo was succeeded by his Prime Minister Paul Biya. Faced with popular discontent, President Biya allowed multi-party presidential elections in 1992, which he then went on to win.¹ The next multi-party poll in 1997 was boycotted by the three main opposition parties of Cameroon: the Social Democratic Front (SDF), National Union for Democracy and Progress (UNDP), and the Cameroon Democratic Union (UDC). In 2000, the government went on to establish the National Elections Observatory, slightly improving the electoral procedure, however, international observers nevertheless still noted irregularities in the 2000 and 2004 elections.

10 April 2008 Constitutional amendment

On 10 April 2008, Cameroon's parliament passed a controversial amendment enabling President Biya to run for a third term of office in 2011. The constitution of 1996 had previously limited the number of presidential terms to two seven-year terms. According to President Biya's reasoning for the amendment, a limit on presidential terms was deemed undemocratic, due to the fact that limiting the number of terms deprives voters of a candidate. The National Assembly, where the RDPC (Rassemblement démocratique du Peuple Camerounais) - the President's party has a wide majority, adopted the bill to amend the Constitution based on this argument. The opposition moved to quickly denounce the amendment as a constitutional coup d'état.

Is this amendment legally valid?

In many legal systems there are some limits on the revision of a Constitution. Usually a revision is only possible in compliance with strict legal procedures designed for constitutional

amendments, more complicated than those prescribed for the adoption of simple laws. However, in Cameroon the Constitution is easily revisable. There are three ways to initiate a constitutional revision or amendment,² it can be done by: The President of the Republic; or 1/3 of the members of the National Assembly; or 1/3 of the senators.

The Cameroonian Constitution envisages two concurrent ways of adopting a law of revision³ or amendment:

The parliamentary way: In which the two assemblies of the Cameroon Parliament (the National Assembly and the Senate), assembled in Congress, have to vote for the amendment and an absolute majority is required to pass any such amendment into law. Since the last legislative elections in 2007 the RDPC occupies 153 of the 180 seats in the National Assembly. Currently no senate is in place and therefore all of the prerogatives of the Parliament are held by the National Assembly.⁴ This has allowed the RDPC that has a majority in the National Assembly to easily revise the Constitution; or, alternatively

The referendum way: In which the President can decide to approve a proposal for a revision of the Constitution by referendum,⁵ if an absolute majority of the population favours such revision. In the current context the President may not have wanted to take the risk of a popular vote to modify the Constitution when he already has a wide majority in the National Assembly. In Cameroon, there are only two limits to an amendment to the Constitution: The amendment cannot endanger the essential characteristics of the State: "the republican form" of the State, its "unit" and its "territorial integrity". Moreover, the amendment cannot endanger "the democratic principles which govern the Republic". In the current context, the opposition party was not in a position to approach the Constitutional Council or the Supreme Court to decide on the validity of the amendment because they require 1/3 of the members of the National Assembly or senators in order to do this. Hence, in the absence of an

¹ BBC News, Cameroon country profile, http://news.bbc.co.uk/2/hi/africa/country_profiles/1042937.stm

² Constitution of Cameroon of 1996, Article 63, paragraphs (1) and (2).

³ Constitution of Cameroon of 1996, article 63, paragraphs (3) and (4).

⁴ Constitution of Cameroon of 1996, article 67, paragraph (3).

⁵ Constitution of Cameroon of 1996, articles 36 and 63 (4).

express prohibition, there were no legal hurdles for the amendment of article 6 (2). Therefore, the constitutional amendment is legally valid and the opposition appears to have no judicial way to challenge it.⁶

Other Commonwealth African Examples of Constitutional Amendment of Presidential Terms:

President Biya is not, however, the only Commonwealth African president to have modified the constitution to be able to run for a third mandate: The Ugandan President Yoweri Museveni, after 20 years of office, removed the limitation of two consecutive mandates. Bakili Muluzi, in Malawi, and Frederick Chiluba, in Zambia, tried but failed to modify the constitution while aspiring for a third mandate. And, in Nigeria, Olusegun Obasanjo tried to modify the constitution, but the opposition members of Parliament and the vice-president moved strongly against such an amendment. The concept of an unlimited presidential term is held by some as an important democratic principle – that the people should be able to re-elect the same candidate if it is their will. People's choice should not be limited by a term limitation. Furthermore, it is argued that it can aid the stability of a country. However, term limits offer a guarantee of personnel change and therefore enhance the possibility of change in government. Power alteration is an important feature of a democratic polity particularly in countries where presidents tend to keep their power for as long as they can, motivated by more autocratic considerations, fear of prosecution for corruption or human rights abuses and/or of the loss of connections and privileges.

Immunity from prosecution of the President

Another important feature of the 10 April 2008 amendment was a guarantee of immunity for the President at the end of his mandate. As per the amendment, Article 53 (which deals with impeachment) of the Cameroonian Constitution obtains two new provisions. A new paragraph 2 specifies that the President of the Republic can be indicted only by the National Assembly and the Senate deciding through an identical vote by open ballot and by 4/5 of the members. It should be noted that the open ballot is likely to expose those who do not agree to raise their hands in public and currently the RDPC occupies more than 4/5 of the National Assembly. This indicates that currently President Biya has little to worry about. Paragraph 3 specifies that all acts

achieved by the President of the Republic in accordance with his function (as laid down in very broad terms under Articles 5, 8, 9 and 10) are covered by the immunity and could not engage its responsibility at the end of its mandate.⁷

Immunity from prosecution is a well-founded concept when applied honestly for the benefit of the society. It means that the president, during the subsistence of his/her term in office, must not be hindered when acting for public good and that all legitimate actions undertaken during the term of office by a president must be protected from personal legal liability. Nevertheless, absolute immunity leads to impunity and is incompatible with the rule of law; the very essence of rule of law being that no one is above the law. As a result, the law limits immunity to the minimum level required in the performance of official duties by state officers during their office term. Impeachment procedures usually act as a guarantee against abuse of immunity by high level executive functionaries such as the President. In the case of the Cameroonian amendment, the fact that the Parliament's vote during impeachment is public means that everyone will know who does not support the President and may have to suffer the consequences of their vote. This makes independent votes very difficult.

Some other African Commonwealth countries also have a similar immunity clause in their Constitutions. The Nigerian Constitution of 1999 presently offers *carte blanche* immunity protections to the president, vice president, state governors and deputy governors in its article 308. The Nigerian President, Umaru Musa Yar'Adua, currently pledged support for the removal of the immunity from prosecution to prove his strong commitment to the battle against corruption.⁸ The Zambian President, however, no longer enjoys protection from the law as guaranteed in the constitution since a judgment of the Supreme Court in 2003, which ruled that Parliament acted legally and properly in 2002 by removing the immunity of former president Frederick Chiluba. It is the first time such a decision was made in Zambia and in the Commonwealth.⁹ Now, thanks to the amendment of the Constitution of Cameroon, President Biya will be able to run for a third term of office, and if he does not win in 2011, he will have a relaxing retirement without accountability. Free from legal challenge by the opposition, the amendment has prepared his safe exit in the case of any eventuality. ■

⁶ Stephane Bolle, *Le pouvoir de revision peut-il tout faire?*, <http://www.la-constitution-en-afrique.org/article-17766245.html>

⁷ *Le Quotidien Mutations*, Cameroun: Révision -Une nouvelle Constitution " taille patron ", 7 April 2008, <http://fr.allafrica.com/stories/200804070921.html>

⁸ <http://allafrica.com/stories/200801250124.html> Leadership, 25 January 2008.

⁹ <http://news.bbc.co.uk/go/pr/fr/-/2/hi/afrika/2779615.stm> BBC News, 19 February 2003

Policing Conflict: Post-Election Violence in Kenya

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If there was any doubt about the urgent need for police reforms in Kenya, their response to the violence that erupted after the 2007 national election is proof of the critical need for change. Policing during the post-election violence was characterised by excessive use of force, extra-judicial killing, politicisation and, in some districts, acquiescence to violence or a complete failure to intervene. Officers were used as instruments of the state to brutally suppress democratic freedoms, including the rights of speech, assembly and political association. In the advent of a power sharing agreement between the two main opposing parties and the return of relative stability to the capital, there are renewed calls from the international community and Kenyan civil society for investigation into the role of the state and its institutions in the post-election violence and a meaningful commitment to reform. Given the concerns about police response to the violence, and its historical role as a tool of the regime, the time is now for Kenya to make constitutional, legislative and institutional reform to its police force. This reform is vital for long term peace and stability in Kenya.

2007 National Election

On 27 December 2007, the people of Kenya voted in national elections. As expected, the poll was closely contested by the incumbent, President Mwai Kibaki and the leader of the Orange Democratic Movement (ODM), Mr. Raila Odinga. It was a largely peaceful voter turn out in a country with a history of post-independence election violence. However, the relative peace of the day was shattered in the minutes following the announcement that Kibaki had been returned to office. Spontaneous violence erupted in the slums of Nairobi and Kisumu amid allegations of vote rigging.

These first instances of looting and burning by groups of young men was followed by months of organised violence and co-ordinated retaliation which pitted various ethnic groups against each other. As the violence became less spontaneous and increasingly orchestrated, it was apparent to observers that while the election results may have been the instigator, it was ongoing issues of ethnic tension, land distribution, poverty and impunity that continued to fuel it. By the end of February 2008, it was estimated that 1,200 people had died and hundreds of thousands became displaced, both internally and across the border in Uganda.

Police Response

Reports by media and non-government organisations in Kenya paint a dire picture of policing during the post-election violence. The Kenyan government's own estimates are that 10 per cent of the deaths reported during the post-election violence are attributable to the police¹.

The police response to the clashes varied between regions, from accusations of excessive use of force and extra-judicial killings to acquiescence and inaction. The uneven response is attributable to both illegitimate political interference in policing and general concerns about police competency. A report by Human Rights Watch (HRW) notes that police were 'quick to resort to lethal force' in areas inhabited by opposition supporters but failed to intervene in the face of 'pro-government mobs killing and burning'². The report also suggests that the uneven police response reflects the general issues of 'capacity and competency' within police ranks³.

A United Nations Office of the High Commissioner for Human Rights (OHCHR) report also expressed concerns about political interference: 'The OHCHR Mission found evidence to support the allegation that an additional pattern of violence seems to have emanated from the State apparatus. Indeed, credible evidence including witness and victim accounts corroborated by data gathering at hospitals suggests that Kenyan police used excessive force in dealing with the demonstrations which followed the announcement of the election results and to control crowds which, in some cases, had turned violent.'⁴

Where police did take action, HRW reported instances when the police response to maintaining order was disproportionate to the civil disobedience encountered: 'Police action [in breaking up demonstrations and riots] included the shooting of unarmed protesters and bystanders, including women and children, without any initial attempt to use non-lethal force in situations where there was no apparent imminent threat to life or property'.⁵ These findings were also echoed in various national and international media reports. Disturbingly, HRW, OHCHR and a number of news agencies reported that in some regions, police had adopted a 'shoot to kill' strategy to policing civil disturbance.⁶ The inadequacy of the police

¹ Report from OHCHR Fact-finding Mission to Kenya, 6-28 February 2008, United Nations High Commissioner for Human Rights, page 4.

² Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance, Human Rights Watch, Volume 20, No 1(A), March 2008, page 25.

³ Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance, Human Rights Watch, Volume 20, No 1(A), March 2008, page 25.

⁴ Report from OHCHR Fact-finding Mission to Kenya, 6-28 February 2008, United Nations High Commissioner for Human Rights, pages 3-4.

⁵ Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance, Human Rights Watch, Volume 20, No 1(A), March 2008, pages 24-25.

⁶ See also, Report from OHCHR Fact-finding Mission to Kenya, 6-28 February 2008, United Nations High Commissioner for Human Rights, page 11.

response to the post-election violence must also be considered in the context of police training and welfare.

Constitutional and Legal Framework

Unfortunately, the Kenya police response was unsurprising given the constitutional, legislative and institutional framework within which it operates. Mirroring many developing countries formerly under British rule, today's police force is structured and operates as a colonial force. The modern police force was founded in 1920 and its strategy was to provide protective services to settlers and British-built infrastructure. Despite reforms during the 1940s which expanded police operational capacity, the changes failed to address the underlying philosophy of the police force and it therefore remained a tool of the colonial regime.

Between 1952 and 1960, Kenya experienced a period of emergency during which a number of insurgent groups were brutally suppressed first by the police force and later by the army. When the period of emergency ended in 1960, Kenya moved towards independence from Britain. However, the same police units, structures and officers remained part of the Kenyan police force, maintaining the post-independence police force as a tool of the government. During the 1960s, amendments to the Kenyan Constitution abolished the independence of the police, returning the force to an extension of the civil service under absolute control of the President. This arrangement has given rise to illegitimate political interference into police operations, as described in the context of the post-election violence above.

The Police Act 1961, its regulations and corresponding standing orders govern all aspects of the Kenya police force.⁷ The language and focus of the Police Act reflects a colonial regime style of policing described above. The accountability structure is void of a truly independent police service commission or independent civilian oversight mechanism. Accordingly, claims of police brutality and extra judicial killings are not subject to independent investigation and are rarely prosecuted. In the context of the post-election violence, HRW reports that: 'As of February 4, the police were investigating their own use of force (including cases where there were no fatalities) in 142 cases nationwide. However, as of February 21, only two policemen had been charged with excessive use of force'.⁸

A New Era of Reform?

In the weeks following the outbreak of violence, the international community staged diplomatic intervention - most notably in the successful Kofi Annan-led mediation process. Kibaki and Odinga signed an 'Agreement on the Principles of Partnership of the Coalition Government'

which, inter alia, maintains the Presidency for Kibaki and establishes a newly created Prime Minister position for Odinga. By April 2008, a new coalition government was formed with cabinet positions occupied by members of both the incumbent party and the ODM.

The new coalition government has also committed to the establishment of a number of mechanisms to investigate and report on the post-election violence. They are:

- (a) a Truth, Justice and Reconciliation Commission (TJR Commission) to investigate the post-election violence in the context of historical grievances around human rights, impunity and land rights;
- (b) a Commission of Inquiry on Post-Election Violence (Commission of Inquiry) which will seek to identify and prosecute those responsible for the violence, including state actors; and
- (c) an Independent Review Committee (IR Committee) to investigate the election process and make recommendations for reforming Kenya's electoral legislation.

The power sharing arrangement and the establishment of commissions of inquiry are an important first steps in addressing the issues, both recent and historic, that sparked and perpetuated the post-election violence.

However, in order that these positive first steps translate into meaningful reform and lasting peace, it is vital that, first, the commissions have unfettered power to investigate; second, that their recommendations form the basis for constitutional, legislative and institutional reform and; third, that their findings, where appropriate, facilitate the prosecution of those responsible for the violence, including individual police officers. In this context, a review of the role of the police during the post-election violence is a vital process of the Commission of Inquiry. The scope of the Commission of Inquiry must include examination of political interference into policing, police culture and welfare and the establishment of an independent police service commission and civilian oversight mechanism. Furthermore, the Commission's findings must result in meaningful reform of Kenya's security sector and, where appropriate, prosecution of those officers and leaders responsible for violence.

Kenya has a post-independence history of failed or stalled reforms of both the Constitution and police legislation.⁹ Without meaningful investigation and reform, the inadequate police response to the post-election violence in 2007-8 will be repeated with each new crisis, undermining any chance for Kenya to achieve long term peace and political security. ■

⁷ All legislation (including regulations) is compiled in the 1988 Revised Edition of the Police Act.

⁸ Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance, Human Rights Watch, Volume 20, No 1(A), March 2008, pages 24-25. See also, Report from OHCHR Fact-finding Mission to Kenya, 6-28 February 2008, United Nations High Commissioner for Human Rights, page 27.

⁹ See, The Police, The People, The Politics: Police Accountability in Kenya, Commonwealth Human Rights Initiative, 2006.

Pakistan Police Reforms: Ground Reality

Jan Nisar Balouch

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Be ever you so high the law is above you. That was the spirit of the 2002 Police Order in Pakistan introduced by General Pervez Musharraf in continuation of its slogan “Moderate Enlightenment”. After more than six years, including almost 100 amendments to date, this Order has not been passed by any Parliament as an Act.

Following the promulgation of the Police Order it was hoped that citizens would get some relief, police would be held accountable for their misdeeds and there would be an effective check on political influence in the functioning of the police. However, the 2002 Police Order failed to address these basic issues and not surprisingly therefore there has been very little improvement at the ground level.

Despite repeated statements by senior leadership, the *thana* culture has not changed. Under this Order every police officer is bound to protect the life, property and liberty of citizens, preserve and promote public peace, and protect the rights of a person taken into custody. However, these duties are not practically followed or respected. Allegations of false police encounters, custodial deaths, gang rape and serious injuries to people in police custody are numerous. While non-governmental organisations have held seminars and workshops on these issues and politicians have purported to show an interest on the issue, the aggrieved person has continually been denied justice.

There is a general perception out there that the police are mainly meant for the rich and powerful and they are not accountable to anybody except to those who arrange their postings and transfers. This perception of the people at large is accurate because registering a First Information Report (FIR), which the police are obligated to register, is still quite problematic. Many criminal matters focus on the issue of FIR registration and on habeas corpus petitions. Courts have been equally derelict as they are reluctant to pass any strict order against police highhandedness.

The police exhibit a great deal of arrogance when dealing with the ordinary citizen. For instance, senior officers are inaccessible. They sit under fortified walls, with guards standing

all around, or they are constantly busy with meetings or conferences. The recruitment of police officers through the Federal Public Service Commission may be a good idea. In this way you might be able to get well educated, well trained, well spoken, and perhaps even kind hearted, officers.

Recent police reform initiatives have obviously been drafted with the officer cadre in mind. Their seats have been enhanced with handsome pay, including all emoluments, and not enough attention has been paid to the 85 per cent of the police force who are non-officers (the Deputy Superintendent of Police and below). These are the policemen who are semi-educated but who also have the knowledge and information of how and where the criminals operate from. In order to ensure the continued commitment and efficiency of the non-officers, better pay packages and more respect from the leadership are required.

Another practical reality is that whenever there is pressure placed on the SP (Superintendent of Police) due to increasing crime in his area, or mishandling of an important case, the most popular response is to either suspend or transfer the SHO (Station House Officer). In fact, the response at the higher levels is no different. The general tendency of the senior police officers has been to transfer or suspend the subordinate officer to shift blame somewhere else and to portray to the common man that action has been taken. This mentality permeates the police culture and creates a dysfunctional environment. Crimes like theft, robbery, rape, murder, kidnapping, fraud and street crimes are quite common. But at the same time, arbitrary detention perpetrated by the police occurs quite frequently. As a result, people generally feel unsafe at the hands of criminals and the police. For instance, people will abandon an injured (or even a dying) person at the scene of an accident because they do not want to get involved with the police at all, for fear that they might be capriciously placed behind bars.

In this, context it may be noted that without adequate political will, and ownership by police leadership, effective police reforms will not occur and the average Pakistani citizen will continue to suffer at the hands of the police and their political masters. ■

Legal Aid: Strengthening the Rule of Law in Ghana

Frederick Piggot

Consultant, Prison Reform Programme, CHRI

International initiatives to strengthen the rule of law and improve 'democratic governance' are popular interventions for western donors, development and aid agencies who have contributed billions to rule-of-law projects over the past 20 years, ranging from advice on conflict resolution in villages to strengthening bankruptcy law amid privatisation. The United Nations Development Programme [UNDP] is currently supporting a national governance plan for Ghana, having provided \$40,000 during 2007, as one of a range of programmes under its Democratic Governance initiative for the country, including support to strengthen the capacity of the judiciary to carry out its work more efficiently.

Under these initiatives, targeting the rule of law, the courts and the wider justice system are presented as 'technical' and so politically neutral development interventions avoiding controversy are attached to structural re-adjustment or conditional aid packages. A strengthened rule of law, less corruption and better protected property rights will, so the theory goes, of itself foster development; a solid justice system in which rights are sufficiently protected encouraging investment. However judicial assistance programmes targeting good governance purely as a root to market growth and economic development, rather than a fundamental part of any just society, can see human rights programmes overlooked or neglected. These would include the diversification of legal aid delivery services, human rights training programmes, efforts to build capacity of civil society and human rights commissions or a humane and rehabilitative prison system.

Ongoing development interventions by the UNDP in Ghana have however recognised the centrality of human rights to development. The UNDP's Country Action Plan for Ghana - the road map for delivery of the UN Millennium Development Goals - includes efforts to strengthen the rule of law and access to justice from a human rights perspective - defining the rule-of-law in terms of substantive justice delivery rather than mere institutional capacity.

Recognising the Prison Service as a 'key pillar of the criminal justice system', and noting that despite its central importance to any justice delivery service, it 'has [so far] been neglected by development partners', a UNDP/Ghana Prisons Service

partnership will see an estimated \$230,000 spent in 2008 trying to reform the countries ailing prison system. This allocation of funds in the second year of the project will dwarf the inception year's budget of \$100,000. The four year programme, running to 2010, will see training target officials as the policy builders of the prison service in the hope that the human rights standards and ethics training will filter down, and aim to foster enhanced collaboration between branches of the criminal justice system with a view to expeditious disposal of cases to relieve Ghana's burgeoning under-trial prison population. The human rights programme will increase the capacity of selected civil society groups to monitor human rights compliance and foster a culture of respect for human rights. UNDP support to the Judicial Services, the Legal Aid Scheme and the Office of the Attorney General during 2006 & 2007 also focused on the plight of prisoners caught up in the country's over burdened prison system with a standing committee on remand prisoners established by the Attorney General's Department and the establishment of a court of competent jurisdiction which sat at the James Fort Prison in October 2007 resulting in the discharge of some of the remand prisoners contributing to overcrowding. (James Fort Prison has since been closed with 979 prisoners having been evacuated to other prisons following the Ghana Bar Association's call last year for the prison to be closed due to its dilapidated state and the danger it posed to the lives of inmates. A new maximum security prison is being built at Ankaful.)

Ghana will also soon be looking to designate a national human rights body as its National Preventive Mechanism [NPM] under the Optional Protocol to the Convention Against Torture [Op. CAT], before ratification of the protocol which it signed in June 2006. The Optional Protocol is designed to build on the preventative aspects of the Convention through providing for jurisdiction to a UN Subcommittee visiting body and the establishment, or designation, of national visiting mechanisms. It is likely that Ghana's Commission on Human Rights and Administrative Justice [CHRAJ] will be designated the visiting mechanism at the national level on ratification. CHRAJ will receive in the order of \$80,000 during 2008 from the UNDP to increase their capacity, and to undertake training of police personnel with a view to fostering a culture of respect for human rights. ■

Community Participation in Prisons in India

Priti Bharadwaj

Project Officer, Prison Reform Programme, CHRI

Following a National Scoping Study conducted by CHRI and Prayas, Mumbai, that looked into the practices of diverse Non Government Organisations (NGOs) working on issues relating to prisons and rights of prisoners in 14 states across India, CHRI hosted a one-day roundtable for Community Based Organisations (CBOs), prison officials and others working in prisons reform in end March. The purpose of the roundtable was to promote a dialogue between the participating civil society groups and the government; understand their particular concerns and to look at where and how community participation is feasible; reassess allocation of time and resources; and highlight neglected areas to be addressed in future. The roundtable also provided a platform to the participants to voice their particular concerns with a view to creating a more coordinated movement. The roundtable promoted this idea and was successful in identifying avenues to make this possible. Some of the recommendations that emerged from the meeting are:

Access to Prisons: As access to prisons is not easy because of security concerns, the need for specialist community interventions was emphasised. The participants agreed that any wider community involvement should be well defined and conducted responsibly. It is in this context that Additional Director General of Police & Inspector General of Prisons, Karnataka, Mr. S.T. Ramesh stated that prisons were not, and could not be, 'freely accessible public places'. Therefore there was a need to have a clear focus amongst the organisations interested to work in prisons about their angle of intervention and whether they like to work at a micro or macro level. Mr. Ramesh emphasised the importance of transparency and its potential to expose, if not solve, many ills. While community involvement can serve to combat much of the mystery surrounding prisons, fuelled in part by uninformed, misleading negative portrayals by the media, it was suggested that prison officers should be more receptive towards community interventions.

Collaboration between civil society and prison administration: For successful community involvement in prisons, both community groups and prison officials need to

work together, making joint decisions to a better acceptance of each other. Prisons in India are governed by archaic Prisons Act of 1894. Since prisons in India fall under 'State' subject in the Constitution, there is no federal policy on prisons and the administration and management of prisons is subject to regional or provincial policies. Therefore there is a need for a process of mutual cooperation and coordination between prison administration and community groups, which would see the community in each region involved in deciding the extent of community involvement in correctional processes; and also in creation of accountability of such groups in the process. Other than the prison visiting system which is widely all but defunct, there is no provision for community participation in prisons, and no regulation governing intervention. This is left to the discretion of jail superintendents whose first priority has to be security and who cannot assess the credibility of every NGO seeking access.

The All India Committee of Jail Reforms recommended that public participation in prevention of crime and treatment of offenders must be made a part of our national policy on prisons. However, these recommendations have not been implemented. The Report had also meticulously laid down; the selection procedure and criteria that should be considered while engaging representatives of the community in prisons. Therefore it was recommended that community needs to be involved to extend all possible help and cooperation to the treatment devices and rehabilitation programmes that enable an offender to return to society as a normal citizen.

Accreditation of NGOs: To heighten the legitimacy of active NGOs in prisons, and to improve access for groups whose services matched the needs of the prisoners and prison administration, the possibility of accreditation was discussed. Key performance indicators need to be identified to assist the prison administration in the decision making process. Accreditation criteria could range across several factors including knowledge, expertise, performance, track record, commitment level, funds, and reputation for humanitarian work. While there is a mushrooming of spiritual and faith based organisations in

prisons, there is a real dearth of interest groups intervening for human resource management of prisons (providing training), developing strategies to involve other departments, providing legal aid and imparting life skills to prisoners which would be useful for them on the long run. Therefore, it was suggested that a needs-based assessment should be done for each prison to recognise the most suited type of community intervention.

Public awareness about the state of prisons: Prisons are considered as social dump yards; for once a person is relegated he is easily forgotten. Once a person enters the prison, he/she is labelled as an outcast and a threat to the society, which stays with him forever. We have locked away and easily forgotten 3,58,368 people out of which 66.2 per cent have not been proved guilty. The general perception in our society is that all prisoners are sadistic, heinous, pleasure seeking criminals. This misrepresents the fact that only 5.2 per cent of convicts are repeat offenders. It was felt that there was a need for community based organisations to make efforts towards spreading awareness about the social construct of prisons. Exposure to the current prison conditions would clarify the present tainted vision they have.

Prison Lobby Group: The roundtable also highlighted the need for an informal 'prison lobby group'. It opened avenues to constructively voice the expectations of both the prison administration and NGOs, the hurdles to their realisation; identifying areas of common ground to build a robust model or path to take up future initiatives. Equally important is identifying areas and underlying causes - of disagreement requiring further dialogue. This forum could also assist in the referral of local issues and cases of individual prisoners to other NGOs better placed to address the particular problem. Due to the vastness of geographical location of the organisations, it was suggested that regional coalitions and networks could be formed to share information, knowledge and experiences on a regular basis.

CHRI hopes that bringing together persons key to engendering change in prisons, to exchange knowledge, build capacities, assess innovation and network with like-minded interested functionaries, will catalyse change from within, creating interfaces conducive to future cooperation. ■

What is Community Participation in Prisons?

There is a need for responsible and sustained civil society intervention in the administration of prisons. To bring about sustainable reform in prisons, civil society involvement is imperative. Due to the closed nature of prisons, it has become a breeding ground for human rights violations. Places where prisons are open and accessible to a wide range of groups are more likely to be accountable and maintain international human rights standards.

Community participation in prisons can be two fold:

- Community coming into prisons - Direct collaboration between community members and prison staff in such components of prisoners' treatment programme where the security of prisons is not affected. Access could be a standing permission or on event to event basis.
- Prisoners going in the community – prisoners' open camps; prisoners going to social service projects (Sanganer Open Prison in Rajasthan – with no bars and no escapes, this open air prison accommodates family members of prisoners as well, and gives a second chance to prisoners sentenced for life to earn their living by working outside the prison during the day); and after care (post-release short stay homes for men and women)
- Benefits of responsible and sustained community participation in prisons:
 - Increased transparency;
 - Increased accountability by prison administration;
 - Close and constant interaction with community members via needs based rehabilitation programmes that ensures the prisoners' easy transition and better reintegration in the society.

¹ Statistics by National Crime Records Bureau – Prison Stats 2005.

Uganda Hosts Consultation on Police Reforms

Louise Edwards

Programme Officer, Police Reforms Programme, CHRI

On 21 February 2008, CHRI partnered with the Human Rights Network Uganda (HURINET-U) and the African Policing Civilian Oversight Forum (APCOF) to facilitate a consultation on police reform in Kampala, Uganda. The event brought together civil society, members of parliament, funders and media to discuss the participation of civil society in the current police review process, report on 2007 initiatives on police reform and encourage ongoing dialogue between parliament, the police and civil society which started at an August 2007 Uganda workshop. The consultation came at an important juncture in Ugandan police reforms. With funding from the Royal Netherlands Embassy (RNE), the Uganda Police Force (UPF) is currently undertaking an internal review of its legal and operational structures with a view to commencing a wider reform process. The publication of a report into its internal review and the commencement of a reform programme will provide civil society with an important opportunity to be part of the evolution of the UPF and to demand the independent and accountable police service that Uganda deserves.

Background to February 2008 Consultation

Presently, the image of the UPF is tarnished with accusations of excessive use of force, torture and political partisanship. The increasingly blurred line between the police and military, and lack of political will and progress in implementing previous reform recommendations exacerbate the problem. This, in turn, has impacted police effectiveness and their ability to build meaningful relationships with communities. Recognising this, in August 2007 members of Ugandan civil society, the Uganda Human Rights Commission, the UPF, the diplomatic corps and media participated in a three-day discussion and training workshop on the Uganda Police Review. The outcome of the workshop was recognition of the ongoing importance of civil society and public participation in the review. Accordingly, between

August and December 2007, a series of provincial consultations were held to inform regional communities of the Review and to gather input from various stakeholders.

Structure and Outcomes of Consultation

The February 2008 consultation provided an opportunity for civil society to report back on the previous year's information gathering process and for all stakeholders to decide a common way forward in 2008.

The consultation was largely participatory with delegates responding to presentations by a number of key speakers. During the first session, delegates heard from Ms. Esther Loeffen, the Legal Sector Advisor from the RNE, who encouraged civil society to set the benchmark for a successful review and confirmed that the review process will provide space for such engagement. Next, the Hon. Betty Amongi, a Member of Parliament and Chairperson of the regional AMANI Forum expressed Parliament's desire for an accountable UPF with mechanisms including audit rules, recruitment and promotional structures, a 'community policing' focus and independent civilian oversight. The Hon. Rose Namayanja, Member of Parliament, described how civil society can engage with the Parliamentary Defence and Security Committee (of which she is Chairperson) to raise policing issues. Mr. Livingston Sewanyana, the Executive Director of Uganda's Foundation for Human Rights, made an impassioned plea for civil society, which he described as the 'sleeping giant', to 're-awake' and actively engage with police reform. Finally, Mr. Ndifuna Mohammed, the National Coordinator of HURINET-U, provided a summary of his organisation's upcoming report into community perceptions of the UPF.

The second session provided delegates with a comparative analysis of the value of civil society

participation in the police review process, with speakers from India (CHRI), Ghana (CHRI), Nigeria (Professor E. Alemika from the University of Jos) and South Africa (APCOF). The recurring theme of the four well received presentations was the need for civil society to be persistent in their agitation for reform. As Professor Alemika noted, although the gains have been few and hard won, the last thing on civil society's mind is to give up the cause. Building on the momentum that began at the August 2007 workshop, and the renewed enthusiasm borne of this latest consultation, the final session of the day provided participants with an opportunity to plan

engagement strategies for 2008. Strategies included greater civil society engagement with the upcoming reform process, potential use of Parliamentary mechanisms (including the Parliamentary Defence and Security Committee) and the development of an advocacy training programme for regional grassroots organisations to take up the cause of police reforms.

This article is a modified version of the Uganda Police Reform Consultation Report, which is available by contacting Louise Edwards at the CHRI New Delhi office – louise@humanrightsinitiative.org. ■

S. African Judge as New High Commissioner for Human Rights

Navanathem (Navi) Pillay, a South African judge who served in the International Criminal Court in The Hague is the new High Commissioner for Human Rights. Judge Pillay succeeds Louise Arbour from Canada. She is the fifth UN High Commissioner for Human Rights to be appointed since the office was founded 15 years ago. She was born in 1941 and graduated from the University of Natal to do her BA and LLB after which she did her masters and Doctorate in human rights and international law from Harvard University.

News from The Pacific

Cook Islands

Cook Islands in the Pacific took an important leap forward towards transparency when they enacted the Official Information (Freedom of Information) Act in February this year. The Act gives public easy access to official information and will be administered by the Office of the Ombudsman.¹ While many countries in the Pacific have recognised the importance of Freedom of Information in their constitutions like Papuan New Guinea, Fiji, Kiribati, Solomon Islands, Tuvalu², however, till date no country except the Cook Islands have enacted this important piece of legislation in this region that helps in reducing corruption and bringing about good governance. Around 13 countries in the Commonwealth have enacted Freedom of Information law, while more than 70 countries have this legislation throughout this world.

Tonga

In a major boost to Pro democracy movement, the Tongan King George Tupou V has promised “more democracy” by announcing to give up many powers in day to day affairs of the government and leaving it in charge of the Prime Minister instead. King Tupou V became king in 2006, after succeeding his late father, but his coronation was postponed following pro democracy riots. The King is making changes to ensure monarchy is ready for polls in 2010 when most of new Parliament will be elected.³ The country lying in the South Pacific is one of the countries where the monarch runs the day to day affairs of the government.⁴

¹ http://www.cook-islands.gov.ck/view_release.php?release_id=1185

² The right to information & human rights in the Pacific by Claire Cronin, Just Change, Development Resource Centre, Wellington, July 2008

³ <http://news.bbc.co.uk/2/hi/asia-pacific/7530209.stm>

⁴ <http://news.scotsman.com/world/Tongan-king—cedes.4337029.jp>

CHRI Calendar: April - June 2008

CHRI Headquarters (New Delhi)

- Pushkar Raj and Sumit Kumar gave presentation on community policing for Director General of Police and Superintendents of Uttarakhand Police at Dehradun.
- Lucy Mathieson Represented CHRI at First Session of UPR in UNHRC
- Venkatesh Nayak and Sohini Paul met with Ms. Shaheen Anam of Manusher Jonno Foundation to discuss our future collaborative work on RTI in Bangladesh.
- Venkatesh Nayak resourced a workshop jointly organised by the HURINET, Open Society Justice Initiative, Open Society Initiative for East Africa, African Freedom of Information Centre and World Bank Institute on East Africa Conference on Freedom of Information in Kampala.
- Venkatesh Nayak travelled to Dhaka to attend follow-up meetings regarding the scoping study commissioned by the World Bank Institute.
- Sohini Paul was invited to speak at a workshop on "Freedom of Information: Learning from International Experiences" at the World Bank's office at Islamabad in Pakistan.
- Venkatesh Nayak resourced a workshop in Accra, Ghana that was organised by CHRI Africa Office with the support of the World Bank

Institute, OSIWA and the Africa Freedom of Information Centre.

- Reshmi Mitra made a presentation on Freedom of Information at the World Assembly organised by CIVICUS in Glasgow, Scotland.

CHRI Accra Office

- The Coalition on the Right to Information Ghana in conjunction with other civil society groups organised a panel discussion at the National Theatre, Accra on the theme: Access to Information as a Corner Stone for Development during the UNCTAD civil society forum.
- CHRI in collaboration with Project Abroad organised a Human Rights Workshop at Shiare in the Nkwanta District of the Volta region. The workshop, which was the third of its kind, was organised under the theme: Raising Human Rights Awareness.
- The Regional Coordinator was invited by the Danish government to participate in the Copenhagen MDG3 Conference in Denmark which was under the theme Economic Empowerment of Women.
- Florence Nakazibwe and Kingham Ochill attended a 3- day conference in Uganda under the theme "Securing and Implementing a Robust Freedom of Information Legislation

Regime in Uganda and the broader East African region"

- Nana Oye Lithur and Florence Nakazibwe attended the World Press Freedom Day Celebrations at the International Press Center.
- CHRI organised a press conference on Ghana's Report to the United Nations' Human Rights Council and the Human Rights situation in Ghana at the Ghana Bar Association Conference Room.
- Daniel Asare attended a two-day West African Dialogue on the political situation in Zimbabwe in Abuja under the theme; Institutionalizing Peaceful Political Transitions in Africa.

CHRI London Office

- The London office hosted a consultation: The UK and the Commonwealth: Acting together at the UN Human Rights Council and the Universal Periodic Review: a Civil Society Consultation. It was well attended by NGOs and representatives from the Commonwealth Secretariat.
- CHRI and CPSU jointly hosted a seminar on Police Reform in the Commonwealth, at the Commonwealth Secretariat. It was attended by representatives from Commonwealth High Commissions and the Commonwealth Secretariat.

The Commonwealth Human Rights Initiative 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 from which to work, they required a forum from which to promote human rights. It is from this idea that CHRI was born and continues to work.

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