



STATEMENT

Black Lives Matter: Commonwealth nations must address local prejudices – CHRI

Melbourne/New Delhi/Accra/London, June 29 – Commonwealth nations need to recognise and address issues of systemic discrimination and unequal treatment in their own jurisdictions, with a sharp focus on policing and criminal justice systems, the Commonwealth Human Rights Initiative (CHRI) has said. It pointed to the backlash against the custodial death of George Floyd in the US as representing a reaction to inbuilt bias and brutality.

“Many Commonwealth countries fail when tested against the standards and principles that the 54-member association has espoused,” said the statement issued by CHRI’s International Board. “This has been particularly visible during the pandemic when police across countries have fallen back on excessive force or highhanded tactics, at an unprecedented time, to enforce lockdown measures, using the outbreak as cover.”

Noting earlier path breaking initiatives within the Commonwealth for tackling systemic issues of change and transformation in policing, CHRI urged revisiting these efforts at this watershed time and cited South Africa and Northern Ireland as global best practice examples. It underlined that such efforts had taken place despite institutional bias and broken accountability

The Board, chaired by Prof Alison Duxbury, called on Commonwealth governments and stakeholders to reflect on the need to confront the harsh realities of identity-based prejudice against underrepresented social groups. Such prejudice can emerge in individual or group attacks in which officials, including police, have participated.

CHRI supports the call by African nations at the UN Human Rights Council for the “total elimination of all forms of discrimination based on race or ethnic origin.” Commonwealth governments have backed the UN’s International Convention on the Elimination of All Forms of Racial Discrimination. In the 1979 Lusaka Declaration on Racism and Racial Prejudice, Commonwealth leaders reiterated that the Commonwealth stands for “legal equality, without discrimination or exclusion based on race, colour, sex, descent or national or ethnic origin.” That statement also called for social and economic redress to compensate for the effects of past colonialism and racism.

The problem was and remains one of implementing these standards and measures. Recalling that CHRI was born out of the revolt in the Commonwealth in 1987 against apartheid in South Africa, triggered by a boycott of the Commonwealth games, the Board called for exposure of custodial violence and killings, instilling accountability into criminal justice systems and pushing police reforms across geographies. In its transition to democracy from apartheid, South Africa set in place a transformative approach with police reform as a bedrock of the transition, and far-reaching moves to de-politicise as well as change the composition of the police. In 2010, Kenya put in place an independent police complaints body with powers that befit an effective police oversight body. While both have experienced a drawing back of reforms, the type of changes adopted remain essential.



CHRI has long researched, advocated, engaged and mobilised around issues of police reform and accountability, especially in South Asia and Africa. The example of the Independent Commission on Policing for Northern Ireland presents a striking example of a police reform process that brought fundamental, transformative changes to policing. The Commission was established out of the Good Friday Peace Agreement on the basis that police reform was a requisite for enduring peace.

Not only did the Commission ensure a participatory process of wide public outreach and consultation, it made deliberate efforts to reach out to communities who had suffered the most serious abuses and brutality at the hands of the police.

With human rights at the centre, the Commission called for transformation of the very heart of Northern Ireland's policing system – operational practices, all levels of oversight over the police, the mix of communities represented, leadership, and accountability for violations including an independent complaints body. It is these benchmarks of wide consultation, particularly with those aggrieved and affected, and a central focus on human rights and accountability which are the learnings to draw from today.

Speaking on behalf of CHRI, the Board extended support to the spontaneous global protests under the banner 'Black Lives Matter' calling for an end to racism and police brutality, and evoked past cases in the US. These included Eric Garner and Michael Brown in 2014, Alton Sterling, Terence Crutcher, Philando Castile in 2016, Antwon Rose in 2018 and others, who like Floyd, were unarmed when killed by the police. In March this year, the police shot Breonna Taylor, in her own home when looking for someone else.

Noting that protests against police brutality and injustice had erupted across Commonwealth countries, CHRI stated that "recognition of the simple, powerful message 'Black Lives Matter' is an encouraging sign in countries where the movement is resonating with equal passion – even without the dichotomies of black and white racism."

In Australia, human rights activists have protested against the disproportionate imprisonment of indigenous persons. In Jamaica, the death of Susan Bogle on May 27, 2020, allegedly due to police/military shooting during a security operation, provoked protests against human rights abuses. CHRI noted that in Jamaica there had been renewed calls against police brutality and arbitrariness.

In the UK, the Black Lives Matter movement has called for the tributes and statues of proponents of slavery to be removed. It has also demanded action on recommendations in the 2015 Lammy Review on the over-representation of Black and Ethnic Minority persons in the custodial system. There has been widespread criticism of Prime Minister Boris Johnson's announced review into "all aspects of inequality – in employment, in health outcomes, in academic and other walks of life," when so much is known already on these issues.

CHRI recalls the independent inquiry in 1997, four years after the murder of the young black Stephen Lawrence by a gang of white men, and a delayed police response which cost his life. A similar debate about policing and racism was sparked at the time. Popularly called the Macpherson inquiry after its Chair, it is one of the few official sources that provide a definition of "institutional bias" forcing a recognition of the issue within the police. Recommendations have emerged from countless other subsequent reviews.



“This is a crucial moment for police reforms internationally – the mood across the world shows that discrimination and practices of excessive force, intimidation, and bias are pervasive,” said the Board. “This is where policing and criminal justice systems need to scrutinise policies and practices, uphold rights, and resist arbitrariness and impunity. Independent oversight bodies, media and civil society groups must maximise their role as watchdogs”.

CHRI is an independent, non-governmental, non-profit organisation that has specialised in areas of Access to Justice (Police and Prison Reforms) and Access to Information for over two decades. Its work has now expanded to include pressures on media freedom and Contemporary Forms of Slavery and Trafficking. Its head office is in New Delhi and it also has offices in Ghana and the UK. The International Board comprises Wajahat Habibullah (India), Sam Odzeketo (Ghana), and Joanna Ewart-James (UK) in addition to the Chairperson, Alison Duxbury (Australia). The International Director is Sanjoy Hazarika.

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