

Commonwealth Human Rights Initiative



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Please visit
www.commonwealthpolicewatch.org for
CHRI's Electronic Magazine,
'Commonwealth Policewatch'.

Do Commonwealth People Matter? A Personal Perspective

- Daisy Cooper

Acting Head, Commonwealth Policy Studies Unit

Improving the voice of civil society organisations (CSOs) is a ceaseless task, not least in the Commonwealth. Civil society activity in the Commonwealth peaks at the Commonwealth People's Forum (CPF), a week of workshops and cultural events preceding the biennial Commonwealth Heads of Government Meeting (CHOGM). The 2005 CPF in Malta saw three significant improvements in CSO input - an extended period of civil society consultation, a CSO meeting with Foreign Ministers, and a dialogue with President Museveni of Uganda, the 2007 CHOGM host - but for many, the process was frustrating and lacked impact.

The CPF was supposed to be the final stage of a process, having been preceded for the first time by 14 national consultations, a pan-Commonwealth e-consultation, a 1-day civil society consultation, and a half-day dialogue with the Committee of the Whole (CoW), during the previous 9 months. Whilst this new extended process reflects efforts to mainstream civil society input, logistical problems and the number and nature of the topics discussed precluded any advancement of dialogue.

For example, the UK and Indian national consultations were organised at such short notice that many of the participants were either un or ill-informed about the Commonwealth, thus consuming valuable time with basic or irrelevant questions. In the UK, questions were answered by two government representatives from the Department for International Development's '2005 Unit' who were only prepared to answer questions on '2005 issues' - Africa and the G8 debt relief promises. Whether this was orchestrated or not, the UK report gave the impression that UK civil society was happily in cahoots with its government. In New Delhi, there was no government representative from External Affairs and the representative from the Planning Commission left partway through. A series of presentations further limited the discussion, resulting in substantive points going unvoiced.

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[For private circulation only]

The issues raised at the 14 national consultations were then supposed to inform future discussions. In reality, the pre-CoW civil society consultation (and presentation to the CoW) focused on only four issues, the Millennium Development Goals (MDGs), Africa, Sustainable Development, and Statistics on International Development (SIDs), whilst the CPF had three thematic days, omitting SIDS, and the final CPF communiqué had four completely different sections. As a result, the final communiqué did not touch on many important issues raised in earlier discussions.

Another problem was holding a pan-Commonwealth CSO meeting with the CoW at such an early stage in the process. This ‘dialogue’ only involved interaction when a CSO representative asked governments to respond to their presentation, however not one official responded to the demands made in the presentation. The Commonwealth Secretariat and Foundation could have better timed the meeting so that participants were granted more than a one-way conversation with officials who were not briefed.

Three simple improvements can be made. Firstly, the civil society agenda should match the intergovernmental agenda from the outset and include an “other issues” section. This would enable CSOs to perform their dual role of monitoring and influencing the intergovernmental agenda. Under this arrangement, CSOs would likely not have failed, as they did, to consider key issues facing the Commonwealth over the next two years – the suitability of Uganda as the next CHOGM host and the selection of the next Secretary-General. Secondly, civil society should draft only one communiqué, the drafting process should begin at the first consultations, and should only be tweaked at the CPF. Thirdly, any future meeting between CSOs and the CoW should take place after the CoW has a draft agenda, and the Chair of the meeting should ensure officials address civil society’s views and demands.

At the CPF in Malta, a series of needless logistical problems impinged on civil society’s participation. Many civil society representatives had difficulties obtaining visas and for some it was impossible, as their applications were said to require additional security clearance allegedly on the basis of unsubstantiated or

racist grounds. Similarly, the registration and accreditation process was unnecessarily time-consuming, requiring each civil society delegate to fill in the same form three times for three different ‘partner’ institutions. On arrival in Malta, concerns were raised about the information on local maps, distance between venues, and transport to and from the airport.

Finally, the five mile journey between Valletta and St Julians, could only be traversed by a slow bus or overpriced taxi. For example, with the media lounge in St Julians it was hard for CSOs based in Valletta to attend press briefings; there was a press conference specifically for civil society to speak with the media, but only a few people knew about it. The difficulty of being in two places at the same time was compounded by the new rules that only the head of each civil society delegation could gain access to the hotels of government delegates; this caused a duplication of responsibility that prevented many CSO delegations from meeting with their government counterparts.

The meeting between civil society and the Foreign Ministers was an innovation that should be institutionalised. The idea of matching Foreign Ministers with a national CSO counterpart was favourable as Foreign Ministers often asked how many people from their own country would be attending the CPF, and were always more interested in engaging once they learned that people from their own country would be there. However, it excluded many who attended the CPF as representatives of pan-Commonwealth organisations. Similarly, the meeting with President Museveni was better in theory than in practice; the ‘dialogue’ was in fact a speech and a short Q & A session, which left civil society unable to challenge him on his dismissive attitude towards CSOs. Despite these innovative high-level meetings, civil society had little chance of either affecting or measuring its impact on the CHOGM communiqué. Unlike the UN Summit outcome document, the CHOGM communiqué was not made public at any stage of its drafting.

Commonwealth Heads once again recognised civil society as partners, but the proof of the pudding is in the eating. Unless the logistical and substantive obstacles to meaningful engagement are removed, there is a real danger that CSOs may abandon the Commonwealth fora with sour grapes. ■

CHOGM 2005: Words of Wisdom or Feeble Reiterations?

Clare Doube

Co-ordinator, Strategic Planning & Programmes, CHRI

Every two years leaders meet at CHOGM and release policy documents that guide the association and its members over the coming years. In November, Heads of Government released the following:

- CHOGM 2005 communiqué;
- Valletta Statement on Multilateral Trade;
- Malta Declaration on Networking the Commonwealth for Development; and
- Gozo Statement on Vulnerable Small States.

In the past, civil society has been cynical about the implementation of these policies, but they remain an important guide for the Commonwealth Secretariat. Also, by stating the position of Commonwealth governments on crucial issues, they reflect what, in theory, should be implemented in-country. As such, it is useful for civil society to analyse these documents and remind governments of their commitments.

In 2005, the points of the communiqué most relevant to civil society groups promoting human rights include: “Heads of Government... reaffirmed that respect for and protection of civil, political, economic, social and cultural rights, including the right to development, is the foundation of peaceful, just and stable societies and that these rights are universal, indivisible, interdependent and inter-related” (Para 45). While this is positive, no firm commitment was made to actually realise these rights in-country. Practical commitments would add significant substance to such valuable words.

The points specific to civil society are similar: “Heads of Government acknowledged the contribution of civil society, including supporting democracy, human rights, peace and development. They also acknowledged that governments and civil society share a common objective in addressing development and governance challenges and acknowledged the importance of partnership underpinned by sound institutional, legal and policy frameworks. They urged civil society to be pro-active in the local and national environment with well-defined priorities and governance arrangements” (Para 91), and “Heads of Government noted the steps being taken by the Commonwealth and its institutions

to mainstream civil society in all activities and called for these efforts to be increased” (Para 92). Neither of these statements reflects progress on past commitments to increase partnership between the Commonwealth and civil society.

Other points worth noting include:

- A recognition of the importance of “measures to build effective and accountable security and justice sectors” (Para 27).
- “States must ensure that measures taken to combat terrorism comply with their obligations under international law (Para 32).
- Heads of Government “welcomed the universal acceptance at the UN 2005 World Summit that each individual state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity” (Para 36).
- They expressed “commitment to root out, both at national and international levels, systemic corruption, including extortion and bribery, which undermine good governance, respect for human rights and economic development” (Para 47) and to “strengthen the fight against corruption by the adoption of principles and policies, as appropriate, that emphasise good governance, accountability and transparency” (Para 48).
- Recognition of the human rights of migrants (Para 50), human trafficking (Para 51) and gender rights (Para 85 and 86).

While organisations expressed disappointment in the lack of progress in the communiqué, one positive feature of this CHOGM was the active interest of the Secretary-General in civil society’s human rights activities - one of his major speeches in Malta was *Raising the Bar on Human Rights* at the Commonwealth Human Rights Forum. It is hoped that with his leadership, sentiments expressed in the communiqué and those of civil society will be implemented. After all, Heads of Government did note civil society submissions (Para 99) and “requested the Secretary-General to take their recommendations into account, where possible, while implementing CHOGM mandates” (Para 100). May this be the hallmark of the Commonwealth’s future direction. ■

CHRI at CHOGM 2005

Andrew Galea Debono

Consultant, Commonwealth Advocacy, CHRI

CHRI was bustling with activity in the days preceding the Commonwealth Heads of Government Meeting (CHOGM) in Malta last November. Apart from taking advantage of the meeting for promoting human rights issues both through the media and through meetings with government delegations, CHRI also had two major events to organise.

The first was the Commonwealth Human Rights Forum (CHRF), which was held over two days on 20 and 21 November at the St. James Cavalier Centre in Valletta. The theme of the forum was *'Networking for Human Rights in the Commonwealth'*, linking it to the main theme of the CHOGM. The focus was particularly on the importance of creating more space for civil society to perform their work within the Commonwealth.

Secondly, CHRI held the international launch of its 2005 CHOGM report, *'Police Accountability: Too Important to Neglect, Too Urgent to Delay'*. CHRI was represented in Malta by staff from the Delhi Headquarters, as well as by members of its Advisory Commission (AC) who gathered in Malta for the annual AC meeting in the same week as CHOGM.

The organisation of the CHRF would have been smooth had it not been for the decision of the Maltese Immigration Police to refuse entry visas to a number of participants from specific countries, which were deemed source countries for 'illegal immigration'. Potential participants from Uganda, Nigeria, Pakistan, Ghana and Bangladesh, amongst other countries, were refused entry for no specific reason. Apart from this unfortunate side issue, the Forum was a big success, bringing together 48 participants from Australia, Bangladesh, Cameroon, Canada, Fiji, Ghana, India,

Jamaica, Maldives, Malta, Sierra Leone, Tonga, Trinidad and Tobago, Uganda, and the UK. Representatives of the former Commonwealth country Zimbabwe also participated in the meeting. The participants included human rights activists, members of human rights non-governmental organisations (NGOs), members of National Human Rights Institutions (NHRIs), and members of the media. A representative of the Commonwealth Secretariat was also present as an observer. The success of the Forum was largely a result of the hard work put in by the organisers from CHRI, collaborating partners and Amnesty International Malta Group. The Forum would not have been possible without financial support from the Commonwealth Foundation and the British Council.



From left: Sam Okudzeto, Clare Doube & Murray Burt

CHRI and the Forum were given much coverage by the local and international media, particularly during the opening and closing sessions where the Chair of the Commonwealth Foundation, Prof. Guido De Marco and the Commonwealth Secretary General, Donald McKinnon, gave substantial speeches on the importance

of human rights and democracy within the Commonwealth. The media highlighted the concern of the participants of the Forum for specific countries such as Uganda and the Maldives and also picked up on other human rights issues that were discussed.

The expert contributions from speakers from around the Commonwealth, as well as the active participation of all those who attended, led to a strong and focused final statement which was forwarded to the Foreign Ministers and Commonwealth Heads of Government. Following circulation of this concluding statement, feedback was received from a number of government delegations – indicating that they had noted the concerns raised. The final communiqué was also sent

to all members of the Commonwealth Human Rights Network, many electronic networks and other contacts, and placed on CHRI's website. Since then, much positive feedback has been received, and many of those who received the communiqué also promised to forward it on to contacts of their own.

Some of the key recommendations from the Forum included the need for a formal report-back to the next CHOGM on the implementation of commitments for human rights made by the Heads of State during this CHOGM; that governments should ensure that human rights norms are not compromised using national security as an excuse; that the Commonwealth Ministerial Action Group should investigate the situations in Uganda and the Maldives, and that the Commonwealth should stay engaged with Zimbabwe; that there should be a Commonwealth Expert Group on the future of policing; and that the Commonwealth should agree that all members should offer a standing invitation to UN Rapporteurs and other UN investigators as a commitment to transparency.

CHRI took advantage of the media-frenzy that surrounded the CHOGM. Press releases about the CHRF and the Police Accountability Report launch, as well as the final communiqué of the CHRF, were sent to the media. This ensured that many of the recommendations from the Forum found their way into the press, thus reaching wide audiences. At least 50 press articles in Commonwealth countries such as Australia, Malta, Uganda, Sierra Leone, Kenya, Maldives, Fiji, the United Kingdom, Bangladesh and South Africa and also some non-Commonwealth countries such as Switzerland, UAE and Qatar mentioned CHRI's participation at the events around CHOGM, or the events it organised. Regional newspapers such as the Pacific Magazine also mentioned CHRI. There are around 500 mentions of the Commonwealth Human Rights Forum on the Internet when doing an online search, showing wide online interest and coverage of the event. Several news websites from various countries and regions mentioned CHRI due to the Forum, report launch, or participation in other events such as the Commonwealth People's Forum and the Commonwealth Youth Forum. To

further promote human rights, CHRI representatives conducted additional radio and television interviews.

Members of the CHRI team took part in the Commonwealth People's Forum (CPF), which was organised by the Commonwealth Foundation, attending workshops and constructively participating in the formulation of the final communiqué of the CPF. CHRI also facilitated the involvement of participants of the Commonwealth Human Rights Forum in the CPF. The concluding statement of the CHRF was fed into the CPF processes through the report-back procedure, ensuring that wider Commonwealth civil society was aware of the meeting and its recommendations. Many recommendations from the CHRF were reflected in the CPF communiqué, which was officially presented to the Foreign Ministers at the roundtable held the day before the CHOGM itself.

A member of CHRI's team was invited to speak at the Commonwealth Youth Forum (CYF). Touching on issues of good governance and active citizenship from a human rights perspective, this speech enabled the message of human rights to reach a group of over 100 youths from around the Commonwealth. The CYF aimed to promote the values and principles of the Commonwealth by supporting young people as active citizens and change-makers contributing to the development of their communities and the Commonwealth.

Meanwhile, CHRI made an ongoing effort to advocate for its human rights concerns and to promote its ideas for the betterment of the human rights situation in the Commonwealth. Immediately prior to the meeting of the Commonwealth Foreign Ministers, meetings were held with four government delegations and phone calls and emails were sent to many more, ensuring that CHRI's human rights concerns reached as far up the government ladder as possible. Follow-up by official delegations on some of CHRI's recommendations has already started, particularly on the idea of establishing a Commonwealth Expert Group on Policing, to ensure that the efforts put in by CHRI and partners around the CHOGM will have an impact for time to come. ■

Commonwealth Human Rights Forum (CHRF): A Human Institution with a Challenging Purpose

Mandi Manga Obase

President, Royal Commonwealth Society, Cameroon

Malta was the centre of focus for many Commonwealth organisations from 16 to 27 November 2005. The island was full of diplomatic noise and colours in the name of conferences and workshops.

The second CHRF provided an exciting environment to discuss common concerns between participants representing human rights initiatives from across the Commonwealth: big, small, rich, poor, able, and disabled. The Forum brought to life the Queen's 1973 Commonwealth Day message that "the Commonwealth is not for government or statesmen alone. It is for all the people of our Commonwealth".

As President of the Royal Commonwealth Society of Cameroon, I would like to explain why we joined the Commonwealth Human Rights Network and attended CHRF. We believe our troubled world needs volunteers who will work for peace keeping, human rights and conflict resolution. The impact conflict has had on Africa is a key factor in our growing involvement. In Zimbabwe, Sierra Leone, The Gambia and other non-Commonwealth African countries, conflict has affected not only the military forces, but a large number of civilians, children and the aging. This conflict has caused many to be displaced from their homes while others have died seeking refuge in neighboring countries. This has affected people's attitudes and ability to interrelate and the psychological wounds will take longer to heal than the physical wounds.

We live in a society of inequality, injustice, and tyranny where violations of human rights are far too frequent. Gross imbalances continue to deprive major portions of our population of the benefits of this technological age. The primary challenge is finding ways to redress these imbalances as this is a pre-requisite for obtaining sustainable peace.

With conflict surrounding us, I believe the Royal Commonwealth Society of Cameroon is on track by

joining the Network and attending CHRF as it is an inspiring forum for debate, a place for contact between civil society organisations (CSOs) and above all, a human institution with a challenging purpose.

My presence at the Forum gave me the opportunity to meet the Commonwealth Secretary General. We had an informal conversation about establishing an effective human rights structure in Cameroon and I took the opportunity to remind him of the terrible incident at the University of Buea where two students were killed by police. I also talked with Mr Jarvis Matiya, Acting Head of the Human Rights Unit of the Commonwealth Secretariat. He mentioned that the HRU is helping Cameroon to set up a new human rights institution, and I suggested that the new structure will lose meaning if independent civil society representatives are not included in the Commission and if the structure does not clearly stipulate partnership with CSOs.

Other distinguished participants I met during my time in Malta included Richard Bourne, Associate and former Head of the Commonwealth Policy Studies Unit, Maja Daruwala, Director of CHRI, and Michael Ellman, International Federation for Human Rights.

Networking for human rights was what occupied my mind while attending the Forum and I began envisioning my country in a different way. I thought of a Cameroon in which freedom, respect for human dignity and absence of torture are its greatest export and I thought about how this might be accomplished.

After reading some of CHRI's publications I thought up a human rights project called '*Cameroon Human Rights NGO Networking*'. The prime objective of this project is to create a network of human rights NGOs, and set up a body to monitor the Government, proactively defend human rights and work towards preventing abuse and torture. The project will help produce reports and statistics on human rights and torture in Cameroon. ■

Launch of CHRI's 2005 CHOGM Report on Police Accountability

Daniel Woods

Consultant, Access to Justice Programme, CHRI

CHRI's 2005 CHOGM report, *Police Accountability: Too Important to Neglect, Too Urgent to Delay*, our human rights spotlight on policing, has been officially released across the Commonwealth. Leading up to the November CHOGM in Malta, CHRI hosted two regional launches and one international launch.

International



From left: Andrew Galea Debono, Hon. Dr Tonio Borg, Maja Daruwala, Sam Okudzeto

The international launch, preceded by the two regional launches, was held on 22 November 2005, in Malta, just prior to the Commonwealth Heads of Government Meeting (CHOGM).

Hon. Dr Tonio Borg, Deputy Prime Minister of Malta and Minister of Justice and Home Affairs, launched the report and drew on his experience as a human rights lawyer in his highly praised speech that emphasised the need for democratic and accountable policing. The event was attended by the Commissioner of Police of Malta and by the media and got extensive coverage on a main local TV station that evening on the news. It was also highlighted in print and electronic media in Malta and across the Commonwealth. In addition to talk of this report, police reforms in general was a topic of discussion around CHOGM - civil society voices, including the collective voices of the Commonwealth Human Rights Forum and the Commonwealth People's Forum, called for the creation of an Expert Group to look at policing in the Commonwealth.

Africa



Maja Daruwala

The first regional launch of the report was held in Accra, Ghana, on 13 October 2005. Betty Mould-Iddrisu, Director of the Legal and Constitutional Affairs Division, Commonwealth Secretariat,

and Sam Okudzeto, Chair of CHRI's International Advisory Commission, hosted the launch. It was timed to take place immediately prior to CHRI's conference on Police Accountability on 14-15 October, and the Commonwealth Law Ministers Meeting in Accra later in October. Delegates of the Police Accountability conference traveled from across Africa, South Asia, Australia and the UK to attend the conference and support the launch of the report. In their concluding statement, conference participants echoed the central arguments of the report, recognising that the heart of police reform is the development and strengthening of mechanisms to keep police accountable. They also expressed support for the recommendations outlined in the report, of how to bring about police reform in the Commonwealth.

South Asia



From left: G.P. Joshi, Devika Prasad, I.K. Gujral, B.G. Verghese

The South Asia launch took place in New Delhi, India, on 5 November 2005. I.K. Gujral, former Prime Minister of India, introduced the report to an audience of police, media representatives and civil society. The launch

was widely reported in the media and was particularly timely as the government formed a Police Act Drafting Committee in September to assess making changes to India's outdated Police Act of 1861. This has raised heated debate about police reform in government and civil society circles, making the report very relevant to an Indian audience. Following this launch, Mr Gujral drafted a letter on the importance of police reform, which was co-signed by former PM VP Singh and circulated at a CHRI roundtable conference on police reforms, as well as at a meeting of the National Advisory Group on Police Reform.

For copies of CHRI's CHOGM 2005 report, further information or to get involved in advocacy around the Expert Group or policing more broadly, contact Daniel Woods at daniel@humanrightsinitiative.org.

Reviewing the Access to Information Act in Jamaica

Carolyn Gomes

Executive Director, Jamaicans for Justice

On 11 January, the Joint Select Committee of Jamaica's Parliament held its first meeting to review the national 2002 Access to Information Act as mandated by the law. This Committee is expected to conclude its review by the end of March.

Over the last two years, Jamaicans for Justice (www.jamaicansforjustice.org) has been working to encourage the use of the 2002 Access to Information Act by the general public, NGOs, civil society groups and community-based organisations. We have also been monitoring responses to requests. These activities have led to the creation of a formal Consortium of Access to Information Users. We have also uncovered a number of areas where the Act needs clarification, strengthening or amending to make it a more effective tool for bolstering transparency in governance. These issues will be included in the Consortium of Access to Information Users' submissions to the Joint Select Committee of Parliament.

Understaffing at the ATI Unit

Most significantly, the resignation of the Executive Officer and Public Relations Officer of the Access to Information (ATI) Unit, leaving the Unit with a staff complement of one Administrative Officer, has been a severe blow to the smooth implementation and monitoring of the Act. The Government's failure to fill these positions has further handicapped the Unit's operations. As a consequence, public officers charged with administering the Act have no dedicated unit to go to for advice, especially in terms of interpreting the Act, outside the Attorney General's department. In turn, this has resulted in officers responding to requests where it is not clear what information is being requested by stating that the document does not exist or by simply not answering at all. Meanwhile, points of clarification and interpretation have remained unresolved. Performance monitoring has also suffered from the lack of staff at the ATI Unit, meaning that implementation of the Act among Public Authorities has been extremely inconsistent.

With the dysfunction of the ATI Unit, the public has been left with no official recourse to resolve simple problems such as lack of knowledge of Government Access Officers, bureaucratic obstacles to assessing information (such as delays in the processing of requests), and uncertainty of who to address with complaints concerning poor service or inappropriate conduct of access officers. These problems underline the need to include provisions mandating the establishment, maintenance and functions of a dedicated monitoring and implementation agency.

Which Government Bodies are Covered by the Act?

Another issue that will be the subject of submissions to the Parliamentary Review Committee is the need to clarify the exact jurisdiction of the Act. In particular, it is not clear whether the Act applies to certain government and quasi-government bodies such as:

- the Office of the Director of Public Prosecutions;
- Statutory bodies; and
- Commissions and Committees such as the Police Service Commission, the Public Service Commission and the Scientific Research Council.

Weak Appeals Mechanism

There have also been problems concerning the composition and functioning of the Appeals Tribunal, which to date has only managed to sit on two days to hear three appeals. The Tribunal lacks full-time staff members and a dedicated secretariat. The Consortium also hopes to raise problems with the Tribunal's regulations with the Parliamentary Committee.

The Committee must also clarify a range of other issues in order to ensure the effective implementation of the Act. These include clarifying:

- the definition of the term "document";
- the exact duties of Access Officers to collate information from more than one document in order to meet a request;
- how to prevent the commonplace practice of officers signing a decision on the right to an Internal

Review of a rejected request on behalf of the Permanent Secretary of the Ministry;

- when a request has been transferred to another agency, whether an applicant can appeal to the transferring agency if he/she is convinced that the relevant information resides there; and
- when the clock starts ticking on a request - is it when it is delivered to the relevant public authority, or is it when it is delivered to the Access Officer (which may be as much as a week to ten days later)?

The Committee must also ensure that Ministries and Agencies provide reasons for requesting a time extension to meet a request. Finally, the Committee must carry out the long promised repeal of the Official Secrets Act. Indeed, this will be critical in determining the long-term success of the Act.

Conduct of the Review

One disappointing development in the lead up to the review has been the lack of any notification of interested parties about the appointment of the Parliamentary Committee and its scheduled first sitting on 11 January. As a result, no member of the Consortium, Jamaicans for Justice, or the ATI Advisory

Stakeholders Committee was able to attend the first sitting.

At that meeting, the Committee set out the main issues that it intended to address. These included public education about the Act, the period of time allowed for response to applications, overload caused by voluminous requests, protection of advice given in the form of documents, costs of providing the services efficiently and the continuing use of the Official Secrets Act. Information Minister, Burchell Whiteman, revealed that the Committee would invite submissions from particular groups, including the Advisory Committee of Stakeholders (a coalition of NGOs) and the Association of ATI Administrators, as well as calling for submissions from the general public.

It is hoped that vigorous civil society and user participation will ensure the Committee properly addresses the problems arising from the Act's implementation. However, the Government of Jamaica must also not retreat from its commitment to accountability, transparency and public participation in national decision-making, which are the key objectives of the Access to Information Act 2002. ■

CHRI Staff Wins Nani Palkhiwala Award for Defending Civil Rights

On 16 January 2006, Navaz Kotwal was given the prestigious Nani A. Palkhiwala Award for the defense and preservation of civil rights in the individual category. The inaugural ceremony, attended by over 500 people, took place in Mumbai.

The Nani A Palkhiwala Memorial Trust and Award was formed in 2005 and is named after an eminent jurist and constitutional expert who passed away in 2002. The Judges in the panel were Hon'ble Justice Venkatchelliah and Hon'ble Justice Sam Bharucha (both former Chiefs of Justice, India) and Ms Anu Aga. The award carries a prize of Rs 1 lakh and a citation for the preservation and defense of civil rights.

Navaz was given the award for her three years of tireless work in Gujarat, securing justice for the victims of the communal clash that engulfed the state following an incident on a train in Godhra in 2002. Despite overwhelming challenges, she has assisted the victims in their pursuit of justice, which so far has led to 5 convictions for crimes committed during the 2002 riots. While supporting the victims, Navaz's work also involves building bridges between the divided communities by organising legal literacy trainings, monthly newsletters being brought out by the communities, and cricket matches.

Navaz started her career with a B.Sc. in Microbiology from Jaihind College in Mumbai. She joined CHRI in 2001 and following the Gujarat riots, devoted herself to ensuring justice was upheld in the affected communities.

At the ceremony, Navaz's father accepted the prize on her behalf, as she is currently studying in the United Kingdom, having received a three-month human rights fellowship. Navaz's aunt acknowledged the efforts of the Gujarat team and the contributions of CHRI and read a speech written by Navaz, which emphasised the need to protect human rights defenders and acknowledge that human rights defenders are assisting the state and should be treated as such. ■

Human Rights and the Media in Bangladesh

Tharron McIvor

Intern, Access to Justice Programme, CHRI

“Democracy is a process, not an event”

– Rt. Hon. Don McKinnon, Commonwealth Secretary General

With a long history of autocracy and military rule, Bangladesh finds itself striving to portray a positive image to the world as a restored democracy under the rule of the BNP party, led by Prime Minister Khaleda Zia. In the midst of international censure over the presence of terrorism and abuse of human rights within its borders, the Bangladesh Government is feeling the pressure and is presenting a united rhetoric of a vibrant democracy that is meeting the challenges faced by all developing countries.

Indeed, it points with pride to its successes of progress with some justification: the growth rate has held at a steady 5% over the last several years and recently it attracted praise in the 2005 Human Development Report, showing impressive human development gains. In particular, for the first time ever, Bangladesh has overtaken its large neighbor, India, in achieving a lower child mortality rate and is continuing to reduce this by 5% annually. The report notes that Bangladesh demonstrates it is possible to sustain strong human development across a broad front even at relatively modest levels of income growth.

However, this is not all the report has to say about Bangladesh. It also emphasises that “if Bangladesh is to maintain its impressive progress up the human development index, political parties need to seek common ground for effectively addressing issues of human security”.¹ One of the main issues of human security is that of journalists and media persons, who have become a target for systematic abuse by those who want to silence the voice of independent media.

Several high profile NGOs have documented the human rights violations faced by the media over the years since the BNP gained power in 2001. Examples include:

- Amnesty International summarises abuses against media persons as human rights defenders in its latest report on Bangladesh.² These abuses include death threats, attacks, and the deliberate mutilation of journalists’ hands and fingers so they can no longer hold a pen;
- International Freedom of Expression eXchange (IFEX) lists specific examples of murders, threats, and attacks on journalists;³
- Reporters Without Borders (RSF), in its 2005 annual report, notes that for the third year running, Bangladesh had the largest number of journalists physically attacked or threatened with death. Reinforced by governmental indifference, RSF describes Bangladesh as “by far the world’s most violent country for journalists”;⁴
- MediaWatch coined 2005 the “Year of Repression for Journalists” in Bangladesh with 164 receiving threats, 133 being physically assaulted, and 2 being killed as a result of their work as media persons;⁵
- International Federation of Journalists president Christopher Warren has stated that, “death threats are becoming a pervasive part of daily life for journalists in Bangladesh, preventing them from freely reporting matters in the public interest. The intimidation is a direct violation of civil rights, which are the basic tools for a successful democracy”.⁶

¹ <http://www.un-bd.org/undp/media%20releases/Bangladesh%202005%20HDR%20launch.pdf>

² AI (Aug 2005), “Bangladesh: Human rights defenders under attack”, <http://web.amnesty.org/library/Index/ENGASA130042005>

³ <http://www.ifex.org/en/content/view/archivefeatures/143/>

⁴ RSF (Jan 2005), “Bangladesh – Annual Report”, http://www.rsf.org/article.php3?id_article=13423

⁵ Media Watch Report (Jan 2006): <http://www.ifex.org/en/content/view/full/71340/>

⁶ <http://www.ifex.org/en/content/view/full/69018/>

In response to these concerns, the Prime Minister of Bangladesh attempted to defend the state of affairs by arguing that journalists are damaging Bangladesh's image at home and abroad by publishing false information. Whatever the argument, the abuse being faced by journalists in Bangladesh is contrary to the explicit protections in the country's Constitution. Article 11 of the Constitution establishes a democratic republic enshrining democracy and upholding fundamental human rights standards. Article 39 guarantees freedom of thought and speech, including a direct guarantee of freedom of the press. These give expression to the international obligations Bangladesh has agreed to. The prevention of such abuses is therefore not merely a subject of international concern,

but of international and domestic law. The time is well overdue for the BNP Government to meet its domestic and international obligations to implement and actively protect the rights of the domestic media.

The media plays a vital role in an active democracy. As the "fourth estate", it provides a check on the role of government and is a voice of the people - freedom of expression is the lifeblood of democratic growth. The current abuse of the media and governmental complicity in Bangladesh is a block to the path of democracy. For Bangladesh to progress as a democratic nation, it must recognise this and restore protection to the media. ■

Dr Beko Ransome-Kuti, 1940-2006



Dr Beko Ransome-Kuti, who has just died of cancer at the age of 65, was a pre-eminent human rights activist, a dauntless foe of Nigeria's military dictatorship, and a key personality in the Commonwealth Human Rights Initiative (CHRI). All those who knew him regret his passing, his quiet voice, his utter determination, and his infectious laugh.

Beko was the third child of a famous Yoruba family from Abeokuta, western Nigeria. A female ancestor had been rescued from a slave ship by a British naval patrol, and trekked back to her homeland. His grandfather founded some 15 Anglican churches, and translated hymns into Yoruba. His father, Rev Israel Ransome-Kuti, was a grammar school head who beat his children to make them good students; his mother, Funmilayo, was a fire-eating nationalist who was the first woman to hold a driving licence in subSaharan Africa.

Dr Beko, as he was often known, qualified in medicine at Manchester University in the 1960s and returned to Nigeria to practise. His brother Fela, the wild and anti-government pop musician, had established a lawless republic in a building in Lagos during the military presidency of General Obasanjo in the late 70s. His mother was thrown out of a window in a police raid there, and died – for which Beko never forgave Obasanjo.

In the 80s, with military dictatorships back again, Beko took up the cause of human rights, helping to found the Committee for the Defence of Human Rights. The Commonwealth Medical Association nominated him to join an advisory group for the new Commonwealth Human Rights Initiative, and he attended its early meetings in London and Delhi in 1989 and 1990. Also an Amnesty prisoner of conscience, he stayed involved with CHRI throughout the 90s.

CHRI spent much of its time trying to get Beko out of prison – his Lagos house was regularly raided and trashed by security men – but he was out in 1995 and able to help the CHRI's influential mission which wrote "Nigeria: stolen by generals." Then he was sent to jail in Katsina, in northern Nigeria, for four years. His food there improved after a journalist sneaked in with a judge on an inspection, and exposed prison conditions. His daughter smuggled a transistor radio to him in a cake.

After the end of the dictatorship Beko set up the Centre for Constitutional Governance in Lagos. But he was a heavy smoker, and his health had suffered from his treatment.

Many throughout CHRI, and many Nigerians, will mourn his death.

- Richard Bourne

Associate Fellow and former Head, Commonwealth Policy Studies Unit, London

Maldives

On 28 December 2005, despite the Maldivian government's stated support for press freedom and democratic reform, 10 Sri Lankan police officers working on behalf of the Sri Lankan Interpol Unit raided the office of Minivan, one of the only independent news agencies for the Maldives. The warrant for the raid was issued by the Maldivian Police Commissioner who accused Minivan of gun-running and planning seditious activities designed to overthrow President Abdul Gavoom's regime. Since no evidence of illegal activities was found during the raid, the case was dropped. The police explained that due to the gravity of the charges, they had no choice but to search the premises. Following the raid, Minivan has continued running their radio station and website remotely.

“a human rights-based approach to community policing begins with knowledge and awareness on the part of the police officers...”

- Commonwealth Secretary-General

Uganda

The Ugandan Constitutional Court has decided that the trial of opposition leader Dr Kizza Besigye and 22 others before the military General Court Martial is unconstitutional. Though the acting Director of Civil Litigation has said that the Government will appeal the judgment, the decision marks the end of much controversy over whether these men would be tried in both the High Court and the General Court Martial (GCM) for charges of terrorism and illegal possession of firearms based on the same facts. The military proceedings were set to begin on 31 January despite orders of the High Court that this military trial not proceed until the Constitutional Court reached a decision. The Constitutional Court's ruling on 31 January 2006 was the result of a “public interest petition” filed by the Uganda Law Society seeking a constitutional review on the legality of a number of acts that are connected with the arrest, detention, charge and trial of Besigye and his co-accused. The court said the trial of Besigye and 22 others at the GCM over terrorism and illegal possession of firearms, whose ultimate penalty is death, contravened articles 22 (1), 128 (1) and 210 of the Constitution. As such, it was decided that the GCM has no jurisdiction to try the case of terrorism, regardless of whether it is an offence committed while in military service.

Commonwealth Secretary-General Launches Policing Manual

On 8 December 2005, in time for the celebration of International Human Rights Day (December 10), the Commonwealth Secretariat launched its *Manual on Human Rights Training for Police in Commonwealth West African Countries*, hosted by the Commonwealth Secretary General, Rt Hon. Don McKinnon. During his speech, Mr. McKinnon stated that human rights must form the cornerstone for strong and open societies and that active and entrepreneurial societies continue to be stifled in the absence of rights-based protections to freedom of expression and opinion.

He expressed that the Manual, produced with the support of senior police officers from Cameroon, The Gambia, Ghana, Nigeria and Sierra Leone, is a fresh contribution to affecting change in the region. The Manual outlines how everyday policing activities occur within a framework of internationally accepted human rights standards, and can be used by police trainers to further develop curricula on fundamental policing skills. In conclusion, the Secretary General stated that “a human rights-based approach to community policing begins with knowledge and awareness on the part of the police officers about the limits of lawful police conduct that are premised on fundamental rights.”

<http://www.thecommonwealth.org/Templates/System/LatestNews.asp?NodeID=147742>

Human Rights Council Negotiations

The process of establishing a Human Rights Council at the UN continues as member states resumed negotiations in New York on 6-7 February 2006. Though governments have reached some agreement on contentious issues in bilateral negotiations, plenary discussions have not been advancing due to persisting divisions on a number of topics, such as electing members based on two-thirds majority versus simple majority, the nature of the universal periodic review, and whether the Council should primarily make recommendations to the General Assembly or the UN system. Member states have been pushed to reach agreement within a week so that the Council can replace the Commission this year, however continued disagreement on key issues will make this a difficult goal to achieve.

www.humanrightsinitiative.org

Zimbabwe

The African Commission on Human and People's Rights (ACHPR), an African Union (AU) institution, adopted a resolution in December 2005 strongly denouncing Zimbabwe's human rights practices. Notably, this is the first time any AU body has adopted a critical statement on Zimbabwe. The intention of the resolution was to exert much needed pressure on Zimbabwe to improve respect for human rights in the country - including the right to freedom of expression, association and assembly and the independence of the judiciary. This resolution was also expected to mobilise African leaders to prove their commitment to deal with some of Africa's most pressing issues when it was tabled at the 6th Ordinary Session of the African Union (AU) Assembly held in Khartoum, Sudan on 23-24 January 2006. Civil society groups have urged the AU to publicly call on the Government of Zimbabwe to respect its obligations under the African Charter on Human and Peoples' Rights and encourage compliance with the recommendations contained in the African Commission's resolution. However, the resolution was thrown out of the AU meeting for allegedly not conforming with procedure.

The Gambia

The Gambia Bar Association has urged the Chief Justice, Steven Allan Brobbey, to resign due to what it perceives as an unprecedented breakdown of the judiciary. In a press release issued by the Bar and signed by its President, Musa Bittaye, the Association stated that it can no longer stand idle or appear to condone the situation of the judiciary in their country. The Bar believes that the present Chief Justice of the Gambian judiciary is partial in the way he assigns sensitive cases to the courts, and that immediate and appropriate action must be taken.

The Gambia Bar Association will not appear in the High Court for one week in protest. The Bar will also continue other boycotts to demonstrate their disapproval with the partial nature of the Chief Justice.

The Bar is urging the Attorney General and Secretary of State for Justice to ensure that the Government and its agencies respect and comply with Court Orders and bring about the end to impunity. They emphasise that the issue at stake is whether or not the courts are subject to the direction and control of any other body, authority, or person than the rule of law, equity and justice.

Annual Reports Released

Reporters Sans Frontiers Annual Round-up – Press Freedom in 2005

http://www.rsf.org/IMG/pdf/Roundup_2005_Eng.pdf

Released on 4 January 2006, with the following summary: “Violence still increasing, 63 journalists killed, more than 1,300 physically attacked or threatened”.

Global Health Watch 2005-2006: An Alternative World Health Report

<http://www.gbwatch.org/2005report/gbw.pdf>

This report provides an evidence-based analysis of the political economy of health and health care as a challenge to the major global bodies that influence health and reveals that while some important initiatives are being taken, much more needs to be done to have any hope of meeting the UN’s health-related Millennium Development Goals.

Transparency International: Global Corruption Report 2006

http://www.transparency.org/publications/gcr/download_gcr

On 1 February 2006, TI launched its 5th Edition of the Global Corruption Report. This edition provides a detailed account of how corruption deprives millions of access to essential health care and leads to drug-resistant strains of deadly diseases. It includes a detailed assessment of the state of corruption in 45 countries, a selection of the latest research, corruption trends and links between corruption and good governance.

Human Rights Watch Report – Events of 2005

<http://www.hrw.org/wr2k6/wr2006.pdf>

The 532-page Human Rights Watch World Report 2006 contains information on human rights developments in more than 60 countries in 2005. In addition to these

country chapters, the book contains an introductory essay on torture and two other essays: “Private Companies and the Public Interest: Why Corporations Should Welcome Global Human Rights Rules” and “Preventing the Further Spread of HIV/AIDS: The Essential Role of Human Rights.”

UNICEF: State of the World’s Children 2006

http://www.unicef.org/publications/files/SOWC_2006_English_Report_rev.pdf

UNICEF’s groundbreaking report “State of the World’s Children 2006: Excluded and Invisible” was released in London in December 2005. The report is an assessment of the world’s most vulnerable children, whose rights to a safe and healthy childhood are difficult to protect. The report describes how these children - poor, exploited and abused - are being ignored, growing up beyond the reach of development campaigns and often invisible in everything from public debate, legislation, to statistics and the media.

Freedom in the World: Global Survey 2006 – Freedom House Report

<http://www.freedomhouse.org/template.cfm?page=15&year=2005>

On 19 December 2005, Freedom House announced the release of a major survey of global freedom. Through its publications, of which this is the latest, Freedom House calls attention to global trends in freedom and democracy, and shines a public light on dictatorship and abuse. The country rating outlined in the survey reflects global events from 1 December 2004 through 30 November 2005. Freedom House plans to release country narratives in summer 2006.

Reforming the Police in India

Swati Mehta

Consultant, Access to Justice Programme, CHRI

In a much welcomed move, the Ministry of Home Affairs in India has set up a Committee to draft a new Police Act to replace the archaic colonial Act of 1861. That police in India need reforming is no longer a matter of debate and all the stakeholders, including governments at the state and national levels, have long accepted this. There have been many initiatives since 1959 at the state level and since 1979 at the federal level, to introduce reforms through legislation, however none of the recommendations of the various Committees and Commissions that were set up to suggest reforms have been implemented.

In 1996, some public-spirited individuals approached the Supreme Court of India about their lack of action and directed the government to implement the recommendations of the National Police Commission (1979-1981). In response, both the Court and the government set up different Committees to examine the relevance of the National Police Commission recommendations and suggest reforms. While these recommendations still await implementation, this new Police Act Drafting Committee, set up in September 2005, has been given six months to give its recommendations to the Government.

In order to meet this six month deadline, the Committee is receiving guidance from the reports of the previous Committees on police reforms, as well as from examples of international best practice. Having been co-opted as a civil society representative on the Committee, CHRI is encouraging the Committee to address the necessary elements of a democratic police service in its recommendations.

Our work with the Committee is guided by the fact that democratic nations need democratic policing, which entails an approach founded on principles of equity and equality, accountability, transparency, participation, respect for diversity, the accommodation of dissent, protection of individual and group rights, and encouragement of human potential. At the heart of police reforms lies accountability, both for the

performance of duties and the manner in which these duties are performed. In a democracy, police must account to multiple stakeholders at different levels from the parliament, executive and judiciary to the public. This is of utmost importance as the Police Service is the only agency that is authorised to use violence against civilians.

Traditionally, the police are accountable to their departments and the judiciary for any abuse of power. However, more and more countries are realising the importance of augmenting internal systems with civilian oversight to ensure that police misconduct is investigated without bias. Even the most comprehensive internal disciplinary mechanisms, however, are unable to win complete public faith. Best practice indicates that creating civilian oversight mechanisms establishes the principle of accountability by reducing impediments and public reluctance to filing complaints. As an independent source of information about police misconduct, it can also alert police administrators to the steps they should take to curb abuse.

When reviewing the 1861 Act, CHRI is urging that the Committee not only ensure that the police account for their misconduct but also perform their duties diligently, efficiently and effectively. When evaluating police performance for a given period, certain indicators must be devised against which performance can be judged. Best practice shows that these indicators should not only relate to crime prevention or detection, but should also gauge public satisfaction with policing services. Furthermore, they must determine whether the resources available to police are utilised in the manner that the legislature intended, and used in a way that serves the public interest. It is important to review these indicators periodically to ensure that they are in line with the tasks that the police actually perform. It is equally important that each member of the police hierarchy is aware of the indicators for a given period so that everyone down the line is working towards achieving those performance objectives.

In order to be held responsible for their performance and their conduct, police must be assured a fair amount of independence in their functioning. As an agency of the state, the police are responsible to the executive and must be guided by it, however the political guidance can only be in terms of policy and broad aims. It cannot be used to promote partisan interests or for corrupt and illegitimate ends. The difference between appropriate political direction and illegitimate political interference, though very fine, is very significant in law and in practice. It is important to clearly delineate the roles and responsibilities of the political executive and the police to minimise illegal interference with the functioning of the police and to ensure accountability. Transparent appointment procedures and security of tenure for the chief of police goes a long way in monitoring political manipulations of the police. Requiring public participation in framing policy also inhibits partisan impositions on policing.

Democratic policing requires public inputs and public participation. Known by different names like community policing, sector policing or participatory policing, public participation broadly signifies a collaboration between the police and the community to identify and solve community problems. It usually entails public inputs into all police processes from preparation of policing plans and budgets, to providing all crime related information (preventive and investigative in nature). A successful community-policing programme requires traditionally centralised police organisations to shift decision-making and responsibility downward, and recognise that it is street-level officers who have to make the new community policing approach work. The police and public have to interact as equals and with a sense of shared values. In diverse societies with unequal power relations, community policing must engage with diverse groups so that it is not hijacked by dominant groups to the detriment of the marginalised and vulnerable.

Police reforms involve many other complex issues of training, recruitment, security of tenure, and welfare measures. The Police Act Drafting Committee when considering these issues must involve the public. At present, there is little awareness of the existence of the Committee, let alone its work. It will not be enough to have a few public consultations. Public participation at all levels of deliberations is crucial. Apart from

inviting a few civil society organisations and individuals to suggest changes, the Committee could consider inviting public comments on a variety of issues. If the recommendations of this Committee are to be implemented, then it is imperative that there is a broad domestic constituency that supports and understands police accountability and policing issues. Without informed public debate and demand, there will never be political will to change the status quo that continues to serve the interests of the political elite. ■

Canadian Muslims and Jews Find Common Ground on Conflicting Rights

- Murray Burt

Ex-President, Commonwealth Journalists Association and member of CHRI's International Advisory Committee

Ontario, Canada's largest province, is taking a hard look at faith-based arbitration and its impact on the rights of women as protests broke out about the Muslim community's application of Sharia law to marriage and property disputes being contrary to Canadian human rights legislation.¹ It is argued that applying faith law to civil settlements undermines women's rights. In response, the provincial government appointed former Attorney General of the Province, Ms Marion Boyd, to conduct an inquiry and prepare a report. Her finding was that there is no evidence that women are discriminated against in their dealings with Muslim arbitrators, leading her to recommend that the Muslim practice in Ontario remain with certain safeguards in place.

The Government initially embraced this finding, but an outpouring of hostility from social activists and sectors of the Christian church, forced a flip-flop. As a result, the Government proposed Bill 27, which outlines that arbitration dealing with family matters excludes application of faith-based law. Having appeased some, the criticism of uneven-handedness was raised as Jewish tribunals on family matters have been entrenched since 1889 and Catholics have enjoyed similar measures of tolerance. The legislature's response was to apply the prohibition of the Bill to all faith-based tribunals. This added Jewish outrage to the mix. Both Jews and Muslims said the Government was infringing on religious freedom.

The next move in Canada, regarding the passage of Bill 27, is up to the legislators in Ontario. ■

¹ Sharia law is a centuries-old Islamic system of justice based on the precepts of the Koran.

Use of Force by the Ghana Police: Unbridled or Reasonable?

Robert Wakulat & Kingham Ochill

Intern and Administrative Assistant, Africa Office, CHRI

“Law enforcement officials have a vital role in the protection of the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights.”
- Preamble to the United Nations Basic Principles on the Use-of-Force and Firearms by Law Enforcement Officials

While undertaking their duty to protect the rights of Ghanaian citizens, members of the Ghana Police Service often find themselves having to decide what level of force is appropriate in apprehending suspected lawbreakers. It is not uncommon to see headlines related to this issue such as, “Cop Faces Murder Charge”, on a page in *The Daily Graphic* last year. Even when the Police successfully arrest a suspect, the level of force they use is often not warranted given the circumstances.

This problem, however, does not seem to stem from a lack of guidelines for applying force. Section 6 of the Criminal Procedure Code of Ghana (Act 30) and Sections 3-10 outline procedures for the Ghana Police Service in applying force while attempting to arrest or detain a suspect. Section 6 states that the person being arrested should not be subjected to more restraint than is necessary to prevent his escape. At the same time, Article 14(2) of the 1992 Constitution of Ghana states that a person who is arrested, restricted or detained shall be informed of the reasons and of his right to a lawyer, all of which must be communicated in a language that he understands. It also states that no person, under any circumstances shall be subjected to torture or other cruel and inhuman treatment or punishment. Furthermore, the Police Service gives officers instructions on the use of firearms in section 97 of the Ghana Police Service Instructions.

With all these rules in place, we are left to question why the problem associated with use of force persists in the Ghana Police Service. Superintendent Paul Avuyi, based in Jasikan in the Volta Region, believes the problem lies in the lack of standard operational procedures on the use of force, adding that their main

point of reference is a rule that tells them to use a level of force that is reasonable given the circumstances.

“Who determines the level of reasonableness?” Mr. Avuyi wonders, “All that is said is that force must be used reasonably and it ends there. It is left to the discretion of the individual police officer”.¹

The inadequacy of this rule is demonstrated by incidences such as that on 13 June 2002, when a joint police/military patrol team, in responding to a call for assistance from a resident of Taifa, encountered a group of seven men in a taxi. They suspected these men to be armed robbers and fired at them, resulting in the death of five, injuring the other two. It was later realised that these men were members of a Neighbourhood Watch who were responding to the same call.

On 1 July 2004, *The Daily Graphic* reported that suspected armed robber Kofi James was fatally shot at 2:30am while running away from the scene of the crime. The officers shot James twice before he was brought down even though there was no indication that he was threatening the lives of the officers or any innocent bystanders.

Clearly, incidents such as these, as well as the 2001 Accra Sport Stadium tragedy where about 126 lives were lost, and the recent combined police/military shooting of demonstrators in Prestea, indicates a problematic understanding of the appropriate circumstances for using force by police officers.

Mr. Avuyi cites a lack of professional training and re-orientation as a root cause for the misapplication of force by the Ghana Police Service. It continues to

¹ Interview with Superintendent Paul Avuyi took place at CHRI Africa Office in Accra, Ghana on 18 July 2005.

operate in a para-military culture that was prevalent during the many years of military rule prior to democracy's rebirth in 1992, and has not adapted to the new constitutional reality. When the Office of the Inspector General of Police was questioned about the training of new recruits, it was mentioned that they receive 9 months of training at the Police Training School, but they would not say how much of that is actually dedicated to the use-of-force and firearms.

The Superintendent also expressed dismay at the lack of resources provided to the Police. Even if there was a well-designed training programme, the country could hardly expect its officers to learn anything while they live and work under their current conditions.

"If you put a hungry and angry person in a classroom, you won't be able to teach them. Newly trained constables are crammed into sleeping areas with no bathroom, kitchen or toilet facilities," Mr. Avuyi explains. "The system doesn't respect the dignity of police officers or their rights."

The performance of the Ghana Police Service would improve if it operated under the standards of the United Nations 1979 Code of Conduct for Law Enforcement Officials and the 1990 Basic Principles on the Use-of-Force and Firearms by Law Enforcement Officials. These documents offer detailed standards that, although not legally binding, embody a guiding principle for UN member states on how best to implement international conventions on human rights and the use-of-force during law enforcement operations.

The principles promote that any use of force should be subject to international human rights standards and that force should only be used when non-violent measures have failed. In addition, lethal force is only permitted in situations that conform to Article 9 of the UN Basic Principles, which states "law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury". Whatever the situation, the essence is that police must only shoot an attacker as a last resort and it should never be arbitrary. At least in theory, the Police Administration agrees with this principle. Unfortunately, as outlined in the examples above, the actions of officers belie their commitment to the ideals of Article 9.

A second provision that relates to past behaviour of the Ghana Police Service is UN Basic Principle 11 which calls on governments to "regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them". Perhaps rigorous adherence to this standard would have prevented Constable Suphihya from taking his weapon to arrest weed smokers and peddlers without proper authorisation; sixteen rounds were fired from his AK47 resulting in one death and two critical injuries. This was a high profile incident that was given significant media coverage, but Mr. Avuyi is sure it only represents the tip of the iceberg.

"A lot of people just bear their pains and that ends it. They feel that even if they take up the matter that it is not going to go anywhere. So most questionable shooting incidents hardly go to court," related Mr. Avuyi.

In order to effectively comply with UN guidelines, the Ghana Police Service will have to reform its method of training new recruits. Only then can the country move towards fulfilling UN Basic Principle 19 requiring "governments and law enforcement agencies to ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force." Moreover, Principle 19 stipulates that such training should emphasise "issues of police ethics and human rights, especially in the investigative process" as well as alternatives to the use of force and firearms. For this to happen the Government will have to provide sufficient funding and demonstrate the political will to provide its citizens with the police service they deserve.

Ghanaians have lived in a democracy for over ten years and have earned the right to ensure their government is creating a legal framework within which they will feel safe and secure. The Police Service should be the leading force in creating this environment but until now has tended to contribute to its destabilisation. Simply acknowledging the UN standards has not created the pressure to initiate and sustain the process of implementing respected use-of-force procedures. This must be implemented by the government but pushed for by Ghanaian civil society. It is only by taking responsibility for their rights and freedoms that they will finally have a Police Service to call their own. ■

Combating Torture and Ill-Treatment throughout the Commonwealth

Philippe Trembley

OPCAT Campaign Coordinator, Association for the Prevention of Torture (Geneva)

In recent years, human rights activists throughout the Commonwealth and beyond have become more vocal on the growing recourse to torture in the so-called “War against Terror”, including by democratic regimes. The matter is so serious that civil society organisations must now join forces and unite behind a common campaign against torture and other forms of ill-treatment.

On 10 December 2005, Commonwealth Secretary General Don McKinnon issued a press release in which he strongly condemned the use of torture, a practice he calls “contrary to everything the Commonwealth stands for”. On that occasion, he recalled that Member States have long shared a common commitment to combat torture, and that the origin of this firm stand can be found in the 1971 Singapore Declaration and the 1991 Harare Declaration.



Source: Association for the Prevention of Torture website

This was only one, among various occasions, when the Secretary General has rung the alarm bell and made clear his intention to see Commonwealth institutions play a more active role in the field of torture prevention, notably through the promotion of the two International Covenants on Human Rights (International Covenant on Civil and Political Rights - ICCPR, and International Covenant on Economic, Social and Cultural Rights - ICESCR) which have still not been ratified by 18 of the 53 Member States. This call for action is a clear reminder that “one of the strategic objectives of the

Commonwealth Secretariat’s human rights programme is to assist governments to ratify international instruments”.¹ Those NGO representatives who took part in the November 2005 Commonwealth Human Rights Forum in Malta echoed the Secretary General by urging States to “ratify and domesticate core human rights treaties”.

Although universal adherence to the two Covenants ought to remain a top priority, the UN Convention against Torture (UNCAT) and its Optional Protocol (OPCAT) should be included in any ratification campaign. The OPCAT’s prevention focus makes it an ideal instrument for States genuinely willing to come to grips with practices contrary to the UNCAT, that may still be resorted to by their security forces.

The OPCAT was adopted by the UN General Assembly on 18 December 2002 after many years of hard-fought

negotiations. Its *raison d’être* is to prevent torture and ill-treatment through the establishment of a system of regular and unannounced visits to places of detention carried out by independent international and national bodies. It is hoped that this very practical structure will have a deterrent effect, enable experts to examine first hand the treatment of persons deprived of their liberty, and make sound recommendations on the basis of their observations, thus building a relationship with relevant authorities based on mutual trust and a common desire to make sure conditions of detention are consistent

¹ See Alison Duxbury, “The Commonwealth Secretariat and the Implementation of Human Rights”, June 2005, p. 8.

with human dignity. Furthermore, the OPCAT does not require that States prepare additional reports to international bodies.

Promoting transparency in public institutions is a concept not unknown to the realm of the Commonwealth, as shown by the recent efforts made by CHRI and like-minded partners to convince State actors that police forces ought to be held responsible for their deeds.² At the APT, we believe this quest for accountability should be extended to encompass all entities which have control over persons deprived of their liberty, including psychiatric hospitals and migrants detention centres.

The global campaign for the OPCAT, supported by the CINAT³, has gained momentum and is now in full swing, thanks to the cooperation of like-minded partners such as the Copenhagen-based Rehabilitation and Research Centre for Torture Victims (RCT; www.rct.dk), regional bodies such as the Organisation for Security and Co-operation in Europe (OSCE) and the Inter-American Institute for Human Rights, as well as some governments which have made torture prevention a key issue of their human rights policy (eg. Denmark, Switzerland and the UK). With now 16 ratifications of the 20 required for the Optional Protocol to enter into force, it is likely that we will see this ambitious prevention scheme come into being in 2006.

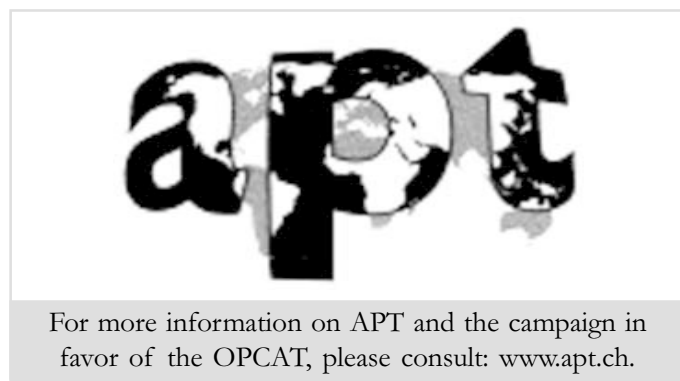
Although the OPCAT campaign has made substantial progress, most notably in Latin America, much remains to be done in the Commonwealth ambit, both to raise awareness among the human rights NGO community on anti-torture legal instruments and to devise campaign strategies to allow for those to be ratified and duly implemented at the domestic level.

As it stands, the overall ratification record of the Commonwealth is far from impressive. While 18 countries still have not ratified the ICCPR, 24 are not party to the UNCAT, including almost all Caribbean

and South Pacific Island States. As for the OPCAT, the United Kingdom, Malta and Mauritius are the only Member States that have ratified it so far.⁴ However, CHRI, for its part, seems willing to advocate more actively for the UNCAT and its Optional Protocol. In the foreword she posted on the PoliceWatch website (www.commonwealthpolicewatch.org), CHRI's Director, Ms Maja Daruwala, says the following:

“In 2006, let's strengthen our resolve against torture. An important step in this direction would be to move governments to become parties to the Convention Against Torture and its Optional Protocol. Governments owe a responsibility to ensure that those indulging in cruel, inhuman or degrading practices never go unpunished.”

National anti-torture campaigns have been launched in many African countries such as South Africa and Uganda, and the APT plans to visit Ghana and Kenya in 2006 to assist national partners in their lobbying work. Given the apparent readiness of the Commonwealth Secretary General and its Human Rights Unit to be more active in the field of treaty ratification advocacy and the growing desire of civil society organisations to prioritise a more robust and coordinated response to the torture apologists, there remains the hope that the various statements and declarations calling for universal rejection of torture and ill-treatment will soon translate into concrete action and lead to real steps in effective prevention. ■



⁴ Some other Commonwealth countries have signed the OPCAT but have not yet completed their ratification process: Cyprus, the Maldives, New Zealand and Sierra Leone.

² See CHRI's 2005 CHOGM Report: http://www.humanrightsinitiative.org/publications/chogm/chogm_2005/default.htm

³ Comprised of APT, the World Organization against Torture (OMCT), the International Centre for the Rehabilitation of Torture Victims (IRCT), REDRESS, Amnesty International, the International Commission of Jurists and the International Federation of ACAT (FiACAT).

The Reconciliation Toleration and Unity Bill 2005, Fiji Islands: A Bill to Subvert Democracy and the Rule of Law?

Imrana Jalal

Human Rights Advisor, Pacific Regional Rights Resource Team (RRRT)

Beyond the postcard image of white sand and shady palms, the reality of the Pacific is less than picturesque. Fiji has experienced three coups since independence and the Solomon Islands erupted into civil war in 2000. The combination of fragile and new democracies, coupled with hierarchical chiefly systems is often a recipe for human rights violations.

Background to the Reconciliation Toleration and Utility Bill 2005

1874: Fiji chiefs ceded sovereignty over the Fiji Islands to Britain.

1879: British brought Indian labourers to work on the sugar plantations.

1970: At independence, the indigenous Fijian and Indo-Fijian populations were roughly equal in population.

1987: After 17 years of rule by the indigenous, chiefly backed Fijian Alliance Party, elections brought the first Indo-Fijian majority government to power. Tensions increased between indigenous Fijians, largely heading the government and the military sector, and the Indo-Fijians, perceived to be dominating the economic sectors. Backed by hard-line Fijians nationalists, Lieutenant Colonel Rabuka staged the first military coup in the Pacific in May. Rabuka declared Fiji a republic and withdrew the country from the Commonwealth. In September, he mounted a second coup and repealed the Constitution. A law was passed by decree of the military backed unelected interim government, granting a full pardon and amnesty to Rabuka and his supporters.

1990: Rabuka imposed a constitution that guaranteed indigenous Fijians a perpetual parliamentary majority by reserving 37 of the 70 seats in the House of Representatives for them.

1997: Parliament unanimously passed a constitutional amendment ending the guaranteed parliamentary majority. This amendment gave equal rights to indigenous Fijians and Indo-Fijians, however the majority of seat allocations are based on race. The 1997 Constitution contains a progressive Bill of Rights that allows the application of international human rights conventions where relevant. The Constitution provides protection against all types of discrimination and established a Human Rights Commission.

1999: The first elections under the new Constitution resulted in Mahendra Chaudhry, becoming Fiji's first Indo-Fijian Prime Minister.

2000: On 19 May, Fijian supremacists led by George Speight, took the Prime Minister and his party hostage, some for 54 days. Following the coup, unrest took hold for many months and Indo-Fijians suffered ethnically motivated attacks. There were riots and looting and a number of people were killed.

An interim government was installed by the military, and rights to free speech and movement were temporarily suspended. Curfews were imposed. In November 2000 there was an attempted mutiny in the military and some army officers attempted to kill Commander Bainimarama who had secured the release of the hostages.

During 2000 and 2001 there were attempts to redraft the Constitution. The attempted abrogation of the 1997 Constitution was successfully challenged in the Courts by civil society (*Chandrika Prasad v The Attorney General of Fiji & Ors, 2001, Court of Appeal*), paving the way for general elections in late 2001. The interim government permitted election observers from the UN, Commonwealth and the European Union.

2001: The general election in September saw the return of the Interim Prime Minister, Laisenia Qarase, whose

party (SDL) rules together with a hard line nationalist coalition partner (CAMV), set up by Speight supporters. Observers stated that the elections were free and fair.

2006: There is stability and the rule of law is generally complied with. Many of those who committed treason or coup-related crimes are serving prison sentences including Speight, prominent members of the Government coalition parties and some traditional chiefs. Some have been released. Some prosecutions are still pending. General elections are due in September.

The Reconciliation Tolerance and Unity Bill 2005

In May 2005 the Government tabled the Bill, which created huge tensions. It has some laudable aims but its main political objective is to secure amnesties for coup makers and supporters. Civil society groups have lobbied against the Bill arguing that the release of such prisoners will reinforce the coup cycle and will sanction the illegal removal of democratic governments.

The Bill sets up a Commission and two subordinate Committees, one to grant reparations to victims and the other to grant amnesties. The President, upon the advice of the Prime Minister, appoints members of these various bodies after “consultation” with the Opposition. Victims of “gross violations of human rights” are eligible to apply for reparations.

The Amnesty Committee can grant amnesties via the Commission and the President to those who make full disclosure of their “political” crimes which must amount to gross violations of human rights – an excessive violation as declared by the Commission. A person may apply on the grounds that the crime was “associated with a political objective, and not purely criminal in content” and was not committed out of personal malice or gain. The crimes must fall within the designated period of 19 May 2000 to 15 March 2001. Priority is to be given to those already in custody. The Commission can require the Court to suspend civil and criminal proceedings.

The Amnesty Committee recommends whether amnesty should be granted. The Commission is not to be subject to control of any other authority, not even a court of law. The bodies will operate for 18 months and may be extended for another 6 months. The Bill

states that – “The President shall act on the advice of the Commission as to whether amnesty should be granted”. Unlike South Africa, at no time is a perpetrator required to face a victim. The Commission grants “forgiveness”, not the victim. Indeed, the Bill cannot be compared to that of South Africa whose reconciliation law was born out of entirely unique circumstances.

The Effect of the Bill on Human Rights, Democracy and the Rule of Law

The Bill is objectionable on many human rights grounds and violates the Constitution. It undermines the separation of powers by removing the power of the Director of Public Prosecution to institute and withdraw criminal proceedings and the Judiciary to decide on guilt and punishment. It removes the discretion of the President to grant pardons under the Mercy Commission. It seeks to deny constitutional rights of access to the courts of law by all victims.

Fiji has worked hard to bring back respect for the rule of law and democracy. The Bill undermines this respect, as the law of treason would be rendered ineffective in Fiji for the designated period. The amnesties on coup supporters will sanction the illegal actions of criminals who remove elected governments by the power of the gun and who attempt to illegally abrogate the Constitution. By pardoning Rabuka in 1987, the coup cycle gained its impetus. If the Bill is passed there will be no effective legal deterrent to coups that the *Prasad* decision attempts to reverse.

The Bill will seriously erode the nascent but growing culture of human rights as it seeks to protect perpetrators from the grossest forms of human rights violations. Internationally sanctioned amnesties do not permit amnesties for gross violations of human rights. It perpetuates economic and class discrimination because it privileges criminals who commit politically motivated crimes (some Chiefs and prominent party members) over crimes that are motivated, for example, out of poverty by ordinary Fijians. It sanctions race-based crimes by forgiving crimes committed by indigenous Fijians against non-indigenous Fijians. The Bill will also undermine the work of organisations that are attempting to build race relations using genuine principles of restorative justice. *Contd. on p. 22*

A Sad Time for People's Liberty Indeed!

Mandeep Tiwana

Consultant, Access to Justice Programme, CHRI

The International Covenant on Civil and Political Rights (ICCPR), guarantees everyone the right to liberty and security of person, including freedom from arbitrary arrest and detention. The European Convention on Human Rights and Fundamental Freedoms stipulates that persons arrested or detained are entitled to trial within a reasonable time or to release pending trial.

In November 2005, the British Parliament voted to double the time a person suspected of terrorism can be detained without charge to 28 days. In contrast, a murder suspect can be detained by the police for a maximum of four days without charges being framed. Restricting the period in which the police must frame charges against a detainee ensures that police do not use evidence gathering as a smokescreen for detention. It also reduces the likelihood of an innocent person spending an inordinately long time in custody.

Rather than limiting the scope for arbitrary detention, the present trend in the British Government is leaning towards clothing the police with more powers, much to the detriment of hard won civil liberties and fundamental freedoms. Effective January 2004, the length of detention without charge was increased from 7 to 14 days for those suspected of involvement in terrorist acts. Now the period has been further increased to 28 days. The original proposal under the Terrorism Bill which was spearheaded by the Prime Minister, attempted to empower the police to detain suspected persons for up to 90 days without having to frame charges. It fell through due to bitter opposition by Members of Parliament cutting across party lines. A compromise was later struck to extend the period to the present level. Amnesty International's response to this outcome was, "let us not be mistaken – this is not a good result for human rights. It is a sad day when Britain's three major political parties are publicly bartering over people's liberty".¹

Extension of the pre-charge detention period is only one of the aspects of the proposed Terrorism Bill that is being debated in the British Parliament. The acceptance of too wide a definition of what constitutes terrorist acts could throttle the right to free speech and legitimate dissent in the country. Dilution of legal safeguards in the United Kingdom does not portend well for civil liberties in the Commonwealth. British laws are often cited as best practice by human rights defenders in their advocacy with governments traditionally less respectful of individual rights and fundamental freedoms. The point was poignantly made by Shami Chakrabati of Liberty, when she said, "things have come to a pretty pass when the country that once defined justice for the rest of world seeks to win a race to the bottom in fair trial standards".²

Undoubtedly, the threat from terrorists and their networks is real, and governments must be resolute in countering it. However, the response cannot come at the price of undoing rights guarantees in national and international law. Otherwise we may end up throwing the baby out with the bath water. ■

Contd. from p. 21

The Bill also encourages terrorism because it seeks to excuse politically motivated crimes. Ultimately the Bill will also weaken indigenous rights. Placing indigenous Fijian rights over the rule of law weakens Fijian rights itself. The rule of law is necessary to secure Fijian rights.

The Bill will be tabled in Parliament in 2006 having undergone some public consultations. The powerful Fijian Great Council of Chiefs has given cautious support to the Bill but has asked the Government to "consider" the views of civil society. The Bill is in direct violation of all major universal international human rights standards contained in the United Nations core conventions, all of which, acting in concert, promote non-discrimination, equality, democracy and the rule of law. Where is it written that in the far off Pacific Islands live a lesser people who deserve less than that? ■

¹ <http://www.amnesty.org.uk/news/press/16555.shtml>

² <http://www.liberty-human-rights.org.uk/press/2005/terrorism-bill-date-of-publication.shtml>

Human Trafficking for Labour and Sexual Exploitation in Commonwealth Europe

Stephanie Aiyagari

London Liaison Officer, CHRI Trustee Committee Office

In the 2005 CHOGM communiqué, Heads of Government explicitly condemned human trafficking, acknowledging that it deprives people of their human dignity, including their rights and freedoms. It was noted that eradication requires “a comprehensive approach which focuses on prevention, protection and prosecution”. An understanding of trafficking is therefore required - an overview of the situation in Commonwealth Europe is provided below:

Cyprus

- Cyprus is both a destination and transit country for sex trafficking.
- Cited in a 2005 report as not taking minimum steps to eliminate trafficking. (United States Department of State, “Cyprus,” Trafficking in Persons Report 2005, www.state.gov/g/tip/rls/tiprpt/2005)
- Despite establishing a anti-trafficking police unit in 2004 and National Plan of Action in 2005, failings include low public awareness, need for civil society and government collaboration, and improved victim protection. (US Trafficking in Persons Report vitalvoices.org 27-30/06/05)

England

- 2004 figures show that 32 out of 33 London Boroughs were concerned over trafficked children. (Amnesty International UK, 14/10/04)
- Oxfordshire social services on average take in 8 new trafficked children per month: ‘most of whom have been dropped off [by] lorries on the [motorway]’. (UNICEF, Child Labour Today, 2/05)
- A rising influx of eastern European women are trafficked to London for sex work: They face rape, beatings, threats of slavery, and are forced to have sex with up to 40 men a day for little income. (Guardian, 11/02/05)

Wales

- Vulnerable children from Welsh care homes have reportedly been trafficked to work in massage parlours, and children of refugees reportedly trafficked to work in the underground sex trade. (icwales.icnetwork.co.uk 9/11/04)

UK Overall

- In 2005, the UK Solicitor General started to target men who solicit sexual services of trafficked women. (Office to Monitor and Combat Trafficking in Persons, Trafficking in Persons Report, 3/6/05, www.state.gov/g/tip/rls/tiprpt/2005)
- Police have found that hundreds of Turkish boys have been brought to the UK to work in restaurants over the past few years. (UNICEF, Child Labour Today, 2/05)
- Traffickers have exploited a traditional west African practice of private foster care (children brought up by someone outside the family who sends them to school in return for domestic work). Some are exploited, locked up and kept from school. 15,000-20,000 are estimated to be in private foster care in the UK. (UNICEF, Child Labour Today, 2/05, p. 49-50)

Malta

- The government of Malta has been accused of turning a blind eye when issuing visas to likely victims of trafficking. Trafficking agents in China market Malta as an easy gateway into the European Union. (Maltatoday.com, 4 and 10 April 2005)
- The Italian government has claimed that armed Maltese traffickers force Chinese passengers to jump to shore to avoid Italian surveillance. If they refuse, they are beaten, sometimes to death. (Maltatoday.com, 4 and 10 April 2005)

Northern Ireland

- Eastern European children have been reported as trafficked into the begging trade in Belfast. (UNICEF, Child Labour Today 2/05)

Scotland

- In 2002 Glasgow witnessed a rise in the number of women and children smuggled into prostitution according to a ECPAT report (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes). They are promised a better life, but then forced to work for little or no income. (BBC News, 29/07/02) ■

CHRI Calendar

CHRI Headquarters

November 2005

- Launched the 2005 CHOGM report, "Police Accountability: Too Important to Neglect, Too Urgent to Delay" in India and Malta.
- Presented on police reforms to the Parliamentary Standing Committee of Home Affairs.
- Organised a human rights training programme for the Chhattisgarh Police.
- Presented at Police Act Drafting Committee meeting on 'Setting up a Police Complaints Authority'.
- Organised a 2-day prisons workshop in Madhya Pradesh.
- Presented on 'RTI: The NGO Perspective' and 'RTI and the Media' in Mysore
- Hosted the second Commonwealth Human Rights Forum and presented at the Commonwealth Youth Forum in Malta.
- CHRI's International Advisory Committee held a meeting in Malta.

December 2005

- Presented on RTI at an IIDS Conference in Fiji.
- Presented on systemic challenges at the National Consultation on the implementation of the RTI Act.
- Presented at an RTI workshop organised by MANUSHER JONNO in Dhaka, Bangladesh.

- Hosted a National Roundtable on Police Reforms in Delhi.
- Participated in the First National Consultation on the International Criminal Court.

January 2006

- Organised a prisons workshop in Rajasthan.
- Conducted a human rights training programme for police officers in Chhattisgarh.
- Participated as a panellist at a discussion on 'Better Policing for Good Governance'.

CHRI Africa Office

November 2005

- Attended the Commission on Human Rights and Administrative Justice's conference on Commissions, Ombudsmen and anti-corruption.
- Held a briefing session for new members of the Right to Information Bill Coalition.
- Participated in a workshop on the African Peer Review Mechanism and the Ghana Poverty Reduction Strategy.
- Attended a regional workshop on 'Enhancing Women's Political Participation in West Africa'.

December 2005

- Participated at a public education forum on the National Reconciliation Commission report.

- Presented a paper on 'Improving Police Accountability in Ghana' at 'Reflections on Security Series of the African Security Dialogue and Research'.
- Participated in an expert meeting on the Ghana Integrity Initiative Judiciary Watch Project.

January 2006

- Presented on human rights in Ghana for International Volunteers of the Journalists for Human Rights.
- Organised a strategy meeting for the Freedom of Information Coalition.

CHRI Trustee Committee Office (London)

November 2005

- Attended an information briefing for civil society organised by the Commonwealth Foundation.
- Sat on the panel of judges for the first Commonwealth Broadcasting Association Human Rights Award.

December 2005

- Attended the launch of the Commonwealth Secretariat's Human Rights Training Manual for Police in Commonwealth West Africa.

January 2006

- Held a meeting with the Commonwealth Secretary-General, Don McKinnon, to urge the Commonwealth to establish a Commonwealth Expert Group on Policing.

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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