

Partners in Progress

Human Rights Reform and Implementation

Reform of Law and State Institutions

Access to Justice

Civil Society and Research Centres

Birgit Lindsnæs and Tomas Martin (Eds.)



The Danish Centre for Human Rights

PARTNERS IN PROGRESS HUMAN RIGHTS REFORM AND IMPLEMENTATION

Birgit Lindsnæs and Tomas Martin (eds.)

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Foreword

After several decades of setting norms and standards, the 1990's fostered a new human rights agenda. A primary concern was how human rights values could be translated into concrete actions, which would reach out to all segments of society where the protection of human dignity is of paramount importance. It soon became evident that human rights had to be anchored and implemented locally.

As a National Human Rights Institution, the Danish Centre for Human Rights (DCHR) has an obligation to serve the Danish public and parliamentarians as well as an international audience. The Centre has access to all levels of society ranging from vulnerable groups to the courts, the executive and parliamentarians. This put DCHR in a unique position in terms of sharing experience gained in our own country with partners abroad, and DCHR took on the challenge to capacitate local actors in building a human rights culture, which is the foundation of any democratic society.

But how can human rights principles be applied in practice? How can the structures and organisations be created that are necessary for human rights to become an active part of a democratic society? At that time we could not say. The democratisation process in Denmark had been fundamentally different from the situation now facing many of the newly established democracies. We could provide the fragments of a pattern but no clear-cut solutions. As a result of this an open and experimenting dialogue was established between DCHR and local partners, and jointly we started to expand our knowledge, develop our methods and fuse our experience.

This publication presents the ground we have covered together with our partners so far and the many avenues that have opened before us. As the following pages will show, a guiding principle in our project and programme work has been to place the responsibility for defining and acting on local problems with the people involved. DCHR acts as a sparring partner and coach, whereas the local partners themselves formulate strategies for translating human rights into their own communities.

We hope to inspire a lively debate - also on the tasks ahead of us. The vast global network of human rights actors, which cuts across nations, religions and cultures, offers a unique forum for debate and a platform for action, and compels us to meet the challenges of the 21st century. Together we must strive to formulate and create a world order where human rights are secured, in spite of the growing pressure that the twin forces of globalisation and localisation put on the nation state, and we must ensure that the fight against terrorism and serious crimes does not legitimise other human rights violations.

Our work spans a great variety of contexts and has taken many forms, but we have consistently moved towards one single aim, to secure the respect for human rights and democracy, which has to be won everyday in every society. Throughout this process, DANIDA has showed preparedness to explore new avenues, without that we would never have come this far. We have maintained this course, not least because of the commitment and excellence of our partners, to whom I extend my thanks and admiration.

Morten Kjærum
Director General



Table of Contents

6	Introduction	
8	DCHR Strategy for Partnership Programmes	
14	Reform of Law and State Institutions	
	<i>Justice for All in South Africa</i>	15
	<i>Reforming the Justice Sector in Serbia</i>	20
	Theme: Strategic Planning	25
	<i>Towards Police Reform in Cambodia</i>	27
	Theme: Democracy Visits	32
33	Access to Justice	
	<i>Judicial Defenders in Rwanda</i>	35
	Theme: Accessible Justice - the Role of Paralegals	41
	<i>Modelling Primary Legal Services in South Africa</i>	42
	<i>Strengthening the Ombudsman in Malawi</i>	47
	Theme: Human Rights Officers and Advisors	52
	<i>The African Commission on Human and Peoples' Rights</i>	53
	Theme: Human Rights Courses and Management Conferences	57

59 Civil Society and Research Centres

<i>The Balkan Human Rights Network</i>	61
<i>Human Rights Training of the Albanian Police</i>	65
Theme: <i>Manual Development</i>	70
<i>Strengthening Civil Society in Niger</i>	71
<i>Rights of Non-citizens in Estonia</i>	76
Theme: <i>The Research Partnership Programme</i>	80

82 Appendices

<i>Partnership Programmes: Whom to Contact?</i>	83
<i>Donors</i>	85
<i>Selected Publications</i>	86
<i>Abbreviations & Acronyms</i>	92

Introduction



The partnership concept has always been the cornerstone of the Danish Centre for Human Rights' (DCHR) international human rights programme, which aims at capacitating local institutions and NGOs to promote and protect human rights. The cases and stories presented by our partners in this publication illustrate DCHR's and our partners' devotion to this approach, and show how our joint work in various fields and with a multitude of facets revolves around the concept of partnership.

In an evaluation of a key DCHR partner, the African Commission on Human and Peoples' Rights, commissioned by the Swedish development agency, SIDA, the evaluation team commented positively on the "Danish model" for partnership programmes. In their view the success of the African Commission to strengthen its institutional capacity was due to the long-term partnership with DCHR involving a high degree of coaching, strategic planning and counselling without DCHR taking over the ownership of the process.

Lessons learned from this and other evaluations are that substantial results can be achieved only when partners are in the driver's seat defining visions and goals, when partners possess a high degree of professional integrity and ability to act in a politically sensitive environment, when partners are committed to professional institutional management, including financial control, when partners themselves work in local partnerships across sectors and do not isolate themselves and, not least, when there is a mutual commitment

between the partner and DCHR to promote the rule of law based on human rights. The choice of partner is consequently made with due consideration to the local context, the strategic role and potential of the partner to achieve human rights based results, and to the partner's willingness to enhance its management and institutional capacity, including development of its human resource base, decision-making processes and transparency. Transparency is the key to loyalty, trust and equality and to a progressive dialogue between DCHR and its partners.

Partnerships are based on direct collaboration with local institutions and will typically be established with independent institutions and civil society organisations. In most well-functioning partnerships, the long-term commitment of DCHR more often than not progresses from modest, forward-looking activities financed through a small amount of seed money. In countries in which governments are open to dialogue on human rights and in which reform processes have been initiated, partnerships are established with the branches of government.

DCHR places Human Rights Advisors directly in partner institutions when there is a specific request or a window of opportunity for strategic interventions, for example if major reform initiatives are kick-started, or if a new key institution for the promotion of human rights is in the process of being established. In addition, DCHR places Human Rights Officers in key partner

institutions with the purpose of training the Danish human resource base. DCHR has only established one local office, namely in Rwanda, because qualified human resources after the genocide are still very restricted. The fact that DCHR is not involved in the overall decision-making process and concrete project implementation of partner institutions ensures that it is up to the partner institution itself to take responsibility and carry out decisions agreed upon under a partnership contract. In this way partners are fully responsible for their own successes and failures.

Though partners take the major responsibility for project monitoring, joint indicators and criteria for evaluations still have to be developed. For the continuous development of DCHR partnership programmes learning and exchange through consultative processes are essential. Although DCHR engages in partnership programmes on several and different levels, a fundamental concern is always to base the work on common objectives and to keep the pursuit of these objectives a common responsibility.

The core of this publication consists of articles written by local journalists about DCHR partners, who together with DCHR, are engaged in the promotion and protection of human rights. The examples range from training of paralegal defenders representing victims and accused in genocide cases in Rwanda, police reform in Cambodia, to strengthening the capacity of NGOs in Estonia. The projects selected are presented in chapters covering DCHR's three thematic programme areas - Reform of Law and State Institutions, Access to Justice, and Civil Society and Research Centres.

The scope and character of these projects are primarily presented through the comments and reflections of DCHR partners, who have been interviewed by local journalists about their cooperation with DCHR. These reflections highlight the many angles of the partnership programmes. Some partners stress the issue of sustainability, others the building of trust, and others again the level of ownership and the balance between coaching and control in relation to the joint programmes. Particular emphasis has been placed on illustrating the results of our concerted efforts - including those, which have been difficult to achieve - and we have aimed to present our best practices and the constructive ways in which challenges have been met.

A specific section has been devoted to briefly introducing the strategy of the DCHR partnership programmes, which is the backdrop for our work. DCHR staff at all levels have formulated the strategy. The strategy has yet to be refined, including a hearing process in which we envisage our partners to participate. This process will be initiated in 2002, and we hereby invite the reader and our partners to give their input to the process.

Birgit Lindsnæs
Director of Partnership Programmes

DCHR defines a partner as an institution with whom DCHR has entered into a contractual relationship in respect of achieving a well-defined, strategic goal on a cooperative basis and within a given time limit.

DCHR Strategy for Partnership Programmes

The vision of DCHR partnership programmes is to provide the tools and means necessary to contribute to the enjoyment of human rights for all. The key to the realisation of human rights goes through the development of sustainable and transparent processes, mechanisms and institutions based on the rule of law, facilitated through work in a spirit of partnership in strategically chosen areas.

DCHR introduced its first strategy for developing partnership programmes in the beginning of the 1990's. In this period, the Centre focused on technical assistance to the establishment of National Human Rights Institutions and human rights NGOs, the central thinking being that the Centre could make use of its comparative advantage and offer in-house services to emerging institutions abroad. Geographically, the Centre focused on new democracies in Europe and Southern Africa.

DCHR re-launched its rolling strategic plan in 1997, which has since been updated annually, the latest covering the period 2001-2003. Simultaneously, Danida, Danish International Development Assistance, agreed to enter into a five-year Co-operation

Agreement with DCHR. In this period external demands for the services of DCHR have grown considerably. In particular, there has been a great demand for technical assistance in the fields of training and research in human rights, and for strengthening institutional capacity and human resources in NGOs as well as in independent and state institutions planning to build on human rights principles. Requests for assistance come from donors as well as from the institutions themselves. In addition, following the priorities for Danish development assistance, DCHR started to operate in an increasing number of the poorest African and Asian countries. DCHR cannot, however, carry out countrywide or sector programmes like large development agencies. Thus, the Centre primarily focuses

on how it can contribute to policy thinking, to the development of human rights strategies, and to the documentation of lessons learnt in the field of human rights and democratisation.

Nationally, regionally and internationally, the goal of DCHR is to promote and develop knowledge about and respect for human rights in legislation, in administration and in practice, and it is the Centre's vision to contribute to a state of peaceful development in the international community, including conflict prevention. The Centre supports the notion that human rights are universal, mutually interdependent and interrelated, and believes that any society should build on the rule of law, where the state protects the individual, while also conferring obligations on the individual and protecting the most disadvantaged and marginalised groups in society. The frames of reference for the Centre are the United Nations Universal Declaration of Human Rights and international, European and other regional human rights instruments.

Human rights competence areas

The Centre seeks to consolidate and develop its competence within the areas of:

- HumanRightsStandards
- Human Rights-Values and Culture
- HumanRightsandSocietal
Development
- HumanRightsandProtectionof
Vulnerable Groups

Human Rights Instruments Central to DCHR Partnership Programmes

Universal Instruments

United Nations:

The Charter of United Nations (1945)

Universal Declaration of Human Rights (1948)

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

Convention relating to the Status of Refugees (1951)

International Covenant on Civil and Political Rights (1966), the Optional Protocol aiming to facilitate individual complaints (1966), and the Second Optional Protocol aiming at the abolition of the death penalty (1989)

International Covenant on Economic, Social and Cultural Rights (1966)

International Convention on the Elimination of All Forms of Racial Discrimination (1966)

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

Convention on the Rights of the Child (1989)

Vienna Declaration and Programme of Action (1993)

Principles relating to the status of national institutions, "Paris Principles" (1993)

Regional Instruments

Council of Europe:

Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

Framework Convention for the Protection of National Minorities (1995)

Organization of African Unity:

OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)

African Charter on Human and Peoples' Rights (1981)

African Charter on the Rights and Welfare of the Child (1990)

Organization of American States:

American Convention on Human Rights (1969)

Protocol to the American Convention on Human Rights to Abolish the Inter-American Convention to Prevent and Punish Torture (1985)

Death Penalty (1990)

These four areas of competence are closely interrelated and combine the departments of the Centre in thematically organised clusters of human rights scholars and experts.

A set of particular ambitions, principles and policies (see below) has been developed in order to guide the directions of the

DCHR partnership programmes, which fall under the auspices of the Centre's overall competence area "Human Rights and Societal Development". It should be stressed that ambitions for the partnership programmes are long-term and that some ambitions are in the process of being

Ambitions

- to be amongst the principal institutions and a think tank specialised in the conceptualisation of human rights in development, and the implementation hereof
- to work on the basis of thorough, authoritative and reliable knowledge about human rights in relation to political, legal and cultural contexts
- to provide expertise in relation to human rights challenges in mainstream development cooperation
- to enhance the understanding of the dynamics between the formal and informal spheres of justice
- to develop contextually adaptable (locally) and generally applicable measures (education, documentation and research) in projects, programmes and networks

Principles

- close inter-action with research and studies
- making a difference through added value
- collaboration with Danish organisations and resource base, the international community and donors
- independence from politics and donors when setting priorities
- partners set priorities in a dialogue with DCHR and are ultimately responsible for

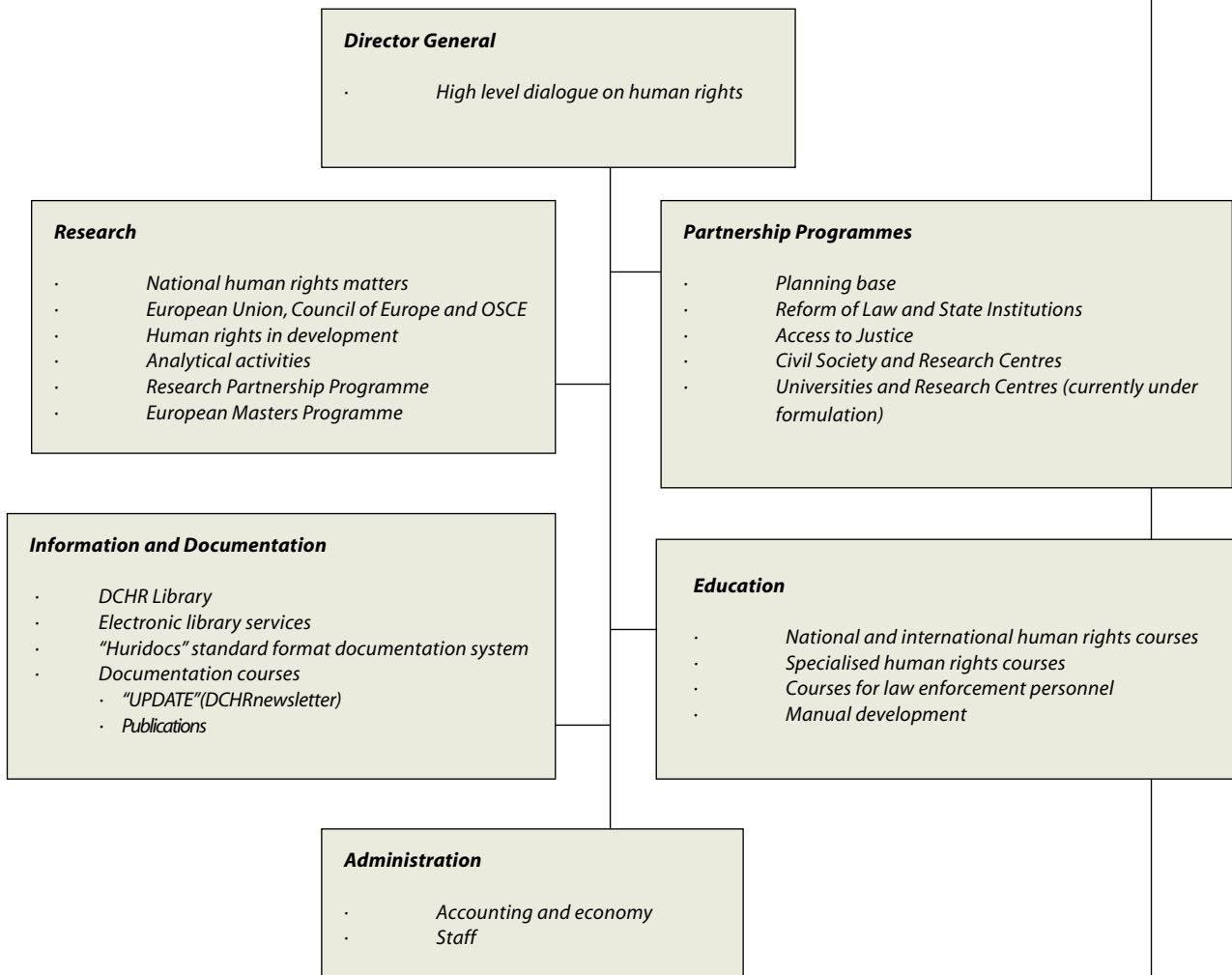
implementation, including promotion, monitoring, protection and fulfilment of human rights

- mutual understanding and respect between DCHR and partners
- collaboration and consultation with local stakeholders
- DCHR acts as a facilitator, advising and coaching on possibilities, challenges, pitfalls and risks

Policies

- long-term commitment
- timely and flexible interventions
- pursuing windows of opportunity
- focus on human rights and the rule of law, reform processes, democratic dialogue and development of sustainable and transparent institutional capacity
- holistic and functional approach to institutions and target groups (contractual partners, stakeholders and beneficiaries)
- selective, well-defined strategic interventions and concentrated activities with clearly identified goals, results to be obtained and benchmarks
- usage of partners as advisors/resource persons in projects across regions, when feasible
- clear exit strategy in relation to partners with a view to promoting sustainability
- ongoing in-house human resource development and cross departmental engagement

DCHR Input to Partnership Programmes



formulated as part of the Centre's analytical activities. Principles and policies apply particularly to operational project work and to consultancies carried out in developing countries.

A planning base forms the backdrop for the partnership programmes aiming at providing a platform for the development of conceptual, theoretical thinking and

programme areas. The planning base develops methodologies, concepts and skills, and prepares the basis for informed decision-making in terms of priorities for long-term project interventions, activities and choice of countries. This platform is anchored in the DCHR management and in cross-departmental ad hoc working groups. The DCHR applies a holistic approach to

human rights. A human rights approach provides an overall framework for assessing the situation in a country with regard to good governance, democratic institution-building, the rule of law and administration of justice, civil and political rights, economic, social and cultural rights as well as the capacity of different institutions relevant for the protection and promotion of human rights.

Methodology

The methodology for partnership programmes can in general be outlined as including:

- dialogue at policy level
- consultation with stakeholders, potential partners, local embassies and donors
- planning base, i.e. research, studies, review, monitoring and evaluation
- human rights and institutional capacity assessment of potential partners and stakeholders
- strategic planning, setting visions, goals and benchmarks
- implementation of projects and activities
- enhancing partners' capacity through coaching, counselling and training
- continued collaboration on a non-contractual basis, either informal or formal

The partnership programmes focus on institutional reform and capacity building. This includes development of specialised skills such as management philosophy and principles, financing, reporting and analysis of human rights, legal drafting, complaints handling, advocacy and dialogue between the executive, independent institutions and NGOs. A general aspect of DCHR partnership programmes is the development of human rights know-how in terms of standards, national law and practice. Local programmes also focus on education, documentation and information in relation to human rights.

The partnership programmes are organised as an organic part of DCHR, and the various sections of the Centre contribute to the collective input to the partnership programmes. Presently, DCHR has established seven areas of intervention with the aim of contributing to capacity building of local institutions. They are the following:

- Dialogue at policy level
- the Research Partnership Programme
- Human rights education and training
- Documentation and human rights libraries
- Reform of Law and State Institutions
- Access to Justice
- Civil Society and Research Centres
- Universities and Research Centres (currently under formulation)

The Director General of DCHR participates in ongoing high-level dialogues with civil servants representing governments with critical human rights records. The aim of these dialogues is to examine common human rights concerns and initiate studies and policy discussions that may eventually lead to improvements.

The Research Partnership Programme, human rights education and training in documentation are primarily anchored in Denmark, whereas activities within the other areas of intervention are implemented locally.

In order to ensure coherence in strategy and theory, DCHR has established a specific Department for Partnership Programmes. The Department for Partnership Programmes focuses on thematic, rather than geographical, programme areas. Country knowledge is of course a key for setting priorities, but it is not the point of departure for the internal organisation of the DCHR partnership programmes. On the following pages these thematic programme areas “Reform of Law and State Institutions”, “Access to Justice” and “Civil Society and Research Centres” will be described in-depth through interviews with a selection of local DCHR partners.

Target Groups and Stakeholders

Planning Base

- *research institutions/networks*
- *policy bodies*
- *think tanks*
- *international organisations*

Reform of Law and State Institutions

- *parliaments*
- *law reform commissions*
- *ministries*
- *other executive bodies such as the police and prisons*

Access to Justice

- *courts*
- *National Human Rights Institutions (NHRIs)*
- *ombudsmen*
- *legal aid organisations*
- *alternative dispute resolution mechanisms*
- *intergovernmental complaints handling organisations*
- *customary law structures*

Civil Society

- *local human rights NGOs*
- *regional human rights NGOs and networks*
- *global / international human rights NGOs and networks*

Universities and Research Centres (currently under formulation)

- *faculties of law, political science, humanities*
- *human rights research centres*
- *masters programmes and universities teaching in human rights*
- *UNESCO Human Rights Chairs*

From the sum of target groups, DCHR will enter into a partnership with one or more partners.

Reform of Law and State Institutions

At the dawn of the 21st century, societies are undergoing change on a global scale. Economic reforms, a decline in social order and a general crisis of values call for a profound rethinking of the current mode of development. Central to any future model for development will be the enforcement of the rule of law, and thus the role of the state. The state has the duty to protect, promote and ensure the realisation of the rights of all citizens and is a key player in the field of human rights in development.

The programme area Reform of Law and State Institutions works within the realms of the legislative and executive powers of society. The programme area is composed of two pillars of intervention, namely law reform and reform of state institutions. Initiatives within these fields will most often take place on a complementary basis since law reform provides an essential platform for institutional reform at state level. The justice sector is a particular target because it represents a prime lever in respect of advancing a society governed by the rule of law, and partnerships are entered with parliaments, law reform commissions, relevant ministries and other executive bodies.

It is the vision of DCHR that national legislation and implementation thereof in targeted countries should be brought in conformity with human rights standards. DCHR aims to contribute to the flow of justice, e.g. the capacity of selected parliaments, ministries, organs and institutions to carry out strategic planning, law reform, institutional reform and implementation of legislation and public

administration based on the rule of law, human rights, transparency and principles of accountability.

On the basis of this vision DCHR has decided to enter into partnerships with state institutions in those instances where there is a proven commitment to change. Most often interventions at state level will take place in societies under transition from oppression to democracy. International human rights standards, progressive national constitutions or peace agreements provide the set of values shared by DCHR and its state partner. The ultimate aim of the partnership is to enable the state to chart the course for a new beginning founded on human rights and the rule of law and to build the capacity of the state to administer the reforms. In terms of methodologies, the programme area applies strategic planning and organisational development with pronounced legal and juridical contributions.

In 2002, the programme area comprises projects and long-term consultancies such as a reform of the justice sector in Guatemala (together with the Ministry of Interior, including the national police and prison services), a reform of the national police and the judicial apparatus in Serbia (together with the Ministry of Interior and the Ministry of Justice), and legislative advice and coaching aiming at reform of the national police in Cambodia (together with the Ministry of Interior). A reform of the justice sector in South Africa (together with the Ministry of Justice) was concluded in 2001. The majority of these projects are presented on the following pages.

Justice for All in South Africa

Shortly after the first democratic elections in 1994 DCHR entered into a close partnership with the South African Justice Department as a key consultant in the path-breaking programme for Rationalisation and Transformation of the Administration of Justice in South Africa. A strategic plan, Justice Vision 2000, was launched in 1997, which continues to be described as “a bible” for the transformation of the justice sector in the country.

“When I became the South African Minister of Justice in 1994 it was apparent that we had a beautiful Constitution and a wonderful Bill of Rights, but steps had to be taken to make these meaningful to people”, says Dr Dullah Omar. “The short version of it is that if we do not want people to take the law into their own hands we must make sure they have access to the justice system and this means implementing mechanisms and procedures through which people can execute their rights. These mechanisms and procedures must be reachable. People must know their rights and obligations and they must be given the capacity to act. Becoming minister was a rare opportunity for me to carry on my passion for giving poor South Africans access to the criminal justice system.”

Dr Omar’s passion to make the justice system accessible to poor South Africans began on a rainy wintry evening early on in his 20-year career as a lawyer in apartheid South Africa.

“I was locking up my rickety offices in

District Six, Cape Town when I saw a woman and child standing on the corner. They were drenched and it was quite obvious from their clothes that they were very poor. They were walking away and as I passed them they asked me if I was Dr Omar. I said yes. They told me that they had knocked on my office door but someone had told them that the offices were closed and that they should come back tomorrow. They

FACT BOX

Path-breaking Danish-South African cooperation on the Rationalisation and Transformation of the Administration of Justice in South Africa was initiated in 1995. DCHR has served as consultants to the programme since its inception within the fields of strategic planning, organisational development, project management as well as human rights and legal matters in close cooperation with the Justice Department. The strategic plan, Justice Vision 2000, was launched in 1997 and is still guiding the transformation process of the South African justice sector.

The project was concluded in 2001.

apologised for being late and explained that they had walked 70 kilometres from Malmesbury to Cape Town just to see me. I could not believe that they had been so timid and had not been more insistent to see me after making such an effort to get to me. I unlocked my office and the woman told me that her husband had worked on a farm in the Malmesbury area for a number of years. He had been offered a better paying job on a neighbouring farm. When he went to tell his 'master' that he would be leaving to go to a more lucrative job the farmer called the police. A white policeman arrived and arrested the woman's husband. In the jail cells the farmer and policeman told the farm labourer that he was to be charged with the cost of numerous sheep that had gone missing from the farm over the years. The farmer and policeman explained that the man could save himself a lot of trouble by signing a document that committed him to a further five years working on the farm. A black policeman overheard this and slipped my name to this man who then somehow managed to get it to his wife. I was utterly shocked. Here I was about to go home. I could have just walked past this woman and her child without listening to their desperate story and ultimately helping them."

From that day on Dr Omar dedicated his career to seeking justice for poor people living in rural areas. "It was very clear that poor people were totally disempowered and overwhelmed by the law. I felt compelled to do something to help these South Africans access the justice system. I took on many many cases and tried to get lawyers to form an organisation that would further my access to justice goals, but they were reluctant. The first time a group of lawyers got together was when I was detained.

Soon after my release from detention in 1985 we formed the Democratic Lawyers Organisation, which fought for justice, the rule of law and provided people with legal representation. In 1986 we joined forces with the Black Lawyers Association to form the National Association of Democratic Lawyers, aiming to secure access to justice for all people."

As the first Minister of Justice in post-apartheid South Africa Dr Omar immediately realised what extensive transformation the justice system required. "I arrived in Pretoria (the seat of government) to find that the whole Justice Department was populated by white, male Afrikaners. There were a few women but they too were white Afrikaners and steeped in the traditions of apartheid. Most of these people were very resistant to change and deeply suspicious of the new democratic order", recalls Dr Omar.

"The first step was to amalgamate the 11 Justice Departments (one in Pretoria and one in each of the ten black homelands) into one. These Justice Departments and the courts were all there to implement apartheid laws. Each homeland Justice Department had its own systems, laws, procedures and conditions of service. Before I could think about dispensing justice I had to create a single, representative department. To this end we began developing a strategy for transformation and this is where the Danes came in," explains Dr Omar.

Danida has supported the rationalisation and transformation of the administration of justice in South Africa in partnership with the South African Department of Justice since mid-1995. DCHR has served as consultants to the programme since

its initiation within the fields of strategic planning, organisational development, project-planning and management as well as human rights and legal matters.

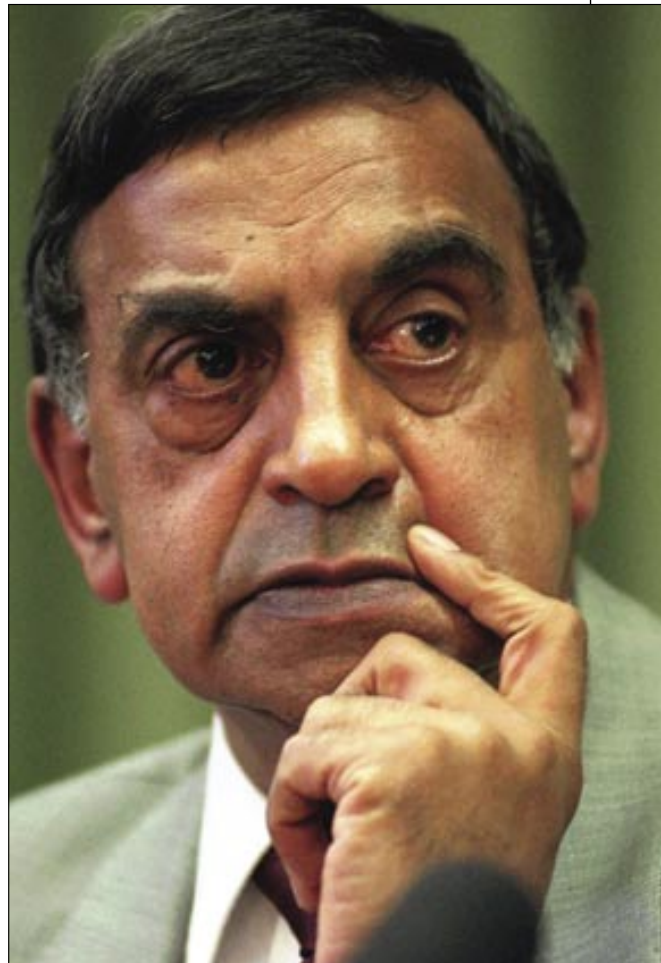
“Among the first things the Danes helped us with was setting up a framework to unite all 11 justice departments. We set up a structure called a Management Committee. In order to change the complexion of things I insisted that this Committee be made up of two representatives from each of the 11 departments. But, it was not as easy as that. To make things more difficult the black people on the Committee were so used to being part of a system that defended apartheid that they continued to be subservient and unquestioning. I met with the black representatives and explained to them that this was their chance to break away from the old order. This seemed to work and we never looked back.”

Working parallel to the Management Committee was the Transformation Committee, which was represented by 10 whites and 100 blacks. This Committee, which was also gender representative, set about developing a programme for the transformation of the Department. The objective of the first phase of the Danish-South African cooperation on transforming the administration of justice was to develop a five-year strategic plan, Justice Vision 2000, for a comprehensive reform of the justice sector. Justice Vision 2000 had on one hand the aim of making the justice system reflect the ideals of the new Constitution to provide equal and fair access to justice for all, and on the other hand to make the justice system simplified, more effective and more sensitive to people’s different needs. In October 1996 the governments of South Africa and

Denmark signed the official agreement for a second phase of the project aiming to complete the strategic plan and capacitate the Department of Justice to adapt to the new mission, values and visions laid down in Justice Vision 2000 and to act according to the key result areas, strategies and goals the document stipulates.

“The Danes helped with the transformation strategy and we came up with Justice Vision 2000, a practical guide to totally transform the justice system. This plan, which is still being implemented, was the first of its kind in the world,” says Dr Omar. One of the

Dr Dullah Omar, a legendary legal activist in apartheid South Africa, became the first Minister of Justice after the democratic elections in 1994, and immediately engaged in a comprehensive reform aiming to secure the access to justice for all South Africans.

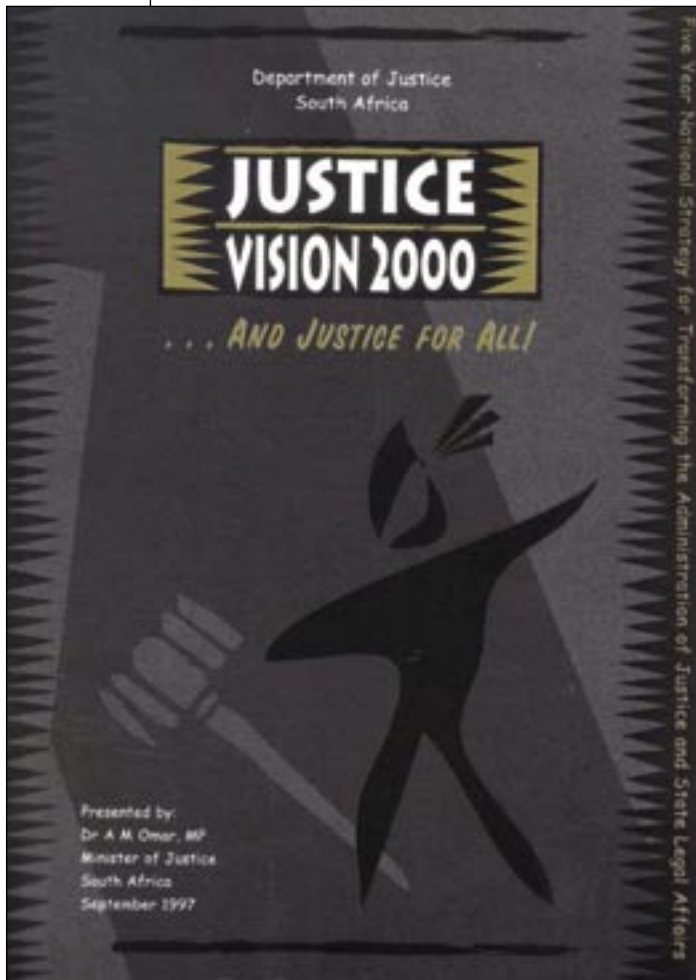


programmes outlined by Justice Vision 2000 was the setting up and staffing of community based legal advice centres. Highlighting how firmly entrenched apartheid and its justice system was across all sectors of South African society, oppressed sectors included, Dr Omar adds: "These centres were established to start entrenching a culture of human rights in South Africa. Ensuring that the advice centres worked properly required attitudinal and behavioural change among the Justice Department officials as well as in the communities who had been victim to

apartheid laws. Bureaucrats and citizens alike needed to become aware of the rights enshrined in the Constitution and Bill of Rights. A complete mind shift from ordinary South Africans as well as judges, magistrates and prosecutors was required. At first many people in the Department objected to the judicial training program. Some judges refused to attend. But as more and more officers of the court attended the more co-operative the judiciary as a whole became."

With reference to his work with DCHR, Dr Omar describes his view of a partnership as being a relationship where partners share and are committed to the same vision. "DCHR was never prescriptive. They never told me what to do. They always asked me what I wanted to do. Although they were very principled, they never imposed their wishes. They just provided the expertise and let us make our own decisions on how to set up the institutions that would enforce a human rights culture." Although Dr Omar did not always accept DCHR's advice, he appreciates how "the Danes always debated passionately, were always forthright but, in the end, respected my decision if I chose not to do as they advised." For example, during the internal restructuring of the Justice Department DCHR was resolute in its argument that auditing systems should be put in place in the Justice Department. Knowing that the Finance Department was in the process of working on similar auditing proposals for government departments, Dr Omar decided not to put his own systems in place. "I did not want to pre-empt the Finance Department's work. DCHR disagreed with my decision but they respected it."

DCHR provided the tools and methods for the development of the strategic plan, Justice Vision 2000, which aims to secure an accessible, simplified and effective administration of justice in South Africa.



“The Danes gave me advice on what a justice system should do, how the rule of law should prevail, how the Constitutional Court should work and how to build a respect for human rights. They also advised me on how to go about the very complicated task of setting up the Truth and Reconciliation Commission”, says Dr Omar. “You must remember that a culture of human rights and institutions to support it did not come naturally to South Africa, which had developed a terrible culture of oppression and anti-human rights. These values were steeped in every level of society and many of these values still live on. It is important to note that at the point of entering the partnership with DCHR there were no institutions like the Constitutional Court, Human Rights Commission or Public Protector”, continues Dr Omar. “We needed the support and advice of countries like Denmark who were committed to the ideals of democracy and the rule of law, and because of the history of the Nordic countries, we knew we were choosing friends, when we went into partnership with DCHR. South Africa entered into many agreements with other countries for various issues, but on fundamental transformation issues we stuck with the Danes, because we knew that they had no other agenda. The Danes come from a broad progressive European culture, but they were sensitive to our diversity and history, and there was never an occasion when the cultural differences between us affected our work adversely.”

The fourth and final phase of the programme was concluded in 2001. “The final phase of the joint work was in my last year as Minister of Justice as we continued

the process of implementing Justice Vision 2000, and the Ministry is really still in this phase,” says Dr Omar.

Although his focus is now on transport issues as minister in that portfolio, Dr Omar is still deeply concerned with the country’s justice system: “We do have a wonderful Constitution and Bill of Rights, but they are on paper and need to be made meaningful. People need to be empowered to claim these rights. They need to be properly informed about what their rights and obligations are and then they need to be given the capacity to execute and enforce them. This is especially true of people living in rural areas. The Constitution needs to become a living document.”

Although he agrees that a seemingly insurmountable amount of work still needs to be done before all poor, rural, mainly black South Africans know about and are able to enforce their rights, Dr Omar is optimistic. “Because we were empowered we were able to transform. At least people, who were never prepared to speak out, now know their rights and are breaking their silence. People are demanding that action be taken, and the mere fact that people are doing this bodes very well for the future.”

Read also “Modelling Primary Legal Services in South Africa”, page 42.

Reforming the Justice Sector in Serbia

The Ministry of Interior and the Ministry of Justice in Serbia have taken the first decisive steps towards a reform project for the entire justice sector in Serbia. Vision documents for police and judicial reform are being developed in partnership with DCHR with the aim of establishing concrete, long-term goals and formulating transformation plans for each part of the justice sector. A long and fruitful partnership between the NGO Belgrade Center for Human Rights and DCHR has been instrumental in setting up the project.

In a series of missions in 2001, the Director General, Deputy Director General and Project Managers from DCHR, together with an Expert Strategic Planner, tried to identify possible strategic interventions with the aim of supporting the development of a democratic Serbia. The Director General of DCHR met with the Minister of Interior and the Minister of Justice and a mutual interest in terms of cooperating on justice sector reform was confirmed. The Ministry of Interior and the Ministry of Justice comprise all the relevant institutions of the justice sector in Serbia, and a coordinated reform project holds the potential for providing the framework for a reform of the justice sector as a whole. It provides the possibility for assessing the effectiveness and capability of the entire chain of agencies in the flow of justice and for elaborating the strategies, which are necessary for obtaining a genuine, equal and transparent rule of law. Together with the two ministries, DCHR launched a pilot project, "Support to Judicial Reform in Serbia", in 2001, which included the establishment of a think tank in the Ministry

FACT BOX

A process of reforming the justice sector in Serbia was initiated in 2001 in cooperation between DCHR, the Ministry of Interior, the Ministry of Justice and Serbian civil society organisations, most notably the Belgrade Center for Human Rights (BCHR).

The cooperation with the Ministry of Interior aims to produce a vision document for a reform of the Serbian police. The formulation of the vision document is supplemented by mapping a planning base for law reform, outlining a reform of police education, and developing an initial project catalogue.

A similar process is undertaken in partnership with the Ministry of Justice concerning judicial reform. The project includes a special focus on law reform and juvenile justice.

A DCHR Human Rights Advisor has been posted in Serbia to facilitate the project.

BCHR acts as focal point for DCHR's activities in relation to the justice reform project.

Homepage of BCHR: www.bgcenter.org.yu

of Interior and a steering committee in the Ministry of Justice. The two bodies were commissioned to produce a vision document for police reform and for judicial reform, respectively, and two project secretariats

were established to support this process.

DCHR's involvement in such high-level cooperation is a direct consequence of a committed involvement in Serbia in partnership with the well-established and respected NGO, Belgrade Center for Human Rights (BCHR). This constructive partnership was initiated in 1997 and has credited DCHR as a serious partner in Serbia. BCHR has facilitated the access to the ministries, and it has provided the analytical, academic and organisational back-up to DCHR prior to and during the consultations. "When Yugoslavia was finally free from the Milošević regime, discussion about the necessary reforms began in all segments of society; one of the most important issues was the radical reform of the Yugoslav police," says Professor Vojin Dimitrijevic, an eminent jurist and one of the founders of the human rights movement in Yugoslavia. "Even before the fall of Milošević many NGOs were involved in this field, and after his fall the work accelerated. BCHR already cooperated closely with DCHR, and when serious discussions about police reform began, it was only logical that the two centres cooperated on such a project."

Professor Dimitrijevic has served as Director of BCHR since its establishment in 1995. BCHR was the first independent organisation of its kind in Serbia, and it was founded by a group of human rights experts, scientists and anti-war activists, who challenged Milošević's politics and were earnestly concerned about democracy and human rights in Yugoslavia. BCHR initially devoted itself to human rights education.

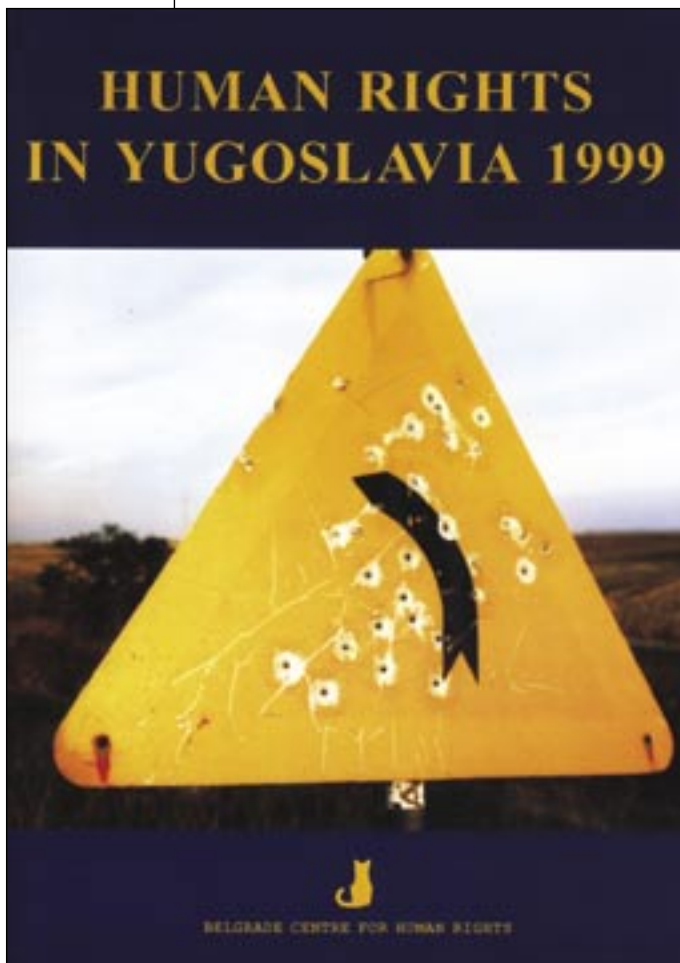
"The lamentable state of human rights in Milošević's Yugoslavia had very much to do with a lack of knowledge and understanding, not only among the general

public, but also among those supposed to deal with human rights education, law enforcement, legal representation, and reporting on human rights. Democracy and rule of law had no tradition in former Yugoslavia, and the regime regarded human rights as a foreign 'device' undermining the country's political system. Generations of students graduated from universities learning very little or nothing about international human rights instruments, and the higher, legal and moral principles, which bind every individual and state," says Professor Dimitrijevic. "More than 15,000 law school graduates did not acquire any education in the field of human rights, and BCHR designed a program for advanced and basic re-education of lawyers and judges in all parts of Yugoslavia."

When BCHR was founded there was no relevant literature on human rights in the Serbian language, and a primary task was to publish a human rights law textbook in Serbian. The textbook was published in 1997, and similar textbooks on humanitarian law and rights of the child have since followed. Since 1995 BCHR has been active in many important areas besides education, i.e. research, collecting scientific and

"DCHR recognises the importance of projects, which do not bring immediate results, but require systematic and patient work for many years", says Professor Vojin Dimitrijevic, Director of Belgrade Center for Human Rights.





BCHR's Annual Report on Human Rights was first published in 1998 with the support of DCHR and represented a pioneer step in comprehensive reporting on human rights in Yugoslavia.

professional literature, organising public debates, meetings, lectures and other forms of informing the public about human rights, the rule of law and democracy. In addition to its ongoing courses on human rights, BCHR has organised almost 60 seminars and conferences with more than 1,500 participants. In the course of its work BCHR has established several regional offices, and joined forces with more than fifty non-governmental organisations from the entire country. The organisation is also a founding member of the Balkan Human Rights Network (see page 61).

"In 1996, BCHR was trying to get funds

to produce annual reports on human rights in Yugoslavia. The importance of this effort was quickly - and only - recognised by DCHR, which supported the pilot version of the first report", says Professor Dimitrijevic. DCHR officers visited BCHR in 1997 and plans and needs of a partnership were discussed. "We noticed immediately that the DCHR representatives were listening carefully, and not trying to impose on us. From the very start their wish was for BCHR to own the projects DCHR would support. It is still like that, four years after we started our co-operation", says Professor Dimitrijevic. "DCHR recognised the importance of educational and awareness-raising projects, which do not bring immediate results, but require systematic and patient work for many years, and BCHR is especially thankful to DCHR for helping us complete the first comprehensive Annual Report on Human Rights in Yugoslavia", continues Professor Dimitrijevic.

The Annual Report represented a pioneer step, which attracted international attention, since no one in the Federal Republic of Yugoslavia had ever produced such comprehensive reporting on human rights. The Council of Europe's recommendations to the harmonisation of Yugoslav law with European standards were for instance based on BCHR's annual reports. "The publication of the first report coincided with the beginning of the final and very repressive phase of the Milošević regime. During Milošević's regime, it was quite a dangerous exercise, which could result in draconian fines according to the notorious Law on Information", explains Professor Dimitrijevic. "The Danish Ministry of Foreign Affairs granted institutional support for two years to us through DCHR. This was in fact the only institutional support that BCHR has ever received, and it really

helped us to survive under the very difficult circumstances. After the radical political changes of October 5, 2000, the annual reports became very popular in different organisations, even in the Ministry of Justice, and nowadays they are widely used.”

Today, BCHR is consulted as advisers to the ministries, but they maintain and insist upon the independence from government and party politics. BCHR has formed expert working groups on societal development and issued publications in order to prepare for the day that it would be possible to start on the path towards a democratic reform of the legal system. In many ways they have prepared the planning base and created the preconditions for the reforms, which were initiated with the “Support to Judicial Reform in Serbia” pilot project in 2001. During DCHR’s consultations with the Ministry of Interior and Ministry of Justice parallel discussions were carried out with BCHR on their contribution to the reform process. It was agreed that BCHR should act as a focal point for DCHR activities in Serbia by providing an independent resource base, acting as sparring partner in respect of the reform process and securing an early warning in case of political fluctuations. BCHR has at the initial stages of the project served as a temporary secretariat for DCHR activities and acted as a facilitator for setting up meetings, identifying persons, and getting the necessary practical, organisational and legal information until the project secretariats of the two ministries were up and running. Professor Dimitrijevic also participates as a resource person in both the Ministry of Interior think tank on police reform and in relation to the justice sector reform initiatives under the Ministry of Justice.

The primary goal of the pilot phase of the

reform project is to facilitate and support the elaboration of two vision documents: One for a reform of the police in Serbia under the auspices of the Ministry of Interior, and one vision document outlining the framework for judicial reform. The elaboration of both vision documents is methodologically driven by DCHR’s strategic planning tools and aims to initiate a rolling strategic planning process for the different core businesses of the two ministries and to identify relevant transformation projects based on a Logical Framework Approach. Both processes are to include a study of best practices in other relevant countries, and the project facilitates study tours for key persons of the think tank for police reform and the steering committee for judicial reform. Dr Budimir Babovic, leader of the think tank for police reform, finds that exchanges and cooperation between DCHR and the Ministry of Interior have been constructive. “The International Conference on Human Rights and the Police in Transitional Countries, organised by DCHR in March 2001 in Denmark, was a major contribution to our cooperation. I delivered a presentation and informed our Danish colleagues about the concept of the police law in Serbia. They showed great interest and willingness to get involved in a reform project, and to help us choose the right methodology and to best define certain areas within police legislation. Our aim was to take the best practices from our Danish partners and then implement them in our own solutions,” continues Dr Babovic. “DCHR does not offer us solutions, and does not even give suggestions. DCHR only offers us methodology and helps to formulate the problems in police legislation. This is quite an unusual approach, which is fair and generous to the Yugoslav side. The cooperation is characterised by trust and respect, and we are getting substantial



*Dr Budimir Babovic,
Head of the Think
Tank for Police Reform
set up in a partnership
between the Serbian
Ministry of Interior
and DCHR.*

financial support without any political conditions.

As a member of the developed, democratic Europe, Denmark is interested in seeing Yugoslavia approaching human rights values", continues Dr Babovic. "But there are significant differences between what could be termed 'police culture' in the two countries. In our country, the police are completely isolated from society and live a life of their own, and values, which are very different from the ones possessed by the Danish police, have been imposed on our police force. In the previous autocratic regime, the parliamentary multi-party system was only a facade and make-up for arbitrariness and misuse, and such 'politicization' entailed that the ruler and the governing party had the exclusive right to control the police and to have their support. Consequently, significant differences are observed in the present situation, but when looking at visions and future projects, there are no differences in the perception of the police institution and its position in society", stresses Dr Babovic. "This joint project will give the Danes an opportunity to really perceive the problems of Serbian police and we will get valuable

help - it is not an easy task to reform the police and to prepare a new law."

The think tank for police reform in the Ministry of Interior, which Dr Babovic heads, and the steering committee in the Ministry of Justice are facilitated by a Danish Human Rights Advisor contracted by DCHR and posted in Belgrade as of October 2001. The Human Rights Advisor divides his time between the project secretariats in the two ministries. In a longer perspective it is envisaged that the two bodies drafting the vision documents and the project secretariats will transform into actual Planning Units in the respective ministries. It is the intention that two support groups, comprising local NGOs, local resource persons, representatives of the academia and people from private business as well as international members with relevant, thematic expertise, should be formed as part of the project. Members of the support groups will be used for consultations on the project as a whole and will act as individual experts in relation to specific issues. The groups will liaise with the project secretariats and provide comparative expertise and inspiration.



BCHR staff analysing newspapers for the Annual Human Rights Report.

If the pilot phase progresses satisfactorily a new phase of the project will be initiated, where strategic plans for each of the key agencies and institutions of the two ministries will be developed. The ultimate vision of the "Support to Judicial Reform in Serbia" is that the two ministerial components supported through the project will provide the input necessary to establish a national legal policy with a stipulation of how the relevant constitution or overriding international instruments can be effected through a quest for concrete, long-term goals for each part of the justice sector in Serbia.

Theme: Strategic Planning¹

Judicial reform typically involves: rationalising laws and procedures and ensuring their coherence with applicable international human rights standards, improving administration of the courts, enhancing the calibre of legal education and training and of the conditions for the exercise of the legal profession generally, strengthening the independence of judges and the quality and impact of the judicial rulings on society, and providing alternative dispute resolution mechanisms.

In some cases the state and the justice apparatus have adopted the strategic planning model as a tool for transforming and overhauling the entire justice system.

The outcome of a strategic planning exercise would, first of all, be a vision for a new system of justice that the state and the justice apparatus commit themselves to implement. Pursuant to equal judicial protection and right to a fair hearing, such a vision revolves around the objective of ensuring equal access to an efficient and effective remedy by all, including all necessary measures to ensure such access by the disenfranchised. The strategic plan would consequently set out in detail the concrete steps to be taken to make the vision come true. The plan would provide a framework for managing the transformation of the justice system and all the institutions that deliver legal services to the public, for example in terms of training, development of policies, and ensuring economic sustainability.

A strategic plan will provide a set of values which will serve as a compass in the determination of all objectives and, particularly, in the prioritisation of their implementation. The said values include, as a minimum, the respect for all rights recognised as inherent to the individual and communities by relevant domestic and international instruments. At the other end of the process, the strategic plan will also outline ways in which progress will be evaluated and how the system would be made accountable to the public, for example in

terms of coherence of legal procedures, development of ethos of commitment and discipline among judicial officers, or elimination of structures leading to systematic violations to human rights.

The strength of the strategic planning model is fourfold:

- It can revamp the most complex systems in an effective and inclusive way. Critical areas of reform are demarcated and actions are set out in detail for what is achievable, how and by when, while at the same time showing in a transparent manner how such actions will impact the ultimate objective of efficient and effective remedy
- It can lay the foundation of a justice system that is “home-grown” because the authors of the strategic plan are those who are mandated to implement it on the ground
- It is based upon an all-inclusive consultative and participatory process which will ensure that all interested parties (internal and external) will own the process of inception and will deem the plan to be a valid factual reference when reviewing and considering progress achieved, or the hindrances that have prevented such progress
- It is an appropriate management tool in a transitional context as it ensures a continuous review and adjustment of plans and modes of implementation

The strategic planning model has proven to be a most effective, persuasive and inclusive way of rejuvenating the justice system as a whole. The approach has also been used in designing strategic plans at organisational level for DCHR partners. Partners such as the Legal Information Centre for Human Rights in Estonia, the Ombudsman Institution in Malawi, and the African Commission for Human and Peoples’ Rights have undergone a very fruitful process of developing a strategic plan for their respective organisations, which for instance have been instrumental in attracting donor support and in initiating constructive co-operation with other actors in the sector.

Towards Police Reform in Cambodia

Together with a regional Asian human rights organisation and a local NGO, DCHR has paved the way for a long-term effort to develop a harmonised overall strategy plan for the justice sector in Cambodia with police reform as the starting point. A DCHR Human Rights Advisor has been stationed in the Ministry of Interior, and a vision document on police and law reform is in the pipeline.

“I see the origins of our cooperation with DCHR in our similar strategies to legal reform,” says Basil Fernando, Director of the Asian Human Rights Commission. “We were not looking at pure civil society activities,” he explains, “but trying to act at the level of institutional development as well. These are shared goals - the desire to bridge the gap between the state and civil society, as well as the gap between the developed world and the underdeveloped world. The significance of these ideas goes far beyond Cambodia, and can be a tremendous learning experience of the sort of problems that come up in the transition from socialism in the Asian context. Of course, Cambodia is a unique experience, but it is a case study for East Timor, for Afghanistan, for any country where you are building legal institutions up from nothing.”

Following war and genocide peace was formally installed in Cambodia in 1991, but the country is still in a fragile and volatile post-conflict phase, and public institutions are largely dysfunctional. Given the scale

of destruction the country has suffered, re-construction is a comprehensive, long-term task. Much foreign assistance has been provided to contribute to the massive rebuilding. Since 1992 an average of US\$ 400 million has yearly flowed as development assistance to Cambodia channelled from bilateral, multilateral and NGO sources, but only symbolic resources have reached the government. Coordination of the assistance has consequently not been linked up to national policies and strategies conforming to an overall development agenda. Legal and judicial reform is of vital importance in the building up of a stable democratic society in Cambodia, but it is size wise a minor part of the re-construction process, and only some scattered initiatives have been made so far. DCHR has tried to break the mould in both these aspects by showing interest in and commitment to focus on support to state structures and by engaging in a long-term effort to develop a harmonised overall strategy plan for the justice sector in the country with police reform as the starting point.

By the initiative of and in partnership with the regional, Hong Kong-based NGO, Asian Human Rights Commission (AHRC), DCHR engaged in a small-scale pilot project in 1999 with the purpose of creating a planning base for a comprehensive partnership targeting police reform in Cambodia. Prior to the pilot project AHRC had held a number of consultations raising a broad cross-cutting dialogue on judicial reforms. “We at the AHRC played the middle person’s role and were able to give a regional perspective to the discussion,” says Mr Fernando. “We brought DCHR, who was not formerly involved in Cambodia, into the picture and were able to develop the partnership. We did not build an AHRC project - that was never the idea. Our role was to facilitate and deepen the dialogue by raising questions and giving extra impetus where necessary”. The main intention of the pilot project was to engage in the process of judicial reform and to prepare and sensitise selected stakeholders (the police, the Ministry of Interior and NGOs). The activities included a series of consultative seminars, medium-term visits by a regional police consultant, and drafting of a newsletter to raise debate about police and rule of law issues. Supplementing these activities, DCHR arranged two democracy visits to Denmark for representatives from the Cambodian police and the Ministry of Interior, and as a direct result of the first democracy visit, a DCHR Human Rights Officer was placed in the Ministry’s Police Training Department in 2000. Apart from assisting in running the pilot activities, the main task of the Officer was to collect data and analyse the police in Cambodia.

The local NGO Cambodia Defenders Project (CDP) became closely involved in the

project. Sok Sam Oeun, Director of CDP, first came into contact with DCHR during a workshop on police reform arranged by AHRC, where DCHR presented its experience of putting together police training manuals. Prior to heading CDP, which is a legal centre working to improve human rights and democracy, Mr Sam Oeun has had a long career in law enforcement. As superintendent of a military prison in the 1980’s Mr Sam Oeun had committed himself fully to human rights training of law enforcement personnel, and he has profound experience in this field. “I think I was interesting to DCHR because I had experience in police training, and they interested me because I saw the opportunity to change the judicial system and the tradition of law enforcement through training. From this point we were able to

FACT BOX

Cooperation between the Asian Human Rights Commission, the Cambodia Defenders Project, and DCHR was formally established in 1999 as a pilot phase for a comprehensive project targeting justice sector reform in Cambodia. The pilot phase concentrated on creating a planning base for a justice sector reform through a series of consultative seminars, training activities and exchanges between DCHR, Cambodian civil society organisations and government representatives. A delegation from the police and the Ministry of Interior conducted a ‘democracy visit’ to Denmark in 2000. A second phase of the project was initiated in 2001, which aims to facilitate the formulation of a vision document for police reform. The second phase also contains a study of how to build the capacity of the Ministry of Interior within the area of police, human rights and the rule of law. A DCHR Human Rights Advisor has been stationed in the Lawyers Group of the Ministry of the Interior, who contributes to the Lawyers Group’s comments on laws in relation to international human rights standards. A recent law on demonstrations has been commented.

Homepage of the Asian Human Rights Commission: www.ahrchk.net

work together to organise many workshops in Cambodia on police and court reform, and in time we got to know each other. We found that we had many common goals, and we thought that together maybe we could start to work closely with the Ministry of Interior.”

The seminars and workshops have been real icebreakers and provided a legitimate forum for open discussions on reform and rule of law. Mr Sam Oeun gives a few examples: “I remember one workshop we held in Siem Riep where a high-ranking official from the police attended. Then I heard that he went back to the Ministry and said, ‘before I thought that these NGOs were our enemies, but now I know that some NGOs also want to help us to do our job well.’ These sort of things stick in my mind as highlights. Another example is one of our recent projects lobbying for the introduction of proper medical examination of suspicious deaths in Cambodia. If we had a coroner system the courts could inquire into the cause of a person’s death and injuries, which would take some of the pressure off the police to get a confession. With help from DCHR, a team from Cambodia went to a training course on forensic medicine organised by AHRC in Sri Lanka. This gave us a first hand opportunity to see how this sort of thing can work, even in the context of a developing country. The next step was to organise a workshop on forensic medicine in Phnom Penh, where we invited people from the government, the courts and human rights groups to discuss the benefits of having a coroner.”

Mr Sam Oeun sees the Cambodian constitution as forming an important basis for reforming the justice sector: “We have a good constitution in Cambodia. Particularly,

I am thinking of Article 31 of the constitution which recognises all the major international human rights instruments and incorporates them into Cambodian law. So Cambodia has completed the first step - accepting the idea of human rights as law. But the reality in Cambodia is that although there is a constitutional guarantee of human rights, the practice of human rights has not developed yet.”



Director of the regional NGO the Asian Human Rights Commission, Basil Fernando (left), and Director of the Cambodia Defenders Project, Sok Sam Oeun, jointly laid down the stepping-stones for a comprehensive reform programme of the Cambodian justice sector in cooperation with DCHR.

The gradual development of the institutional structure for the enforcement of human rights is central to Mr Sam Oeun’s vision of CDP’s objectives. “We want to see these concepts which are part of the constitution put into every law in the country and into practice,” he says. “As lawyers we have the great privilege that we can criticise the government, the police and the legal system from the relative safety of the courtroom. But our strategy is also to work from the inside. Formerly, we were very far from the government shouting: ‘You did this wrong!’

But now, I have changed my strategy. If you want to change people it is not enough to be shouting from the outside. You have to go inside. We need to get close to them and understand what they are thinking. If we know why they behave the way they do, then we can figure out how to change them. The people from DCHR understand this strategy.”

Parallel to DCHR’s cooperation with the government, a civil society media project is being launched, aiming to generate a consensus on rule of law among civil society actors, and to motivate civil society to engage in debates with the government.

The pilot phase focused on establishing considerable country knowledge, identifying suitable partners - like CDP - and breaking the ground for a viable partnership with the Cambodian government. CDP has been instrumental in locating the entry points for an envisaged long-term reform programme. “We are all partners for the development of this country”, says Mr Sam Oeun. “If you can help Cambodia, then I will do what I can to help you. If I can help DCHR to

meet the right people then they don’t waste too much time. Their goal is to make law reform a reality. The mission of CDP is to promote human rights through rule of law, legal reform and democracy. So their goal is part of our goal. I guess that means I am even more ambitious than they are.”

After the pilot phase the project is now engaging more directly in cooperation with the government. The project has entered into a new second phase of cooperation with the Ministry of Interior, which aims at facilitating the process of formulating a vision document for police reform. The second phase will encompass a survey of best practices regarding the organisational structure of the police, the functions of the police and restrictions on the freedom of action of the police. Furthermore, the second phase will contain a feasibility study of how to organise and place a local secretariat in the Ministry of Interior that can build up expertise and develop the process of formulating a vision document on police reform and building capacity within the area of police and human rights, and law reform. As part of this outline, a Human Rights Advisor was placed in the Lawyers Group of the Ministry of Interior from mid-October 2001.

“The Lawyers Group is responsible for drafting any laws and regulations submitted by the Ministry of Interior, so hopefully having outside help will assist them in drafting laws the right way”, says Mr Sam Oeun. “One of the first things that they are working on at the moment is a new law on demonstrations. Many of the concepts in terms of the human rights standards, which are expected in a liberal democracy, are lacking in this draft. So, I think that it is a very positive development that someone can guide the Ministry in these matters.

A meeting between officials from the Cambodian Ministry of Interior and DCHR Project Managers, where the posting of a DCHR Human Rights Advisor in the Ministry’s Lawyers Group was settled.



Having an Advisor with the Lawyers Group encourages the Ministry to share information - it provides a link between the Ministry and civil society", says Mr Sam Ouen, who is assigned as DCHR's national consultant on the police reform project, and thinks of himself as the link between the Human Rights Advisor at the Ministry, DCHR and the rest of the NGO community.

"DCHR wants the Ministry to think and to strategise by itself, and of course the Ministry will be making all the final decisions, but the problem is that the Ministry needs more information from civil society to understand human rights and democracy clearly. I think that DCHR, CDP and other civil society organisations are a 'mirror' for the Ministry on these issues. For example, with the new draft law on demonstrations, the chairman of the Lawyers Group asked the DCHR Human Rights Advisor to research similar laws in other democratic countries, and it is a positive step that we can look at the laws in other countries and adapt them to the Cambodian context," says Mr Sam Ouen.

Looking back on the exchange between the partners, Mr Sam Oeun finds that the cooperation has been fruitful: "If I do not agree with DCHR I feel I can give my reasons and be heard. And if they do not agree with me I would expect them to explain why. In my experience we can usually find a solution. Sometimes we might accept the other's opinion and other times we reach a compromise." Mr Fernando too regards DCHR as a positive partner. "DCHR understood the approach we were taking. The important part of this partnership is understanding what the strategy is, and the philosophy. The project itself is just a product, as long as we have a common understanding of the basics of social change.



A cultivation of the necessary understanding can only come if there is a lively dialogue between the partners - and not just about the nitty gritty of funding but on the fundamentals of the joint strategy. A means must be found to keep that dialogue alive." This lively dialogue has also included talks on the different approaches to legal reform. "When I talk to DCHR sometimes their plans look too ambitious," says Mr Sam Oeun. "I like the idea, but I know that Cambodia's leaders will not understand it. For example: DCHR wants to offer methodological support to justice sector reform, but most Cambodian leaders do not understand methodology. They think: 'How much money will you give me?' 'How big an institute will you build me?' So, there is a gap between DCHR's idea, which looks at the development capacity and technical skills, and this world view which is focused on self-interest. To bridge the gap, DCHR needs a strategy to engage the people at the ministries and secure their commitment to reform. I will do what I can to help them because I do not want to see their plan fail. I think it is a very good plan."

"As lawyers we can criticise the government from the courtroom, but if you want to change people you have to get close to them and understand what they are thinking. It is not enough to be shouting from the outside, and DCHR understands this strategy", says Sok Sam Oeun assigned as national consultant on the police reform cooperation between DCHR and the Ministry of Interior.

Theme: Democracy Visits

DCHR arranges study tours, often called democracy visits, to Denmark as an integral part of its partnership programmes. The overall objective of such visits is for partners to gain hands-on insights to general and specific aspects of how to promote and protect human rights in an established democracy such as Denmark. In most cases representatives of public institutions or other key stakeholders of the given project participate in the visits, which also serve to build bridges and further the dialogue between project partners and sectors in society.

Democracy visits are arranged on the basis of requests from DCHR partners as an input to their effort to develop or consolidate democratic practices in their work. Participants obtain knowledge of how visions are concretised in a Danish context, which provides inspiration both methodologically, theoretically and not least practically.

A typical programme for a democracy visit, which lasts one week, includes meetings with members of parliament, courts, ministries, NGOs, university departments and municipalities. In general, delegations visit Danish legislative, executive and judicial institutions. Visits most often have a specific focus designed to cater for the concerns of the given partners. DCHR partners from Bangladesh and Cambodia, for instance, visited Danish police institutions with special emphasis on the integration of human rights in police training, whereas a delegation from Vietnam focused their visit on the Danish ombudsman institution as well as Danish experience of harmonising domestic and international human rights law.

Democracy visits are funded by the Democracy Fund of the Royal Danish Ministry of Foreign Affairs.



Representatives from the police, the Ministry of Interior and the Ministry of Justice in Cambodia and Bangladesh on a democracy visit to Denmark in May 2000. The delegations focused on gaining insight into the role of the police in a democratic society and the inclusion of human rights principles in police education.

Access to Justice

Access to justice is essential for any justice system. Access should not depend on wealth, status, skin colour, gender, religion or ethnicity. People anywhere need ways to solve conflicts that are effective and meaningful for them. Conflict resolving mechanisms must be effective and meaningful for the people who use them. They must be appropriate to their context while remaining true to universal standards of human rights. DCHR's aim is to develop and refine a set of adaptable tools that can enhance our partners' capacity to provide access to justice on these terms.

DCHR conceptualises "access" as involving measures either on the "supply" or "demand" side of justice. Thus, DCHR engages in partnerships both with the adjudicating bodies, i.e. the providers of justice, and with organisations acting as intermediaries between individual members of society and these bodies. Typically, the adjudicators are courts whereas the intermediaries are legal aid providers.

DCHR legal aid projects are currently in countries where the focus is on provision of assistance at grassroots level. Key elements of these projects are low-cost, high quality assistance, and proximity to those in need. Legal aid projects seek to integrate paralegals into the formal system, which is amply illustrated in the project in Rwanda presented below. Interfaces with non-formal justice and post-traditional fora

for resolution of disputes are also sought, and the rules applied in them are seen as one possibility of bridging the great gap between written guarantees and the lives and thinking of ordinary people in the developing world. The piloting of models, which can be used on a larger scale by other actors, is a common objective of all legal aid programmes. The Overberg Justice Centre pilot project, presented in this chapter, shows how this objective of establishing models has been reached.

Because of this grassroots focus, the DCHR legal aid projects have as yet not worked substantially with for example, litigation of precedent-setting cases and advocacy. DCHR's direct partnerships with the judiciary are also still limited, but the judiciary is a frequent dialogue partner in many countries. This is also in large part due to the presence of large donor programmes benefiting the judiciary in most DCHR target countries.

A considerable part of the Access to Justice project portfolio concerns National Human Rights Institutions (NHRIs) and Ombudsman Institutions. Particularly in the developing context, NHRIs can, by being flexible, offer possibilities of access that go beyond the restraints imposed by the formal justice systems, which are often distant, culturally, economically, and geographically, and are too often lacking in resources to cross the divide to ordinary people. DCHR assistance to NHRIs concentrates particularly on case

handling, and is mostly offered through consultancy missions, though also in the framework of a project as is the case with the Ombudsman Institution in Malawi presented in this chapter. Because of DCHR's leading role in regional and international fora representing NHRIs, the Centre is able to offer a large network of contacts in this field, and to promote a South-South and regional approach in assistance of this kind.

The regional approach is a key concern for DCHR in its Access to Justice programmes, since regional human rights bodies provide, in many instances, the ultimate source of effective relief beyond domestic proceedings, and - perhaps more importantly - set regional standards through interpretation in emblematic cases. DCHR maintains intensive relations with the three formalised regional mechanisms for the protection of human rights. The grounding for the said relations varies from projects in which DCHR facilitates the transfer of organisational capacity

as in the partnership with the African Commission on Human and Peoples' Rights presented in this chapter, to projects through which alliances may be created and/or maintained, e.g. projects held in the past with the Inter-American Court of Human Rights. In its intervention vis-à-vis such mechanisms, DCHR also enhances the axis of cooperation existing between them, as a means of ensuring the advantages stemming from comparative analysis of legal interpretation.

In this programme area, DCHR is working on or close to the often grey areas between adjudicating bodies and intermediate organisations, between formal and informal justice fora, between local, national and regional contexts. Treading this uncertain ground provides food for both thought and initiative in the challenge of making rights a reality. The four Access to Justice projects presented on the following pages show examples of how this challenge is being met.

Judicial Defenders in Rwanda

With the dual objective of addressing urgent needs and building a permanent resource base in post-genocide Rwanda, DCHR has engaged in a partnership with local organisations and the Ministry of Justice to capacitate and consolidate the inclusion of paralegals in the justice sector. Over 80 judicial defenders have been trained and sworn in and are now defending accused as well as claimants in the first instance courts, where genocide cases are tried.

“The Ministry of Justice has been working together with DCHR on the Judicial Defenders project,” says Mr Jean de Dieu Mucyo, Rwandan Minister of Justice. “We are in partnership with several organisations such as the International Rescue Committee, UNDP, UNICEF, and the European Union, and organisations, whose activities concern legal issues, generally pass by the Ministry for Justice. We do not refuse anyone, but first we need to discuss with them how our partnership could work in a suitable way. With DCHR we have achieved many things, and when we have faced problems we have been able to find solutions. Today, when people hear of the Danish Centre for Human Rights, most of them immediately think about the judicial defenders”, says Mr Mucyo.

At the risk of repeating what observers of post-genocide justice in Rwanda know well, the challenges posed by this situation are enormous. Never before has a state been able to manipulate, entice and threaten so many ordinary persons into complicity in such appalling crimes. Never before has a new government attempted to pursue in justice so



Jean de Dieu Mucyo, Minister of Justice, Rwanda.

FACT BOX

The Judicial Defenders project, launched in 1998, is a partnership between DCHR and the Corps of Judicial Defenders, operating under an agreement with the Rwandan Ministry of Justice.

The project has trained 87 men and women, who after eight months of legal education are working as articling judicial defenders entitled to represent accused and claimants in genocide cases in Rwanda's 12 first instance courts.

As of October 2001 the articling judicial defenders had represented 1,825 civil claimants before first instance courts, not counting the large number of cases in which judgements remained pending.

Prior to their swearing in ceremony the judicial defenders conducted 664 information sessions across the country from April to December 1999, reaching approximately 65,000 prisoners, 7,000 survivors and 6,000 elected members of local authorities, who were informed on criminal and claims procedures, compensation etc.

Avenues for the involvement of judicial defenders in traditional lay courts, Gacaca Tribunals, are being explored.

many of those suspected, and all of this in the context of one of the poorest countries in the world, where the apparatus of justice had been subjected to neglect and corruption for years prior to the genocide. This attempt has led, and continues to lead to radical innovations in many areas of Rwandan law. Most recently, the law creating lay courts, called Gacaca Tribunals, is sure to continue to provoke much comment and discussion. Lawyers, like many other legal professionals, were in acute shortage after 1994, and few survived the genocide. In response to the scale of the needs, Rwanda's transitional national assembly, at the time of its creation of the state's first ever Bar, also provided for the creation of a lower-ranking category of independent legal professional, known as a judicial defender. While paralegals have proved their worth as an important link between the needs of ordinary people and the more formal levels of the legal system in many countries and contexts, Rwanda went a step further, by

providing that the judicial defenders would be able to represent all persons before first instance courts after completing a six month legal education. DCHR found this to be an appropriate response to the particular situation in Rwanda and sought financial support for a project to train and deploy the defenders to carry out work in informing, advising and representing Rwandans in the genocide trials.

DCHR insisted from the beginning that the project would concern itself equally with the legal needs of victims and survivors of the genocide and those accused of participation in it. All the defenders trained and deployed would have to commit themselves to work on both sides of this line, to avoid recreating within the project the division which had caused the genocide. The project was intended to be at once, an acute response to a situation of urgent need, and a contribution to the building up of a more permanent resource base in Rwanda. Above all, it would be a Rwandan contribution to justice in Rwanda, which revolved around local ownership and local commitments, where Rwandans defended Rwandans across ethnic boundaries. For many reasons, this was from the beginning, an exceptionally challenging project. While never unaware of the risks of failure, DCHR and the Rwandan partners found that the attempt was necessary. A DCHR mission was set up in Kigali under the tutelage of the Ministry of Justice, and a partnership with the Corps of Judicial Defenders (CJD), a Rwandan institution created by the Bar law, which barely existed at the time the project began, was initiated.

101 men and women, who have already obtained some form of tertiary education, were recruited as judicial defenders students. Out of these 87 completed their

exams after eight months training in spring 1999. The project aimed to involve these newly trained judicial defenders candidates in defence work as legal representatives in the first instance courts, but their swearing-in ceremony was delayed considerably. To bridge the time until they were able to start as articling judicial defenders, the 87 candidates concentrated on the second projected aim of their activities, i.e. to conduct information campaigns. Finally, in December 1999 the judicial defenders candidates were formally sworn in and accepted as trainees by the CJD, but procedural problems persisted. The designation of cases to the judicial defenders was blocked, due to a series of disputes and misunderstandings between DCHR and CDJ, which put the project in a state of acute crisis. DCHR was worried about the future of the project, but the election of a new President of the CJD, Francois Xavier Nkurunziza, who took office in November 2000, greatly improved the spirit of cooperation.

“Our partnership with DCHR is now doing well, in comparison with the situation which prevailed some time back. The misunderstandings between DCHR and the CJD were surely provoked by the leaders of both organisations, who could not agree on work strategies, and even on some principles. But the problems were progressively sorted out in November 2000, and we have just signed an agreement for further cooperation and for the betterment of our services, which we, for our part, are prepared to follow fully,” says Mr Nkurunziza. “Decisions are taken on the basis of consensus as far as joint projects are concerned, but one has to keep in mind that we are an independent organisation with our own internal regulations. We do everything in accordance with those regulations, and our partner also conforms

to them. We sometimes happen to have different views, especially on what I refer to as strategies, but we manage to sit together and sort all the problems out in a lawful way.”

A concrete example of such a difference of opinion between the partners concerns the placing of the judicial defenders. DCHR has pursued a strategy of reaching as many beneficiaries as possible; both the victims of genocide and of crimes against humanity and the persons accused of these crimes. According to DCHR the best way to reach the beneficiaries would be through the regional cabinets for judicial defenders, which were set up as part of the project. By placing the judicial defenders in the regions they would gain precious time, be accessible to their clients, and transport expenses would not burden the budget. However, the CJD prioritised placing all the judicial defenders centrally, in the capital in order to keep the trainees under close supervision of their maîtres de stage (a fully qualified judicial defender, to whom the trainees are linked during the articling period), who are based in Kigali. DCHR has argued that this could easily be resolved if the trainees could go to Kigali regularly. While this difference of opinion remains, the partners are now discussing this issue in

Session at one of the 12 first instance courts in Rwanda, where judicial defenders have represented over 1,800 civil claimants since year 2000.



a reasonable way, unlike in 2000. The CJD would like each articling judicial defender's training period to be evaluated by the *maîtres de stage*, but the organisation is open to the possibility that the trainees, at the end of their training period, could be located at the first instance courts across the country.

According to Mr Nkurunziza the progressive dialogue, which has been secured since he took office, is anchored in the partners' common purpose: "DCHR and our organisation have a common purpose to protect people's rights: judicial defenders advocate for people in courts of law, and DCHR as a non-profit organisation promotes human rights. On the basis of this common purpose we can interact. We have achieved many goals together with DCHR, but first of all we can now advocate for people and reach our beneficiaries nationwide. DCHR is an organisation, which collects funds in

Europe, and those funds are passed on to beneficiaries through us. The beneficiaries of our activities are destitute people, be it defendants, who are accused of genocide or plaintiffs, who have survived. The law states that the needy must benefit from advocacy, but neither the government nor the advocating organisations can afford this, and donors and well-wishers are solicited in order for us to accomplish our duty. However, we believe that the time will come for DCHR to cease its activities in Rwanda and let local NGOs continue the work", says Mr Nkurunziza. "The second achievement is the modernisation of our services, also thanks to the valuable support of DCHR, and thirdly, of course, we have achieved the permanent training of the judicial defenders granted by DCHR." The articling judicial defenders have, since the procedure of designating cases to them began to function properly, represented civil claimants before the 12 first instance courts in the country.

A judicial defender and his client at a court hearing.



Since January 2001 the DCHR mission in Rwanda has been headed by Emilien d'Almeida, a human rights scholar from Benin with a background as scientific secretary for UNESCO Human Rights Chair. "Many elements in my background made me a human rights theorist, but with this assignment I seized the opportunity to merge theory with practice", says Mr d'Almeida. "I am very proud of the current good relationship between the Rwandan partners and DCHR insofar as the situation was not really easy in the beginning. DCHR trained the judicial defenders to intervene in genocide trials, because whatever the crime is, the accused deserves a defence. But the Rwandan population could hardly conceive in the beginning that judicial defenders trained by DCHR could intervene in genocide related trials to advocate for survivors as well as detainees and accused persons. This was the major difficulty we bumped into." But the opposition from the legal world was even more difficult to tackle explains Mr d'Almeida: "The creation of the body of judicial defenders was not favourably received by members of the Rwandan Bar, who thought the judicial defenders somehow trampled on the lawyers' turf." While DCHR, with its experience of the valuable contribution of paralegals in other contexts, was convinced of the great potential of this approach, many others were far from positive. Many Rwandan lawyers actively opposed the idea, even after the adoption of the law. The Minister of Justice, Mr Mucyo, also recalls these initial problems: "Seeing another category of people, who come with ambitions to be lawyers, without fulfilling the requirement of having studied law at university level, made members of the Bar ask whether this would have happened in a developed country. They argued that to be a member of

the Bar one had to be educated in law and to have practiced for some time. So, we came to the conclusion that there had to be two formal categories, one of ordinary lawyers and one of judicial defenders, who did not study law and therefore were subject to some restrictions. Thus, judicial defenders are not allowed to intervene in courts of appeal, but can only advocate in first instance courts."

In spite of time-lag and difficulties the project has so far met its original aims. An independent, mid-term review of 1999 termed the project "an outstanding single effort in the field of international judicial support to Rwanda", and foresaw that by the quality of the personnel recruited the project would provide sustainable legal advice and representation for the people of Rwanda and thus promote the application and observance of human rights standards in legal proceedings. The general situation in respect to which the program was established remains unchanged. There are still more than 120,000 detainees awaiting trial in genocide cases - a fact that justifies the continuing engagement of DCHR and the further support of donors in this field. The Minister of Justice, Mr Mucyo, invites DCHR to expand its activities: "Now we wish that DCHR will assist us to a greater extent, not focusing on one domain only. We have a human rights service in the Ministry for Justice, and have asked DCHR to assist us, but they are reluctant. They just like choosing a small domain. They help us in the trials, but we want them to do it across the board, not on a selective basis. The judicial defenders are already deployed to sensitise people on our renewed traditional justice system, which are to start soon, and I hope that DCHR will consider supporting the Gacaca Tribunals."

The Gacaca Tribunals are a parallel justice



"We have achieved many goals together with DCHR, but first of all we can now advocate for people and reach our beneficiaries nationwide", says Francois Xavier Nkurunziza, President of the Corps of Judicial Defenders.

system of broad-based popular courts, which are inspired by the participatory, community-based justice system of traditional Central African law, yet formally set in the hierarchical pyramid of Rwandan administration and vested with jurisdiction for certain categories of genocide cases according to the Gacaca Law. By setting up Gacaca Tribunals the Rwandan government tries to deal with the task of handling the extreme number of genocide cases waiting to be heard. Apart from taking weight off the shoulders of the existing legal system, the Gacaca Law aims not only at repressive justice, but also at the population's acceptance of this justice, and beyond this, to include facilitating the reintegration of both the persons judged guilty or not guilty in their communities, and to create a local debate within the communities that help the survivors regain their dignity.

"From the outset of its work in Rwanda, DCHR has been much concerned about securing real justice in this country, where the number of detainees accused of genocide and crimes against humanity goes beyond one hundred thousand people. Fortunately enough, the government of Rwanda is committed to find solutions for the pressing legal problems", says Mr d'Almeida. "No country has ever managed to deal with such a large number of prisoners to be judged.



Emilien d'Almeida, Head of the Danish Centre for Human Rights, Rwanda.

6,000 genocide cases have been tried in the courts since the legal proceedings began, which is in itself impressive, but nevertheless limited in relation to the total numbers. With the introduction of the traditional justice system, I believe the government will meet the challenge, which the present justice system has proven unfit to handle. I am convinced that if Gacaca Tribunals are successful, they will become a pride not only for Rwandan but also for the whole Sub-Saharan Africa".

The 1999 review found that the specific advantage of the Judicial Defenders Project compared to other projects supporting the development of the justice system is that this project provides substantial external help to the Rwandan justice system, but does not get deeply involved in the system itself. Facing the introduction of Gacaca Tribunals, this puts DCHR in a good position to contribute to the development of these tribunals in regard to the critical human rights issues from outside the justice system.

While applauding and supporting the many positive aspects of the Gacaca proposal, DCHR has made no secret of its preference for a set of rules, which would permit legal representation of victims and accused, in line with international human rights standards. The government view is that allowing legal representation would risk making the process overly formal and technical, detracting from the aim of making Gacaca a participatory exercise, and DCHR is now proposing a form of pre-trial and appeal counselling for victims and accused. The judicial defenders have also been called upon to play a role in educating the Gacaca judges. Both the CJD and DCHR are positively inclined towards the proposal, and this activity will be a part of DCHR's funding submissions for 2002.

Theme: Accessible Justice - the Role of Paralegals

Despite the advent of change and transformation in several societies, many people and communities see themselves completely alienated from the legal system. Legal services are generally expensive and can be intimidating, and they are often concentrated in urban areas. This means that rural communities seldom have the services of lawyers. Within such contexts, paralegals can play a valuable role in making the law and legal services available to the public in an accessible and cost effective way. Paralegals are people with basic legal knowledge who work to empower their communities by operating a free advice and referral service. The advice work performed by paralegals can include labour matters, housing problems, consumer matters, social problems as well as civil claims and criminal matters.

DCHR has project partners in countries undergoing transformation with a profound experience in paralegal work. Their track record includes the following:

- Paralegals have empowered individuals and communities by making them legally literate and have helped people to understand and participate in complex systems of justice
- Paralegals have managed to solve a great number of disputes referred to them, which would otherwise have gone to court and added to the extensive backlog of cases
- Paralegals have proven to be viable alternatives to otherwise expensive and inaccessible legal representation
- Paralegals have developed working relationships with lawyers, government departments and non-governmental organisations, and given input to law and justice reform

The role of paralegals is of paramount importance when it comes to the implementation and delivery of justice at a very practical level. They enable people to feel the effects of justice in their daily lives.

Modelling Primary Legal Services in South Africa

Post-apartheid South Africa strives to put together a justice system that meets the obligations of the country's praiseworthy constitution. In partnership with two local NGOs, DCHR has contributed to this legal reform by setting up a Justice Centre as a model for an affordable, accessible and effective provision of primary legal services.

Jessica Smit, a single mother of three, who works as a quality controller on a fruit farm in the Western Cape, is but one of the many previously disadvantaged individuals who have been helped by the Overberg Access to Justice Pilot Project presented below. She thought her life was over when the Sheriff of the Court wanted to repossess her house and possessions to recover her ex-husband's debts. "We were married in community of property and they told me that his debt was my debt. They wanted me to sign papers that would allow them to take all my things. My husband was also refusing to pay me maintenance. There was no way I could afford to hire a lawyer. I had nothing and was very afraid," she says. Jessica's sister had heard of free legal aid that was available at the Overberg Justice Centre, and convinced Jessica to try. "The Centre gave me brilliant advice", says Ms Smit. "They told me not to sign anything and got a lawyer onto my case. The lawyer has sorted it out and the Sheriff has stopped knocking on my door. My husband's debt is all in

his name and he is liable for it and for my maintenance. We are due in court soon to finalise this matter. They have changed my life and it did not cost me a cent. I now know what my rights are as a mother and as a woman. It really opened my eyes. I feel much more secure about life knowing that I too can get a lawyer to help me fend off anyone who tries to mess with me and my children," she says. Before she goes back to work sorting fruit, she adds: "I hope that whoever gives the lawyers money to help us realises how it makes life worth living again."

"When the African National Congress government was elected into power in 1994 the justice sector was a mess in that it was not just at all", says Vanja Karth. Ms Karth is Project Coordinator for the NGO Lawyers for Human Rights (LHR), which has been DCHR's partner in a joint effort to contribute to the transformation of the justice system in South Africa. Post-apartheid South Africa recognised a great need to transform the justice sector with particular emphasis on

primary legal services. The new constitution guarantees access to the law, and the government has committed itself to this ideal, but the evidently scarce resources posed serious obstacles to the fulfilment of the constitutional obligations. In addition, the rural population viewed the legal system with considerable mistrust, due to the poor legal services that black South Africans had received from poorly paid, uncommitted, white lawyers, which the apartheid government had provided. The government turned towards civil society in the mid-1990's and started to cooperate directly with skilled, experienced, accountable and well-connected NGOs, which could ensure that government schemes would cater properly for the access to justice of rural communities. This ongoing effort aims at jointly defining and putting together a system for the administration of justice in South Africa, which is affordable, accessible and effective.

LHR, which was founded in 1979 in direct response to the abuses of apartheid, has run access to justice projects with the support of Danida and DCHR since 1990. Using this experience as a base LHR and DCHR went into a partnership with the government in 1996 in order to develop a Justice Centre in Overberg in the Western Cape Province as a model for the provision of primary legal services to the rural population. "Setting up the Justice Centre was a pilot programme to see how non-governmental organisations could help the state re-organise the justice sector, in accordance with the strategy vision of the Department of Justice. This partnership is very new in that the state had never before allowed an NGO to help it make the necessary changes," says Ms

Karth.

The uniqueness of the relationship lies in the fact that DCHR funds and monitors the project, LHR implements it and the government pays the salaries of key employees. DCHR and LHR acknowledge that the provision of legal services is ultimately a state function and the responsibility rests with the government. However, by establishing a viable and effective model, it is argued that valuable lessons will be learned, and that foundations of an effective state sponsored rural legal aid system will be laid.

The basic assumption of the project is that the integration of paralegals into the justice system is a key to make primary legal services affordable, accessible and efficient. Paralegals, or barefoot lawyers, have developed to fill the gap left by the inability or unwillingness of the formal legal

FACT BOX

The Overberg Access to Justice pilot project was established in 1996 in order to set up a model for an affordable and effective provision of primary legal services, which reaches out to poor, rural communities. The project is based on a unique partnership in justice sector reform between DCHR, two South African NGOs and the government. DCHR has contributed by building the capacity of the partners, monitoring the project and securing bridge funding for the employment of paralegals.

In setting up the model legal aid applications increased by as much as 200% in some jurisdictions. The Legal Aid Board has calculated the Overberg Centre to be the most cost effective model at less than 1/3 of the national average cost per case.

The concluding fourth phase of the project aims to evaluate the efficiency of the Overberg Justice Centre to facilitate a replication of the model.

*Homepage of Lawyers for Human Rights:
www.ihr.org.za*

profession to deliver their service to poor rural communities. Paralegals are equipped with basic legal knowledge and often work in small, local advice offices in the rural communities, where they enjoy a high level of trust. In South Africa paralegals manage to resolve a great number of disputes referred to them on the basis of working relationships with lawyers, government departments and NGOs, and they thus contribute directly to the realisation of human rights and to the legitimacy of the legal system. Walter Wessel of the National Community-based Paralegal Association, who is Assistant Coordinator of the project, explains: "The concept of paralegal services became official when it was decided to train people working in communities in basic law so they could guide, advise and provide people with legal services. Paralegals address a concrete need to ensure that the laws in the statute books are being put into practice and are working to improve the lives of indigent people". The primary aspect of the project is thus to boost, formalise and develop the collaboration between paralegals and the formal justice

system in order to address the problem of reaching down and out to communities.

The first phase of establishing the model was to initiate collaboration between candidate attorneys in established law firms and paralegals working from small, local advice offices in the communities. Advice offices were thus able to make use of the services of candidate attorneys, who spent up to one day of the week in the communities. Legal aid applications increased and the government calculated this model to be very cost-effective. While acknowledging the role played by paralegals, the government was initially only willing to pay the salaries of candidate attorneys. The further development of setting up the model Justice Centre, where paralegals and attorneys worked side by side, thus had to be supported by bridge-funding from DCHR and Danida. The key role of paralegals is, however, reflected in government policy and the government partner, the Legal Aid Board, engaged in a long process of restructuring itself in order to fully meet its policy objectives. This kept the project stagnant for some time, and looking back, Ms Karth also finds that DCHR and LHR have truly learned that "development work does not always work the way you want it to or thought it would. We have both learned that the nature of development work is fluid. It is often necessary to take different routes to get to the same outcome."

According to Ms Karth the partnership between LHR and DCHR has been based on the concept of two independent organisations working together with a common purpose. "The two organisations must work together without interfering

Legal advice and counselling in the Overberg Justice Centre.



in each other's internals. We definitely have common goals. Both organisations are concerned with ensuring that human rights are respected and protected. Both support access to justice and the transformation of the justice system." Speaking of DCHR's philosophy that local partners are best placed to determine how things should be done she adds: "My experience with DCHR is that they believe that the role of the funder is to be supportive and not to dictate how things should be done. They believe that the projects should be driven and directed from the partner organisation in a way that includes buy-in from all local role-players rather than a top down instruction from outside. Rather than impose their views, DCHR made it clear that we had to drive the process and that they were there in a supportive and back-up capacity."

In the course of the project the National Community-based Paralegal Association and the local paralegal association in Overberg were included as partners. The reason why the Paralegal Association chose to work with DCHR was because Denmark "had made the most noise against apartheid", says Mr Wessel, "and because DCHR had the right philosophy and history to fill a crucial need in the transformation of South Africa". Mr Wessel continues: "DCHR chose to work with us because they recognised that they had common interest with the two local partners. The fact that this project is run by two different organisations makes it very interesting. Because LHR handles the funds, its decisions count the most. We paralegals try not to step on peoples' toes and do pretty much what we are asked."

According to Ms Karth, DCHR's support in terms of training, conducting seminars,

providing general sparring to the two local partners and monitoring the progress has had a great impact. "By including partners in activities such as the human rights course in Denmark they have actively contributed to skills development," she says. "The working relationship between the two local partners has also improved enormously. The Overberg paralegals have started professionalising themselves. For example, they have changed from a voluntary organisation to a trust in line with the Non Profit Organisation Act. They have also started approaching government for support. It took a lot of effort to get us local partners to focus on that which we had set out to do in terms of the project document, rather than focusing on individuals and personality differences and fingerpointing between the two organisations," says Ms Karth, who finds that keeping focused and on track has been due to continual reference to the action plans of the project, which were developed jointly with DCHR.

"I believe that DCHR has given us lots of space to make decisions amongst ourselves", continues Mr Wessel. "Because we are from different countries, we will have different ways of thinking about and doing things. This was particularly evident when I was fortunate enough to visit Denmark. The Danes just do things differently. Their society operates differently. For example, their politicians ride bicycles to work not flashy luxury cars like ours do. Theirs is a developed, first world system and ours is not. But our constitution is far more modern," says Mr Wessel, who believes that cultural and other differences are an advantage. "We can learn from each other and use the differences in a manner that assist the progress of our work. Human



Vanja Karth, Project Coordinator for Lawyers for Human Rights.



Walter Wessel from the National Community-based Paralegal Association, who is assigned as Assistant Coordinator on the Overberg Justice Centre Project.

rights affect all of us. Our organisations have differences, but we have a common goal and that is all that matters. This common purpose also lets the South African government know that someone is watching.”

The project is now in its final phase. The government has signed a cooperation agreement with the project and the Justice Centre has finally opened. “The most important part of working with DCHR is the fact that we have established a Justice Centre”, says Mr Wessel. “It is essential that we get the government to officially recognise the valuable work that paralegals do. The setting up of the Justice Centre is the first step, because the government pays the paralegals for their services,” adds

The Overberg Justice Centre is so far the only model for primary legal service provision that actively works with advice offices and paralegals.



Mr Wessel, who is particularly proud that the partnership has managed to bring the work of paralegals to the South African government’s attention. By co-funding the Justice Centre the government has for the first time actively included paralegals into the delivery of legal services to the poor. At this stage, though, nothing has become formalised regarding the government’s commitment to the long-term role of the paralegals or its financial support to advice offices.

The Overberg Justice Centre is nevertheless the only model of primary legal service provision that actively works with advice offices and paralegals. It is also the only model that is working to generate creative partnerships with a broad range of government partners in order to ensure sustainable funding for the advice offices. This sustainable cooperation with the government depends on an adequate test of the model, and the final phase of the project aims exactly to evaluate and monitor the activities of, and the interaction between the Justice Centre and the satellite advice offices, in order to prove its efficacy as a model for replication nationally.

The project is thus approaching its overall objective of contributing to the transformation of the justice system in South Africa as well as giving very direct relief and human rights protection of the people of Overberg. “Our common goals and commitments of wanting to give poor, often uneducated people access to legal representation are essential to ensure that peoples’ rights are not violated. If it were not for this partnership we would not have been able to help people who could not help themselves”, says Mr Wessel.

Strengthening the Ombudsman in Malawi

Since 1996 DCHR has cooperated with the Office of the Ombudsman in Malawi on strengthening the Ombudsman institution. Training, coaching and technical support has been provided by DCHR, and a strategic plan for the institution has been developed. The Office of the Ombudsman has grown into an operational institution, which is highly respected by the Malawian population, and has attracted support from international donors.

“The Ombudsman is fast, objective, understanding and helpful. I think he has a clear sense of mission, and he does not take sides,” says Adam Preston Bwanausi, a civil servant, who was unjustly dismissed, but managed to get redress through the Malawian Ombudsman. “If I had gone to a court of law the matter would not have been resolved up to now because of the complex legal system. Malawi needs the Ombudsman, because he helps everyone.”

The Ombudsman’s office was created in 1994 soon after the first democratic elections in Malawi. Franklin Kalawe, Director of Administration and Finance in the Office of the Ombudsman, recalls the period before the introduction of multi-party democracy: “For over 30 years, there was nothing like human rights in Malawi. Nobody could question or challenge any human rights abuses because of the one-party dictatorship system. People were detained without trial, and if you wanted to have freedom, you had to tow the line of those in authority, whether it was right or wrong”. The framers of the

new constitution felt it necessary to put in mechanisms that would ensure respect for human rights and monitor the situation in Malawi, and the Office of the Ombudsman, the Human Rights Commission and other organisations were established.

In its earliest inception phase the Office of the Ombudsman approached DCHR, and in 1996 a three-year cooperation agreement was initiated with the aim of strengthening the Office. “We chose to work with DCHR, because we knew that Denmark has the expertise and has one of the oldest Ombudsman institutions in the world, which started in 1954. Denmark is also renowned for respecting the rule of law, and I am sure they chose to work with us because of their interest in the promotion and protection of human rights,” says Mr Kalawe.

The project’s objectives were to establish an operational institution, to raise public awareness, and to strengthen a regional ombudsman network. However, progress was not without problems and delays, not

FACT BOX

DCHR has engaged in institutional and organisational capacity building of the Ombudsman institution in Malawi since 1996.

Staff of the Ombudsman Office has received extensive training in human rights, case-handling, administration etc. A documentation unit has been set up as part of the project and computer facilities for a case-management system have been provided.

A strategic plan for the Office has been developed, which has been instrumental in attracting international support. A three-year basket funding for the Office is in the process of being implemented with DFID and NORAD as main donors.

The Ombudsman institution receives about 75 complaints per day. A key objective of the present phase of the partnership with DCHR is to secure that 80% of these complaints are handled and completed within three months.

*Homepage of the Office of the Ombudsman:
www.ombudsman.malawi.net*

least because Malawi's first Ombudsman was dismissed in 1998 due to alleged misappropriation of funds. Countries coming out of periods of repression have an immense need for support, particularly continued support, and international partners must remain committed, even when organisations suffer major setbacks. The effort of competent forces within the Office of the Ombudsman secured that the project continued with primary focus on building an operational institution, and the



"Justice is a birthright for every person," says Enock Chibwana, who became Malawi's Ombudsman in 1999. The Ombudsman was elected "Man of the Year" in Malawi in 2000.

second Ombudsman, Enock Chibwana, now heads a very successful and progressive organisation.

Mr Chibwana worked as Chief Traditional Courts Commissioner and rose to Chief State Advocate in the Ministry of Justice before becoming the Ombudsman in 1999. In the course of this work Mr Chibwana saw a lot of injustice in the way justice was being administered. "This encouraged me to always bear in mind that justice is a birthright for every person, and it activated my interest to become Ombudsman with the view of having a chance to protect human rights and promote the rule of law and good governance in my country," says Mr Chibwana. Pursuant to the constitution and the Ombudsman Act, the Office of the Ombudsman is empowered to receive and investigate complaints pertaining to maladministration and to assist in the promotion and protection of human rights. This is the Ombudsman's mandate, and the Office fights all manifestations of maladministration, breaches of natural justice, wrongful use of discretionary power, unfair labour practices, unfair treatment, and other human rights violations. "There is a need for such an institution that has an obligation to assist the underprivileged to have recourse to justice", says Mr Chibwana. "For example, I handled a case of a man who was maimed with acid by some people, who had connections with police officers. He got compensation after I conducted a public inquiry and found that the police were wrong in maiming him. On his own he could not have managed to get that relief." Mr Chibwana gives another example of abuse of human rights concerning a 16 year-old pupil who was forced to run nude in public for allegedly making noise in class. "The punishment was cruel, inhuman,

degrading and amounted to interfering with the pupil's right to education and mental development in pursuance of sections 19 (3) and 23 (b)(c) of the Constitution of Malawi," says Mr Chibwana.

Despite the numerous achievements the Ombudsman has also been challenged because of the stance the Office has taken for human rights. "I have made decisions against government departments many times. Some people have not yet come to terms with democracy, so I am looked at with resentment and considered an agitator. A good example is an issuance of a circular by the then Inspector General of Police stipulating that no police officers should appear before public inquiries instituted by the Ombudsman, before they had been cleared by him and other senior officers. Fortunately, parliament intervened and police officers started appearing before the inquiries. You need a strong Ombudsman to overcome all these consequences, and I simply assert my position," says a confident Mr Chibwana.

Mr Chibwana is thankful for the partnership with DCHR, saying that without DCHR, the office could not have been where it is now. "DCHR came at a time when the Office was about to take off and considering the limited resources we had at that time, they came to our rescue." The concrete activities of the partnership have been to reorganise the Office, to standardise case handling procedures, including the development of a case handling manual, to strengthen technical capacity of staff members, including in-service training, to purchase equipment and to develop a strategic plan for the Office.

The Ombudsman stresses the importance of the support in terms of training provided

by DCHR: "The training that I and other officers of the institution has received here and in Denmark enhanced our understanding of Ombudsmanship, the rule of law, good governance and respect for human rights." Mr Kalawe, who has been the backbone of the institution throughout the partnership, echoes this point: "Trained staff is an asset to any organisation. This partnership has helped us a lot in terms of training because currently there is no institution in the country which teaches human rights as a subject on its own." As a result of the partnership, the Office of the Ombudsman has acquired computer equipment and developed a computerised case load management system. Initially, it was difficult to find and train office workers to use the case load management system, but Mr Kalawe sees the computerisation as a crucial asset for the Office: "We can work much better with computers compared to the manuals, which make our job so cumbersome. If we work with computers, it is easy to track down cases, and I know for sure that in three years time, we will have computerised all the cases."

Complaints handling at the Office of the Ombudsman in Blantyre. The three offices of the Ombudsman institution receive over 75 complaints daily.



On the basis of a workshop conducted by DCHR in May 2000, the Office of the Ombudsman developed a strategic plan. An external evaluation of the project from October 2000 found that this plan was excellent and showed a deep understanding of the difficulties the Office of the Ombudsman has faced, the reasons for these, and what could be done to rectify the situation. The evaluators stated that if implemented the concrete goals of the plan would ensure that the organisation would improve and move into the future with a clear vision and clear objectives. One year down the line the strategic planning seems definitely to have been worthwhile. DCHR was the sole international donor from 1995 to 2000, but others have joined in and the strategic plan has been instrumental in attracting a three-year basket funding to the Office of the Ombudsman with DFID, the UK Department for International Development, and NORAD, Norwegian Development Assistance, as main donors. "The Norwegians, DFID and other donors have shown interest in working with us, and we are now reaping the fruits of the partnership with DCHR," explains Mr Kalawe.

The partnership has been successful due to a shared understanding between the Office of the Ombudsman and DCHR. Although there are cultural differences between the partners Mr Kalawe does not think of this as a hindrance for the joint work. "To a certain extent, I can say, the cultural difference is an asset to the joint work. When one looks at Western working culture of setting deadlines and achieving goals the Office has learnt a lot from DCHR."

According to Mr Kalawe a partnership is a relationship between and amongst parties, who enjoy a more or less equal status and

have defined objectives to achieve - in this case of making people know their rights and making sure that they are respected. "Most of the decisions are made in a participatory way because we are fully consulted. Our activity plan is quite detailed. We have put reporting mechanisms in place, and every six months we give a progress report of the activities to DCHR. If they are not clear, DCHR will always need a clarification", says Mr Kalawe. "Generally we develop plans together, and we sit down and plan activities - including the costs. We have tried to comply with the requirements of the agreement on our part". But on a few occasions procedures have not been followed. The partnership agreement stipulates that no other funds should be put into the DCHR account and no funds should be withdrawn for other projects. "At some point we added some money we got from the Norwegians and this was in breach of the agreement. There was also a time, when we were in deep financial problems and withdrew some money from the DCHR account on the understanding that we were going to replace it", explains Mr Kalawe. "But we managed to sit down and discuss the matter and we came to the conclusion that this thing should not happen again. DCHR was very understanding and accommodating and we were able to reconcile. Otherwise, we could have forgotten about the partnership now".

According to Mr Kalawe, DCHR's support to the Office of the Ombudsman has contributed directly to the human rights situation in Malawi. Authorities now know that they will be held accountable for their actions, and ordinary citizens know where to go when they feel their rights have been infringed. Mr Chibwana adds. "Because of the assistance we get from DCHR we

have been able to perform very well in the year 2000, and the Office earned public recognition when the Ombudsman was elected "Man of the Year" in Malawi". The fact that the Ombudsman has dealt successfully with high profile cases (thereby attracting substantial media coverage) and with those of less high profile complainants (leading to much anticipation of assistance amongst ordinary Malawians) has also contributed to the number of complaints reaching the Office. It has been a tendency that the level of understanding amongst the public of the functions of the Ombudsman, and the comparative lack of awareness of the Human Rights Commission, the Anti-Corruption Bureau and similar structures, has resulted in numerous complaints being lodged with the Office which might be better dealt with by other organisations, or which fall outside of the Ombudsman's jurisdiction. The number of cases received in the three offices of the Ombudsman (in Lilongwe, Blantyre and Mzuzu) has increased from 20 per week a few years back to approximately 75 per day in 2001. "Currently, it takes us almost nine months to resolve a case, which is far too long, but we do not have enough personnel to handle the complaints. People are flocking to us because this is the only institution that people know is able to give effective redress", says Mr Kalawe.

It is a continuing concern to what extent the Office is capable of dealing with its workload in a competent manner. DCHR has consequently engaged in a project, which aims to coordinate the efforts of the complaints handling bodies in Malawi. The successful development of this project is likely to counter a situation where the Ombudsman institution comes under too much pressure due to its own success. "Civil service complaints handling bodies

are increasingly being empowered under the DCHR strategic coordination project", says Mr Kalawe, "and since other complaints handling institutions like the Industrial Relations Court and the Human Rights Commission are now gaining momentum and doing much better than they used to, the cases of the Office will decrease." Considering this positive development and the fact that the capacity of the Office of the Ombudsman is further strengthened through the partnership with DCHR, which has just entered its final phase, Mr Kalawe projects that in three years time, the Office of the Ombudsman will resolve at least 80 percent of the complaints within a specified period of three months.

"The cultural difference is an asset to our joint work. When one looks at the Western working culture of setting deadlines and achieving goals the Office has learnt a lot from DCHR", says Franklin Kalawe, Director of Administration and Finance in the Office of the Ombudsman.



Theme: DCHR Human Rights Officers and Advisors

When DCHR was established in 1987, the Centre saw it as an important task to place interns, financed by DCHR core funds, in human rights organisations all over the world. These internships developed into the Human Rights Officer (HRO) Programme, which found its present format in 1995, and became part of the Cooperation Agreement with the Royal Danish Ministry of Foreign Affairs in 1997.

The primary purpose of the HRO Programme is to support human rights activities in developing countries and to build up the Danish resource base, respectively. DCHR employs the HRO for a period of one year as an extra resource for the receiving organisation. It is DCHR's clear policy not to make partner institutions dependent on external staff, and DCHR will only in rare cases extend the posting of HROs in particular institutions.

The roles and areas of competences of the HROs differ, depending on the project to which they are assigned. The tasks, which a HRO will carry out while posted, are agreed upon by the receiving organisation and the Head of the given DCHR programme area. Work tasks will typically encompass a mixture of well-defined assignments, e.g. participation in the administration of an existing project, and ongoing tasks, which are necessary for making the organisation function optimally. The HRO also acts as a liaison between DCHR and the project partner and submits monthly reports and a concluding article about the posting, the conditions of the given country and the progress of the respective project.

HROs have positively ensured smooth co-operation between partner organisations and DCHR in the initial phases of projects, and in countries with sensitive partners and complicated political environments, HROs have played an important role with regard to paving the way for sustainable relations, breaking the ice and creating a planning base on which further partnerships can be built. In countries where national resources in relation to human rights have been scarce, HROs have contributed directly with institutional capacity building and transfer of knowledge on specific issues such as complaints handling, legal defense, and human rights training.

Due to strategic considerations, DCHR has in the past years linked the HROs closer to DCHR projects and DCHR partners of co-operation. Accordingly, candidates appointed to the HRO positions are seldom new graduates, but have, in general, several years of working experience in order to ensure qualified support to the projects. About 30 HROs have been posted in Africa, Asia and Europe since 1995. In 2001, DCHR decided also to assign so-called Human Rights Advisors (HRAs) to partner organisations. HRAs differ from HROs by having a specialised experience which enables the HRA to advice both DCHR and the partner organisation within a specified field of competence, such as law, case-handling, training, etc. In 2001, HROs/HRAs were supporting DCHR projects in Rwanda, Niger, Cambodia and in Serbia.

The African Commission on Human and Peoples' Rights

DCHR and the African Commission on Human and Peoples' Rights entered into cooperation on strengthening the Secretariat of the Commission in 1996. A strategic plan has been developed, boosting the efficiency of the Secretariat's coordinating tasks, and other donors have recently committed themselves to further assist the Commission in carrying out its principal role in relation to the protection and promotion of human rights in Africa.

The work of regional bodies acquired particular relevance in the field of human rights during the last thirty years of the 20th century. Nowadays, there is wide acknowledgment of the fundamental role and contribution of the European, Inter-American and African systems in providing effective redress to victims of human rights violations, and in the progressive implementation of standards through their casework and their advisory function vis-à-vis states.

Mainly due to its recognition of the importance of supporting regional human rights structures, DCHR has cooperated since the early 1990's with the African Commission on Human and Peoples' Rights, the regional human rights body mandated by the African Charter on Human and Peoples' Rights, to promote and protect human rights on the African continent. After its eleven members had been elected by the Organisation of African Unity's (OAU) Assembly of Heads of State and Government, the African Commission convened in November 1987 for the first time.

The Commission is mandated to promote human rights by sensitising populations, collecting documentation and interpreting principles and rules upon which African Governments ought to base their legislation in compliance with their international and regional obligations. The Commission is equally mandated to protect human rights, and the Charter provides for a communication procedure, through which individuals, groups or states can submit petitions concerning alleged violations of fundamental rights. The Commission also considers periodic reports submitted by state parties every two years, on legislative or other measures they have taken to give effect to the rights and freedoms recognised in the Charter. By January 1999, all 53 OAU member states had ratified the Charter. The Commissioners serve on a part-time basis, and meet twice every year for a 15-day session. Preparations for these sessions are the responsibility of the Secretariat of the Commission, which is the executive arm that manages the day-to-day activities of the Commission. The Secretariat is based in Banjul, the Gambia.

FACT BOX

DCHR and the African Commission on Human and Peoples' Rights have cooperated since 1993, and a comprehensive project supporting the core activities and general operation of the Commission's secretariat was initiated in 1996.

Training as well as computer equipment and appointment of legal, information and administration officers were provided through the project to improve the efficiency of the Secretariat and thus the functioning of the Commission.

A strategic plan for the Commission has been developed, and the present phase of the cooperation aims to provide financial and technical assistance for the updating of the plan. DCHR holds a coordinating role among the Commission's international donors.

In 1993, DCHR started to provide legal interns to the Commission. During the initial years of cooperation, DCHR assisted with the publication of a number of state reports, and over the years there have been ongoing and frequent contacts between the Commissioners, the Secretariat and DCHR. By 1996, it had become clear that the OAU had failed to make sufficient funds available to fulfil the mandate of the Commission, and DCHR was one of the partners invited to reassess its cooperation with the Commission and the implementation of its Programme of Activities. In light of its prior commitment to cooperation and the reasons identified for the lack of implementation, DCHR embarked on a programme of cooperation of a much more comprehensive nature. This programme was aimed at supporting the core activities and general operation of the Secretariat, deviating from the usual project-driven model of donor support.

The part-time nature of the Commissioners' functions (including the Chair and Vice-Chair) and their limited period of office have increased the importance of the Secretariat, especially that of the Secretary, as full-time and permanent features in the otherwise transitory life of the African Commission. The Secretary of the African Commission, Mr Germain Baricako, recounts the history of the current partnership activities between the Commission and DCHR:

"In 1996, when we were preparing the implementation of the Mauritius Plan of Action, DCHR offered to assist, and consultations took place. The starting point was the common intention to promote and protect human rights in Africa and to ensure a better performance of the Commission by improving the efficiency of the Secretariat. We came up with our first cooperation agreement, where DCHR agreed to provide core staff and equipment needed for the Secretariat in order for the Commission to fulfil its mandate.

We managed to improve the Secretariat's activities considerably. The core funding was a very important first step, because the functioning of the Commission depends on the efficiency of the Secretariat. In the beginning we had extreme shortage of staff and equipment, but the DCHR support allowed us to build our capacity. We could not assist the members of the Commission properly without computers, network and Internet facilities. Now, we are able to plan and prepare the Commissioners' missions and reporting needs, and the equipment we received and the staff that were put at the Secretariat's disposal facilitate all those activities. Our documentation responsibilities and the organisation of our sessions were also very difficult to fulfil prior to DCHR's support, but we are now able to assist the Commission much more adequately," says Mr Baricako.

"The partnership with DCHR has been characterised by a friendly exchange of expertise. It is normal to have different views in teamwork, but the most important thing is that members of a team exchange views and find a common stand. We never experienced a deadlock in our discussion, but always reached an agreement, and there is no regret on our part regarding our discussions, which have been frank and open. For example, DCHR and the

Commission had different accounting systems and procedures, but we managed to find a common solution on how to record and use the funding. DCHR offered their views as to how we could improve our system, and the DCHR Director of Finance visited the OAU Headquarters, on the basis of which a jointly formulated accounting manual was produced,” says Mr Baricako.

In continuation of the partnership a comprehensive strategic plan for the effective functioning of the Secretariat containing various guidelines, e.g. on missions, on the processing of state reports and on sessions, was developed through the involvement of DCHR staff. The strategic plan was completed in September 1999, and has according to Mr Baricako had great impact on the Secretariat’s work: “During the implementation of the first cooperation agreement DCHR assisted us in drawing up a strategic plan. DCHR offered its know-how in planning and human rights promotion, and we put all the elements together and managed to define a comprehensive strategic plan for 2000-2002, which clearly lays out the planning of our activities and ensures a methodical implementation.

It was the first time that the Commission used such a method, which had the great advantage of identifying the Commission’s activities in order of priority, and the resources required to implement each of these activities. We also managed to lay down follow-up procedures ensuring we are on track and are able to rectify things on time. The evaluation process allowed us to see if given activities have been properly implemented and to identify the origins of a given failure or the degree of a given success”, continues Mr Baricako. “In short, the strategic plan helped the Commission to work in a clear framework, and now each member knows what to do and how to

do it, and this considerable improvement of the Commission’s work is due to DCHR’s approach.”

DCHR has recently entered a new cooperation agreement with the Commission with the objective of providing technical and financial assistance to the Secretariat of the Commission in order to update and adjust the strategic plan. This project runs up to the end of 2003. “DCHR assisted in preparing the plan and in putting it at the disposal of the Commission. We feel it is our own strategic plan, and DCHR is now supporting its updating and renewal”, says Mr Baricako. “To summarise, the strategic plan is based on a common effort and a common result, but the adaptation also posed problems. Initially, the strategic plan was too technical and the members of the Commission and the Secretariat needed some time to digest it. For example indicators, which help you to assess the planning and execution of a given activity, are difficult to define when developing the strategic plan, but they are difficult to use also. It was a new approach for us, and we had to make a number of exercises with the DCHR consultants. Staff involved in reporting were used to other methods and had to readjust, which is quite a demanding exercise. For instance, when you plan an activity, you have to indicate the financial implications, but some of our



“DCHR’s experience from the European human rights system provides useful indications for us”, says Secretary of the African Commission on Human and Peoples’ Rights Mr Germain Baricako.

staff did not know how to prepare a budget properly. Later on, everyone found that the strategic plan was an important and useful tool for our work, and now it is used easily, but the new approaches first had to be fully understood”.

DCHR’s cooperation with the Commission also focuses on providing assistance to the Secretariat in the context of its consultations with other partner organisations in order for the Secretariat to be able to maintain the level of activities and personnel. Thus, the Commission in year 2000 succeeded in entering agreements with three partners, thereby securing financial and technical support.

“The other donors appreciated the strategic plan, because they could see on which basis they could fund the activities of the Commission and to what extent they could monitor how these funds are used. OAU funds our sessions, our permanent staff and some functioning fees, but for the Secretariat’s other activities we are relying on the other partners. It is important to note that the other partners came in when they saw the results and the improvement of the Commission due to DCHR’s support. This is of course an additional positive mark for DCHR compared to the support we receive from other donors.

We aim to involve a maximum of partners in our work to fund our activities, and DCHR has undertaken the task of assisting

the Commission in monitoring our planning process to make sure that what we do is properly planned and adequately supported by donors”, continues Mr Baricako. “Thus, we try to avoid interruption of activities. When for instance one donor steps down we should make sure that we have an immediate replacement. DCHR has played this role of coordinating the partners, which we would like them to continue in the future.”

The Secretary also has further suggestions for the future cooperation between DCHR and the Commission: “I hope that DCHR will continue to support human rights in Africa. We have many projects on the table and hope to involve DCHR. We would like DCHR to continue to coach us in our planning process, but we also wish DCHR to become involved in our technical activities, for instance in relation to research. More concretely, we welcome DCHR’s reflections on how to best place the Commission in the new framework of the African Union, which is to replace the OAU. Human rights are clearly addressed in the Act of the African Union, but nothing is said about the Commission. Thus, the Commission will forward recommendations on how to tackle this transition period to the relevant bodies of OAU, and we hope our friends and partners will assist us in drawing up a comprehensive document defining the role of the Commission in the new framework. We also need to produce key documents on the relation between the Commission and the future African Court for Human Rights, and in this respect we also invite DCHR to assist us. In their capacity as coordinator among the partners, DCHR is able to guide us in the proper approaches for funding, but just as importantly DCHR’s experience with the European human rights systems will provide useful indications of how we can learn from the European system to freshen up the functioning of the African Court and the Commission”, concludes Mr Baricako.



The 30th Session of the African Commission on Human and Peoples' Rights was held in Banjul, The Gambia from 13th - 27th October 2001.

Theme: Human Rights Courses and Management Conferences

An important part of DCHR capacity building efforts among partners has been, and still is, to enhance knowledge about international and regional human rights instruments and mechanisms, and to develop skills in applying these instruments in the domestic contexts. In 1994, DCHR organised its first international human rights course for 20 participants from African and Central and Eastern European countries. From 1996 the course was offered twice a year, and since then the three-week international human rights course has developed into a regularly organised activity at DCHR with participants from all over the world. Participants represent NGOs, governments and intergovernmental organisations, which deal with human rights issues, and are mainly selected from the DCHR partner organisations. The primary objective of the course is to give participants information and skills, which will benefit them in their daily work with human rights, and also to provide the possibility to exchange experiences. The course consists of two parts, where the first part introduces participants to global and regional human rights instruments and institutions, including examples of domestic implementation. The second part of the course takes a thematic approach to human rights issues, such as asylum and refugee status, the concept of fair trial and women's rights. DCHR also arranges visits to relevant Danish organisations and institutions such as the police, the Office of the Ombudsman and the Parliament.

By giving participants a forum for the discussion of human rights issues in formal as well as informal settings, they have the possibility to form networks, which can support and strengthen the dissemination of human rights information, and further cooperation between various countries and regions of the world.

The lecturers are mainly drawn from DCHR's own staff though supplemented by external experts. The number of participants is approximately 35 per course. DCHR covers all expenses through grants provided by the Royal Danish Ministry of Foreign Affairs and the Democracy Fund.

In addition to the human rights courses, DCHR has organised Management Conferences with the aim to provide a setting for capacity building, exchange of expertise and networking between DCHR partners in the field of managerial skills development. The Management Conferences are seen as a useful contribution to the cooperation between DCHR and its partners. "DCHR puts emphasis on assisting partners in strengthening their institutional capacity, including a democratic management-style and the elaboration of human rights profiles, the

latter through courses and research”, says Ms Birgit Lindsnæs, Director of the Partnership Programmes.

DCHR arranged its 1st Management Conference in 1997 on strategic planning, organisational development and staff management tools. In the wake of the 1st Management Conference, the now late Ms Zoe Tembo, Director of the African Centre for Democracy and Human Rights, stated “I wish once again to thank the Danish Centre for affording us this opportunity of sharing our successes and difficulties with others in similar situations, if not the continents. It was lessons well learnt”.

The 2nd Conference was held in Copenhagen in 2001, with participants from the Gambia, Tanzania, Malawi, Rwanda, Nigeria, Niger, Benin, Albania, Bosnia and Denmark. The topic of the conference was “coaching for performance” and was led by the international coaching expert Sir John Whitmore. Coaching is a management style focusing on people’s potentials, responsibility and ownership rather than simply their former performance. Besides coaching, the conference also examined team-building and motivation issues.

The participatory method employed involved much group work and took the participants’ own reality as a point of departure. A participant from the latest Management Conference, Mr Germain Baricako, Secretary of the African Commission on Human and Peoples’ Rights, leads a multinational secretariat staff. The staff is under high work pressure most of the year topping with the Commission’s two yearly sessions, which depend highly on the efficiency of the Secretariat. “This course shows us how to apply sport-coaching techniques to staff-management”, explains Mr Baricako, “how to make your staff work correctly, how to improve the staff’s performance, how to make them conscious of their capacity to build something. The course explains how to follow and evaluate the situation, and then consider which actions to initiate to reach the objectives. The course related directly to our respective work and projects, and allowed us to see how the proposals and suggestions can be applied. This was excellent. I now feel more secure in management and ‘reinforced’ to face my staff with whom I now want to create conditions for real team-work”.

DCHR plans regional follow-ups to the 2nd Management Conference. The first regional follow-up was held in Sarajevo in December 2001. Also, DCHR Project Managers have been trained in coaching techniques, “as we all need management skills in our work”, says Erik André Andersen, DCHR Project Manager.

Civil Society and Research Centres

A stable democracy and protection of human rights is best secured by the simultaneous presence of a vibrant civil society and transparent, well-functioning state institutions. It is DCHR's vision to capacitate civil society organisations and research centres to fulfil the role of monitoring and promoting human rights vis-à-vis the state and other relevant institutions and organisations in society. Following this vision, DCHR builds partnerships with civil society organisations and state institutions, or a combination of both, under the Civil Society and Research Centres programme area. These partnerships aim to strengthen civil society organisations primarily within three fields: *Monitoring*; including research and analytical activities, documentation, data collection, human rights surveys and assessments, development of indicators and evaluation techniques; *Promotion and implementation of human rights*; including awareness raising, education, training of specific target groups, drafting of training material, dissemination of information and establishing dialogues; and *Advocacy activities*; including the preparation of strategies to promote certain rights or concerns through media initiatives, lobbying, networking and mobilisation of interest groups etc.

Monitoring and advocacy activities undertaken by NGOs vis-à-vis the state are important in creating and sustaining

state observance and respect for human rights, and the independent and watchful position of civil society is perceived as a stabilising factor. In countries in transition to democracy, the presence of independent structures is vital not only to assist the process of establishing legislation and accountable institutions, but also to safeguard against states' regression towards non-democratic practises. The role of civil society organisations in representing and promoting the rights of minorities and vulnerable groups is also considered a built-in measure in preventing conflicts and preserving peace.

It is important to note that the formal cooperation between civil society organisations and DCHR often is an entry point to address state institutions such as the judiciary, the police and ministries in the given countries. Partner NGOs and independent human rights centres are thus key actors when entering into cooperation with public authorities, governments and intergovernmental bodies. This also reflects the fundamental aspect of DCHR's partnerships with civil society. Pressure from civil society has to be constructively absorbed by the state, and state and civil society have to cooperate and engage in a dialogue. DCHR partnership programmes aim to facilitate this dialogue.

Following this approach DCHR has since

1991 focused on building the capacity of human rights NGOs and human rights centres. The strengthening of the partners' institutional capacity has generally included training in management, strategic planning and logical framework approach. A special focus for a number of projects with human rights NGOs and centres from all regions is the development of teaching material on human rights for professional groups such as school teachers, police and women's groups. Supplementary to the drafting of training manuals, DCHR has organised ongoing networking workshops in partner countries and Denmark to encourage cooperation and interaction between the partner organisations involved.

DCHR also cooperates with universities on various levels. Master programmes are supported by offering grants to students, by developing curricula and full scale MA programmes as well as by offering

external guest lecturers. Other cooperation agreements with universities and research institutions offer scholarships, establish documentation for libraries and provide assistance in publishing academic human rights quarterlies. A regional research network in West Africa is currently in the planning process.

Partnership programmes in the area of Civil Society and Research Centres also concern support to national or regional NGO networks in Africa, Asia and Europe. In 1998, DCHR assisted in the establishment and has been involved in the building up of the Balkan Human Rights Network, which consists of about 39 human rights organisations in the region. The Balkan Human Rights Network is presented in detail in this chapter together with an illustrative sample of DCHR partners and projects within this programme area.

The Balkan Human Rights Network

In war-torn South Eastern Europe human rights organisations moved to initiate regional cooperation, and DCHR was instrumental in setting up a forum of capable and progressive organisations, which together formed the Balkan Human Rights Network in 1998. Today, the Network comprises 39 organisations from seven countries in the region and successfully conducts training activities, capacity building and legislative reform initiatives with a unique, intra-regional approach.

Having been part of the world of Communism most countries in South Eastern Europe share a common historical and economic background, where political dictatorship and gross human rights violations have been a common feature for years. The political development has had its own characteristics in each country, but it is generally acknowledged that there is an almost complete absence of democratic experience in most of South Eastern Europe. Although formal democratic structures have been installed, a democratic culture has only developed very slowly or not at all, since authoritarian regimes and political conflicts have blocked the democratic process.

The form and function of the Balkan Human Rights Network (BHRN) is the present result of a process of trying to react constructively to this common frame of reference in South Eastern Europe. In 1998, human rights organisations in Yugoslavia were involved in preparing a shadow report on human rights to UN supervisory bodies and began to discuss the possibility of promoting this kind of monitoring activity in other countries in the region. Chairperson of

BHRN Dino Abazovic recalls this initial phase: "We got together in order to address the urgent need of our common agenda - to stop human rights violations. Each organisation struggled individually in its local environment, but problems like the refugee situation obviously called for a

FACT BOX

The Balkan Human Rights Network was formed in 1998 by a number of human rights organisations from Croatia, Bosnia-Herzegovina, Serbia, Albania and Bulgaria as well as DCHR.

In 2002, 39 human rights organisations from the seven countries in the region are members of the network. The network is facilitated by a secretariat in Sarajevo and managed by a steering committee. Network training activities for member organisations include courses in human rights reporting, media and public relations, strategic seminars on refugee issues and capacity building in administration and auditing. The network also conducts education activities for judges, prosecutors and lawyers, police, journalists and a holds an annual summer school for 'future decision-makers' in the region.

The network is funded by the Danish Fund for Peace and Stability (FRESTA).

*Homepage of the Balkan Human Rights Network:
www.balkan-rights.net*



“Having NGOs from different sides of a recent war working together on the same line is an achievement that speaks for itself”, says Dino Abazovic Chairperson of the Balkan Human Rights Network.

regional initiative, and we saw the joint effort as a great benefit.

After the war there was a profound lack of communication and exchange, and we had little knowledge of each other’s work,” continues Mr Abazovic. “There was a desperate lack of human rights documents and material, especially in the local languages, and although it is a politically explosive issue one has to remember that there is, in practice, almost no language barriers in the region, which of course is a considerable potential for a network.”

An informal network was formed at an initial meeting in 1998. The idea of the network was to gather forces by means of cooperation and to reverse the last decade’s destructive development in favour of promoting knowledge of human rights and building the capacity of human rights organisations in the region. A training seminar was scheduled to take place in Sofia in May 1999, but was cancelled due to the acute crisis in Kosovo. At the same time, however, the crisis in Kosovo became a springboard for increased attention to the whole situation in South Eastern Europe. As a result, new potentials for the development of BHRN appeared.

The founding members of BHRN included human rights organisations from Croatia, Bosnia-Herzegovina, Serbia, Albania, Macedonia and Bulgaria. Several of these organisations were formal partners of DCHR. “Due to their bilateral work with the many organisations in the regions DCHR had a basis for promoting and supporting a network approach in South Eastern Europe. We used DCHR’s hospitality, so to speak, and they gathered the actors. It would have been totally impossible for any of us, logistically, technically and financially, to organise the initial meetings and activities on our own”, says Mr Abazovic. “DCHR provided us with the forum, the expertise and the methodology, and they were very

good at choosing experts to facilitate and moderate for us.” In 1999 two meetings were held in Budapest, where BHRN members identified their common grounds and concretised their ideas. The same year BHRN joined the funding programme of the Danish Fund for Peace and Stability (FRESTA), which renders assistance to civilian measures of conflict prevention and resolution and post-conflict reconstruction. Mr Abazovic stresses that the motivation for establishing the network was in no way financial: “Money did not bring us together. From the beginning our common approach was the driving force, and the local ownership of BHRN has always been very high”.

BHRN has an explicitly inclusive approach and comprises a variety of members from small grassroot organisations to large NGOs of more than 20 employees. Presently, there are 39 member organisations in the network. “We are not an umbrella organisation, but think of BHRN as an addition to each member’s individual profile and activities. In a post-conflict situation it is hard to have a strong, closely tied network. Each member organisation is struggling to survive, and would endanger their own sustainability if they were to focus one-sidedly on network activities. It has to be a bottom-up approach without too much institutionalisation”, says Mr Abazovic. “Human rights must be regionally addressed, but not regionally imposed, and there should not be a common human rights approach, which might lose sight of the genuine understanding of the given, local context.”

The overall aim of BHRN is to enhance respect for human rights and rule of law, promote peace and stability and establish a regional and national human rights agenda in South Eastern Europe. The network is activity-based and to some extent comparable to an international project implementing organisation. The selection

of activities or themes has been based on the strategy developed at the network meetings in 1999. These meetings set the initial priority area of BHRN to train the human rights organisations in human rights reporting by means of assistance from DCHR. The 2000-2002 long-term strategy of the network now includes four themes: education in human rights for professional groups, capacity building of human rights NGOs, improvement of the legislative standard of the countries in the region, and improvement of the administrative structure and functions of the network.

A steering committee coordinates the network activities and takes major decisions on behalf of the members. The steering committee is composed of one representative from each country or region in the Balkans plus DCHR. BHRN also has a secretariat in Sarajevo that provides assistance to the members and the steering committee in terms of project supervision, fundraising, information activities, etc. Considering the problems confronting human rights organisations in South Eastern Europe and the often still insurmountable obstacles for cross-boundary collaboration between former enemies, the network has made very good progress. The fact that the network has been established is in itself a remarkable feat says Mr Abazovic: "The symbolic strength of having NGOs from different sides of a recent war working together on the same line is an achievement that speaks for itself.

As a Bosnian growing up in Sarajevo under the siege I have felt the ethnical exclusivity the war tried to impose on us. Coming out of such a background it has been absolutely crucial for us to get the neighbour's perspective and to put down on paper and agree that this is our common approach.

We learn a lot from each other and gain tremendously from the transfer of knowledge and skills", continues Mr Abazovic, "for example in relation to our

interventions in the legislation. Countries of former Yugoslavia, and to some extent also Albania, basically have the same legal tradition and legislative system. But the system has also developed differently in the respective countries. BHRN's "Model Laws" theme, which attempts to harmonise legislation in specific fields, builds exactly on this common frame by synthesising best practices from a broad range of basically identical legal systems."

Human rights education for a variety of professional groups and state officials such as judges, prosecutors, lawyers, police officers, journalists and editors, and also young people defined as "future decision-makers" is a primary focus of BHRN's activities. The professional capacity of BHRN is sufficiently high to implement a large part of the educational programmes by means of local expertise, although external expertise, for instance from DCHR, is also provided. Improvement of BHRN's administrative structure and functions, which is an inherent part of the project funding from FRESTA, aims to further this capacity even more. BHRN activities also include capacity building of member organisations in terms of training in Human Rights Reporting to the UN supervisory bodies, training in how to use the media in spreading knowledge about human rights, administration and project management, etc. BHRN member organisations are mostly working with government departments, and BHRN sub-programmes have great potential for reaching a significant number of beneficiaries and being institutionalised in the governmental systems. BHRN aims to involve governments as active partners, and the effort seems to bear fruit, not least due the network approach, explains Mr Abazovic: "When engaging in campaigning or advocacy activities it carries a certain weight that 39 organisations from six or seven countries participate. It gives an echo in the local environment and towards the given government. Also, if BHRN

The Balkan Human Rights Network was formed in 1998 by a number of human rights organisations in the region and DCHR.



The Secretariat in Sarajevo facilitates the 39 human rights organisations from seven countries in the region, which together form the Balkan Human Rights Network.



approaches a government with, for instance, a human rights training initiative and is able to state that three governments in the region already participate, it is more difficult for the given government to explain why it does not want to get involved."

Ethnicity and national identities have been radicalised by the wars and conflicts in the region, but other differences in scale and development between the relatively richer and more dominating Northern countries of the region vis-à-vis the South also play a part in the cooperation within the network. Former enemies from a variety of backgrounds have to work together and in the same direction, and according to BHRN Chairperson Mr Abazovic, a key element in securing a positive and constructive process is a clear definition of the common frame of reference. "From the beginning we have set very precise criteria for intervention to ensure that only the obviously common themes are chosen as network priorities. There are of course disagreements", says Mr Abazovic, "but one should not forget that the human rights situation in the Balkans is so fragile, the violations are so gross, and the need for action so pressing that it is difficult to disagree on the basic agenda." An example of a potential conflict was the location of the BHRN secretariat. The secretariat was initially placed at DCHR in Copenhagen. However, following the step-by-step process of transferring responsibilities to the region, the secretariat was to be relocated, and placing the secretariat could fuel tensions between members by feeding into the North-South imbalances of the region. According to Mr Abazovic, the choice fell on Sarajevo because the members thoroughly worked out the criteria on the basis of which the decision should be taken in terms of accessibility, security, etc. "In general, one can say that BHRN takes a very pragmatic approach. We focus on concrete issues and try to avoid engaging in discussions of abstract concepts.

DCHR also has a role to play in this. They have in a sense a neutral position and obviously have no hidden agendas, which can be an asset in our joint discussions". But this is not to say that DCHR has a controlling function, underlines Mr Abazovic: "BHRN is a joint venture, and DCHR is an experienced, but equal partner. DCHR provides expertise, but they do not impose anything on us. The other organisations learn from DCHR, and DCHR offers tremendous support in preparing and securing our funding from FRESTA. Their voice matters but it is still just one voice out of ten in the steering committee. The only difference is that DCHR can veto financial decisions because, in the end, they are responsible to FRESTA. Thus, DCHR plays a role as an insurance for our Danish donors, but it is important to stress that DCHR applies a very fruitful strategy of consciously and slowly stepping back. This was clear from the start. DCHR has never 'spoiled' us and the local ownership of the network was never lost. A good example is the fact that two years ago the application for FRESTA was made by DCHR with the assistance of the other members. Now, the application has been made by the members with the assistance of DCHR!"

BHRN was registered in Montenegro as an international NGO in 2001, and Mr Abazovic is confident of the sustainability of the network. "BHRN is strengthening its activities and fundraising techniques, and strategies form an explicit part of the capacity building component of the partnership with DCHR. Once we have completed our projected institutional development, we will surely be able to approach other donors, who might want to work through the network. I am not afraid of the day the Danish funds expire, because with the assistance of DCHR we are becoming increasingly professional and better and better at what we do," concludes Mr Abazovic.

Human Rights Training of the Albanian Police

The transformation of the police from a force to a service is a crucial aspect of developing and consolidating a democratic society. The well-established NGO, Albanian Center for Human Rights, implements a large-scale human rights training project for the Albanian police in partnership with DCHR, the Ministry of Public Order and the police. A training manual and curricula have been developed, and reference books have been distributed to decentralised police levels countrywide.

“We experience many difficulties on our way towards democracy, but as NGOs, we have established a position from where we can help Albanian society to find its way and set the country on the right track”, says Kozara Kati, Executive Director of the Albanian Center for Human Rights (ACHR). “The evident distinction between ACHR and DCHR is that we are placed and work where the problem is. Throughout our partnership with DCHR we at ACHR have implemented the programmes ourselves, as a local capacity. Albanian experts, found among our universities and academia, have been trained as trainers, and DCHR has given us an opportunity to strengthen ourselves. That is a great approach, which stresses the fact that each state has the right to choose the formulas of solution to its problems and needs for itself. By following this approach DCHR has helped us in an extremely positive way. DCHR has many projects in different countries of the world, and I believe that they have created a

very clear vision of the fact that democracy cannot be taught or promoted by using a single model. Democracy is the model itself, and the ways to construct it cannot be dictated by a state or a centre. I appreciate DCHR’s flexible way to operate in our joint project on the Albanian Police, and their effort to create a space that allows for the strengthening of local capacities.”

DCHR has since 1996 had continuous exchanges with the Ministry of Public Order, the police and ACHR in order to establish formal relations, assess needs and formulate a joint project on human rights training of the Albanian police. The training project was launched in January 2000, and is coordinated by ACHR. In the early 1990s, Ms Kati established a torture rehabilitation center in Albania in cooperation with the Rehabilitation Centre for Torture Victims in Copenhagen, and in connection with this work she attended a human rights course at DCHR in 1994. “Since that time the contacts

FACT BOX

The project Human Rights Training of the Police in Albania was initiated in 2000 in cooperation between the Albanian Center for Human Rights (ACHR) and DCHR, resting on a firm commitment from the Albanian Minister of Public Order and the police.

The aim of the project is to build human rights awareness within the police, thus improving the human rights protection of citizens. The project also aims to strengthen civil society in Albania by building the capacity of ACHR.

As of October 2001, 400 mini-libraries with relevant human rights documents have been distributed to police commissariats, 14 experts have been trained, 191 officers and about 1,600 policemen as well as about 60 students at the Police Academy have been trained. The project will be finalised in 2002.

Homepage of the Albanian Center for Human Rights: www.achr.org

and cooperation with DCHR have become more and more substantial, and a number of ACHR staff have attended the DCHR human rights courses in Copenhagen”, says Ms Kati. “I can say that we chose each other. We came to know each other on different occasions, i.e. training programmes, internships, meetings and conferences, and the idea to initiate a joint project on police training was very attractive for both of us. After a number of meetings and long discussions, DCHR and ACHR managed to formulate a project proposal, which found support from Danida. The project, which started in January 2000, will be finalised on 31 December 2002.”

ACHR has since it was founded in 1992 specialised in human rights documentation and publications as well as human rights training targeting primarily schools and specialised groups such as refugees, magistrates and the police. ACHR is a well established and consolidated NGO, which enjoys broad recognition within all levels of the Albanian society, including the

NGO community, ministries, parliament and international organisations. ACHR is also a member of the Balkan Human Rights Network (see page 61). Apart from its training experience, ACHR has experience in creating the necessary interest, acceptance and commitment concerning human rights at various levels in the Albanian society. This has been a basic precondition for the realisation of the project, the implementation of which rests on a firm commitment from the Minister of Public Order and the police.

As most other state organisations the Albanian police have been seriously affected by the turbulent and at times violent period of transition in the last decade. The lack of added resources, political interference, growing corruption, influence of the international mafia, increased crime rate and social problems are just some of the obstacles the police are facing. The police are not able to ensure the rule of law in the country, and the training project aims to build an awareness and knowledge within the police about human rights and their implementation. The project is based on the assumption that by making the police familiar with and adhere to human rights standards, their interaction with citizens will to a growing degree be based on the rule of law. It is also envisaged that the training will contribute to the police’s transition from a force controlling the citizens according to a political agenda to a community service. “I believe that the police are a structure of immense importance. The attitude and performance of the police is an indicator of the level of democracy in a country - a sort of a mirror for democracy - and thus a very delicate element in the construction and consolidation of a democracy. It has to be prioritised, especially in countries where the police are not considered to be part of the democratic development. In my

own country the police have been a force safeguarding the former dictatorship. The Albanian police force was a weapon in the dictator's hands, helping to preserve this merciless power, and continuously violating citizens' rights. The long-term intention was to prevent any new ideas in the minds of people that could generate different processes of development. This has created an image that the police cannot act otherwise", says Ms Kati.

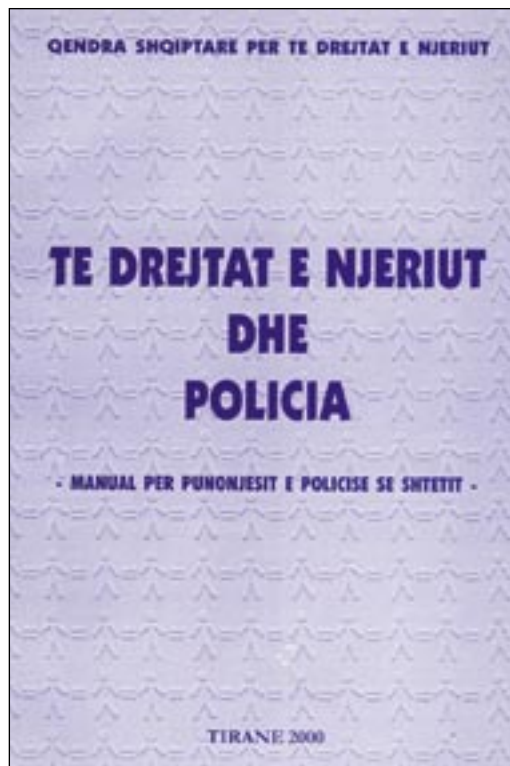
"The majority of the population has this old perception of the police. Although the average age of population is only 30 years, this concept has not changed dramatically, because the same standards of education and curricula continue to function, and there is still a great need to generate a new vision for state and non-state institutions and their tasks.

The police are one of these institutions. The Law on Police guarantees the rights of citizens, and the legislation has established high parameters, but there is indeed insufficient recognition and knowledge of such laws among police staff - and among citizens as well. This has urged us to work with the police", says Ms Kati, "to help police staff recognise international standards, police ethics, our constitution and other elements that convert police into a civil structure."

The human rights training project comprises several components such as: Training programmes for various levels of police (with special emphasis on the low levels); curriculum development in human rights in the Police School; compilation and distribution of basic library packages and pocket books with relevant laws and documents to decentralised police levels countrywide; and small scale human rights research and study tours. ACHR implements the project and holds the overall

responsibility for planning, coordination, facilitation of the police manual development team and of all training activities, contact to relevant partners (including the government), monitoring, reporting to DCHR, accounting, etc. DCHR has, particularly in the first year of the project, assisted ACHR in these tasks, and a parallel objective of the project is to strengthen the emerging civil society in Albania by building the capacity of ACHR and involve other relevant NGOs.

"I think that the role of our project is to try to convert the police from a military based structure into a civil structure. We aim to strengthen within the police the idea of an open institution, where responsibility, competence and transparency are the key words, and this is done in democratic ways on the basis of reciprocal agreements between state and non-state institutions. We do not pretend that this project solves



The training manual for the Albanian Police was published in 2000. Implementation of the training activities was initiated the same year and so far around 2,000 policemen and officers have been trained.

everything, but I think that this step can generate other steps. It is of major importance to enable somebody, in our case the police, to stand on their feet and work inside their own structures. In this way we hope that the police will be able to create a capacity to also work with other groups, with schools and with citizens in rural and urban zones, which in turn will help generate a reciprocal respect between police and citizens”, says Ms Kati.

“In the long run, I think that it is easier to work with an institution that has 13,000 employees than with a population of three million. If a police officer on the street is able to behave as he or she is supposed to by respecting the citizen as an individual, who enjoys all rights independent of the fact that the citizen has made an infraction on purpose or not, then the good behaviour of the police officer will push the citizen to behave accordingly. Each time we go to Denmark with groups of trainers and visit Danish police institutions, we see that Danish police officers impose a respect and a behaviour on you, which by all means is a form of education to citizens”, says Ms Kati.

“With the fall of the Berlin wall and the Communist dictatorships in Eastern Europe, it was thought that these countries would soon gain Western democratic standards. For us, democracy was so beautiful, presented in very attractive forms, when

we looked at Western channels on the TV screen. Today, after 10 years, we, the people from Eastern Europe, still do not have a clear idea of what democracy means. Democracy is like a multi-floored building. If the developed countries are in the upper floors of that building, which keeps getting higher and higher, we in our country seem to construct a democracy of upper floors without having consolidated the ground floors. Recent events in our country show that you can never build a democracy in air, without foundations. Every construction needs to have strong foundations, in order to face pressures. I think that Albania has constructed a good foundation, which is the law. Based on this foundation, the police have to function as a civil structure and not as a military one. This process should be ongoing, and I believe, that if we do not continue on the chosen road, we will encounter the risk of having an unstable first floor in our multi-floored democracy building”, says Ms Kati.

According to Ms Kati a partnership is based on mutual interest with due respect for the identity and independence of the partners.

“It is obvious to consider DCHR and ACHR as two similar organisations, but while their main goals and objectives are alike we live and operate in two quite different environments. DCHR grew in an environment where democracy was functioning, whereas we started out not knowing what an NGO was. The state itself and public opinion did not recognise the third sector, which was about to start and gain force step by step. In each step we learned from the failures and we tried to find similar organisations, created in a democratic environment, as models for our work. We had cooperated with many other foreign organisations, but DCHR represented a model for us, which helped us

Human rights training of Albanian police officers.



study the needs, assessing the priorities and increasing the capacity of ACHR. We needed to strengthen our managerial capacities and to create a better vision for our future work. DCHR is an organisation, which functions as a democratic and open NGO and has generated immense capacity within itself as well as integrated capacities from other organisations. I can firmly say that DCHR helped us to develop ACHR into an organisation, which I think manages to function according to accepted international criteria and parameters. In short, DCHR has served as a model for us in every step we have made”, says Ms Kati.

The partners have of course also met difficulties in their joint work, and according to Ms Kati an explanation can be sought in the different contexts of the two centres.

“The Danish staff has constructed a work practice over a relatively long period based on immense experience. We are trying to implement a similar practice in a forced way to recuperate time and to reach the parameters required by the international community. In this intensive process of gaining experience and recuperating the lost time, we have managed to set up a common project with the DCHR, which is being implemented in Albania, but is conceived by DCHR experts, who have an open and consolidated mentality towards the requirements that the police should meet in a democratic country. Therefore, this project has also engendered many discords between us because of misunderstandings, from one side or from the other, of the current needs of the Albanian police, of the possibilities to intervene in police structures. I think that we have had difficult moments - not conflicts or crises - which have been resolved by jointly discussing the problems, by presenting the rationales and the solutions. Nevertheless, we have different mentalities, mainly because we

have different staff. I see a considerable difference when I go to Denmark and see how DCHR functions. The working culture is different, they report differently, and the staff have an enhanced sense of responsibility. We, in Albania, are trying to reach the same level. But it is not easy,



“We aim to strengthen within the police the idea of an open institution, where responsibility, competence and transparency are the key words, and this is done in democratic ways on the basis of reciprocal agreements between state and non-state institutions”, says Kozara Kati, Director of ACHR.

at least today. Sometimes I tell myself that it is not easy for me to work with staff operating in a society with consolidated democracy. You learn a lot, but still you have an investment to do. We in Albania need to dedicate our time and good will to such an investment. We need to work more and feel more responsibility for what we are doing. We need more transparency in our work. All this requires training, dedication and persistence from the trainers and from our staff as well. I am confident that ACHR has the will to continue such a process, and the model that we have chosen helps us a lot”, concludes Ms Kati.

Theme: Manual Development

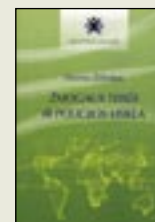
Many DCHR partners are engaged in projects, which encompass development of training programmes, curriculum development and/or design of training material. It is assumed that such training material is best developed by the people and organisations, which are supposed to use it. Thus, in manual development projects DCHR's Education Department, the Department for Partnership Programmes and the partner undertake activities in partnership, however, with the partner as main designing and implementing organisation. Manuals have so far been developed on Children's Rights and on Police Training and Human Rights.

In 1997, DCHR was asked to assist the police college in Maputo, Mocambique, to develop training for police staff on human rights. Other partners abroad showed the same interest, and this marked the start of a joint project with the aim of developing teaching material and training curricula on human rights for police forces. A "Police Training Project" was carried out from August 1998 to December 1999, in cooperation between the DCHR and nine international partners. DCHR acted as coordinator, facilitator and coach during the process, through which seven sets of teaching material were completed. Since then, DCHR has been engaged in assisting local partners in developing training manuals on human rights for the police.

A police manual development project is initiated by an assessment mission, after which a local resource group is established that will develop the manual in consultation with DCHR. The resource group typically includes experts in police training, police legislation, human rights and text writing, and should comprise both the police and civil society representatives. The manual development process consists of a cycle of seminars from drafting to implementation, concluded by an evaluation of the whole process. The manuals are written in the local language, and contain national and international human rights issues specifically relevant to the police in their given context. The training methodology of the manuals is participatory, but always adjusted to the local educational culture.

In a manual development process DCHR and partners focus on securing the local input, on integrating both police and human rights specialists, and on balancing legal expertise with a strong educational aspect. Special emphasis is placed on the exchange and mutual feedback between persons of manual development projects across nations and regions, who meet several times in Denmark or in the region in the process of developing the training material.

Police manuals have been developed in Albania, Bangladesh, Guatemala, Lithuania, Mocambique, South Africa, Tanzania, and Uganda. Drafting processes are undergoing in Bulgaria, Croatia, Macedonia, Montenegro, Niger and Ukraine.



Human Rights Manual for students at the Police Faculty, Lithuania. Published 1999.



Human Rights Training Manual for Bangladesh Police. Published 2001.



Human Rights Training Manual for police trainers and resource persons in Uganda. Published 1999.

Human Rights Instruments Central for Law Enforcement Personnel

Standard Minimum Rules for the Treatment of Prisoners

UN Standard Minimum Rules for Non-custodial Measures

Convention against Torture

Code of Conduct for Law Enforcement Officials

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

UN Standard Minimum Rules for the Administration of Juvenile Justice

Convention on the Rights of the Child

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Strengthening Civil Society in Niger

DCHR cooperates with the NGO Association Nigérienne pour la Défense des Droits de l'Homme (ANDDH) in order to contribute to the democratisation process and human rights promotion in Niger. As a result of the partnership with DCHR, ANDDH has established a well-respected documentation centre, and a training manual for human rights activists in ANDDH's 58 sections across the country is being produced in French, in major local languages and in pictograms.

In September 1997, DCHR initiated its cooperation with two partners in Niger: the monitoring NGO, Association Nigérienne pour la Défense des Droits de l'Homme (ANDDH), and the Faculty of Law at the University of Niamey. Given the difficult political circumstances in Niger the project focussed primarily on members of civil society and independent institutions in order to strengthen their abilities to reinforce the rule of law in their country. ANDDH is one of the few established, independent and broadly based human rights NGOs in Niger with an impressive record of surviving the first decade of the country's unstable process of democratisation. Mr Khalid Ikhiri, who has been President of ANDDH since its foundation in 1991, recalls the times, when he was personally put under pressure due to his involvement in human rights promotion: "During the rule of the late president Barré, I was under surveillance together with the leader of Niger's Workers' Union. Each authority in this country

thought or wanted to spread the rumours that ANDDH was manipulated by the political opposition. Fortunately, our country's history is such that all the important political movements have

FACT BOX

DCHR initiated projects with several civil society organisations in Niger in 1997, including a partnership with a central human right actor in the country, Association Nigérienne pour la Défense des Droits de l'Homme (ANDDH). This cooperation has centred on capacity building through training, planning and core funding to key employees, support to ANDDH's legal aid and training activities as well as to its managerial functions. Most notably, a human rights documentation centre has been established, which is used intensively by students, teachers, NGOs, state officials and foreign representations. A human rights manual in French and in local languages for activists in ANDDH's 58 local sections is being produced. The manual includes a series of pictograms, which offers a unique out-reach to illiterate users. The partnership between DCHR and ANDDH is about to enter its third phase.

experienced both sides - power and opposition. Now, they leave us alone: They have all experienced that the ANDDH is free and independent. ANDDH did not arise to satisfy specific needs or interest other than the defence and promotion of human rights because of injustice, oppression of freedoms, arbitrary arrests and disrespect of the law", stresses Mr Ikhiri.

"ANDDH deals with political, economic and social and cultural aspects of human rights. For example, ANDDH trains citizens, like voters, in their rights and duties. Socially, we act as mediators in conflicts between farmers and cattle-breeders. We call on the government to take action when the populations suffer from hunger and to prevent epidemics, and we question the government when it for instance unjustly sends over 2000 civil servants on early retirement. ANDDH also acts as mediator in conflicts between the government and students and, generally, interferes in various aspects of human rights in the country", explains Mr Ikhiri and gives two concrete

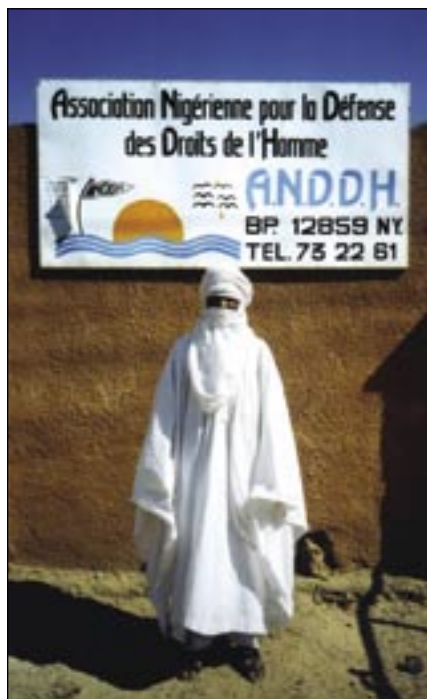
examples of ANDDH's work:

"A policeman had been unfairly removed from office since 1993. After using all possible legal actions without success, he contacted ANDDH. We brought the case to the National Commission, which got in contact with the Ministry of Defence that brought the case to the army-leadership and re-instated the policeman's rights. Another case concerned a citizen from Nigeria, who was arrested in Niamey and jailed for several years, just because his opinions were not approved of by the Nigerian authorities at the time. He was released with the help of ANDDH.

When many desperate cases of abuse of power are submitted to you and you find solutions or at least some relief, it is encouraging", continues Mr Ikhiri. Thinking back he finds that his involvement in human rights work started very early indeed: "As a Tuareg I grew up in an environment where people were judged traditionally. Already in my childhood I was very sensitive to justice, equity and peace, and I actually started to work with human rights in an empirical way when I was young, naïve and innocent. Later, when I studied and lived in Africa and Europe for quite a while, I became aware of the class-struggle where the rich fought the poor, where the exploiters fought the exploited - a fight, which at times was led in an innocent way, but which could also bring conflicts because everyone defended his or her own interest. I think that my awareness of this class struggle in social life was mostly responsible for my commitment to justice and equity. When I came back home, I asked myself what I could do to take part in the development of my country. I was already teaching at the university, but as far as civil society was concerned, there was a vacuum," says Mr Ikhiri.

"One of the events which strengthened my conviction was the events at Tchintabaraden (a Tuareg town located 703 km North

Mr Khalid Ikhiri, President of ANDDH.



East of Niamey) in 1990, where innocent populations were victims of arbitrary arrest. You could be arrested for just wearing the turban - also in Niamey. I thought it was unfair. The creation of the ANDDH was not specifically connected with the events at Tchintabaraden, but they strengthened my personal conviction. To re-establish justice, I could not see any other framework than an organised structure such as ANDDH where everyone was invited to contribute to independence and freedom. As a result of several meetings between lawyers, jurists, teachers and other peace-loving persons ANDDH was born on 7th April 1991 as an organisation through which we could suit the action to the word by defending the rights of the underprivileged in a more organised way", says Mr Ikhiri.

ANDDH is a key actor in the human rights field in Niger, not only because of its integrity and professionalism, but also because of its scope. The organisation covers the whole country by 58 local ANDDH sections organised in eight regional offices. DCHR has aimed to contribute to the strengthening of the rule of law and the democratisation process in Niger by increasing the operational performance of this NGO and assisting it in renewing and further defining its mission. This goal has been sought materialised by means of training in human rights and organisational skills and by providing access to information on human rights. Personnel have been employed and trained through the project, procedures for accounting and auditing have been ensured, and a number of seminars have been conducted for and by ANDDH in order to strengthen its organisational knowledge and to supply its members as well as other parts of civil society with more profound knowledge of the substance of human rights. A primary component of the cooperation has been to set up a documentation centre



Students at work at ANDDH's documentation centre.

within ANDDH, which provides public access to its facilities and is used by a large number of persons, including students, teachers, NGOs, state officials and foreign representations. The documentation centre cooperates with other documentation centres in Niamey and abroad and has close cooperation with the documentation centre at the Faculty of Law (DCHR's other partner in Niger).

"I became a prisoner of ANDDH's documentation centre from my first visit", says Yacouba Soukeyradjou, a first year law student, "and I was so pleased that I did not feel the need to go anywhere else". His fellow student Laouali Habou echoes him, but both young researchers wish for more volumes of the most important books, for an opportunity to borrow them, and for more space. "We have well over 20 visitors a day. Some have to stay outside off and on, since we only have 12 study places and there is a problem of space", agrees the Head of the documentation centre, Issaka Namaya, "but we have reached our initial objective of establishing the centre, and many visitors are surprised to even find such a centre in Niamey." The ongoing cooperation between DCHR and ANDDH targets a consolidation of the documentation centre, including an expansion of its activities to host debate-forums and seminars on human rights.

The cooperation has also aimed to strengthen ANDDH's legal aid work. Yahouza Amani, a jurist specialised in private law, has worked as a human rights



The first human rights manual in Hausa language drafted by ANDDH.

The human rights manual for the ANDDH activists in the organisation's 58 local sections includes a comprehensive catalogue of relevant human rights issues in pictograms thus dramatically increasing out-reach of the training and awareness raising activities.



assistant in ANDDH for two years and participated in a DCHR human rights course in Copenhagen. Mr Amani conducts in-house training of ANDDH's local sections and has contributed to ANDDH's policy on guiding and advising complainants. "People see ANDDH as the last recourse to get their rights respected, and see ANDDH as a kind of 'policeman'. ANDDH does not act as a 'policeman', but rather compensates for the insufficiency of the judiciary system by recruiting a lawyer for a plaintiff who cannot afford it and offering guidance and advice to persons with problems. The average citizen in Niger does not know much about law, but there has been a clear increase of legal literacy in the population since human rights associations have been involved in the promotion, the protection and the defence of human rights. Working within ANDDH has enabled me to understand that the organisation is essential to the citizens in Niger. ANDDH inspires considerable confidence, but the

organisation could still benefit from more professionalism in the management of its activities", argues Mr Amani.

DCHR's entire programme in Niger (including the cooperation with ANDDH) was reviewed by Penal Reform International in August 1999. The overall findings of the review were that the objectives, choice of partners and cooperation activities were appropriate and that there was a clear need for extending the cooperation to a new project phase. According to the review the challenge for future cooperation lies in professionalising the partner organisations through continuous capacity building. For instance by strengthening the systematisation and use of already gained knowledge as well as project and cooperation procedures in order to facilitate a larger outcome of the activities. Thus, a second project phase was jointly formulated with ANDDH. The primary focus of the cooperation during the new period was to produce adequate training material for human rights activists in ANDDH's 58 sections, thus enabling the project to target some of the more vulnerable groups of Nigerien society and taking more practical and useable information into account. A human rights training guide in French, in Haoussa and in Zarma as well as in pictogrammes, which is of tremendous value in the alphabetisation process, has been produced for ANDDH's many local activists. "The guide will be popularised in all our sections and for all our activists so they can take actions to defend, protect and promote human rights on their own", says Mr Ikhiri.

On the basis of the 1999 evaluation the procedural aspects of the cooperation were carefully elaborated and enshrined in the new project document. More weight was also given to DCHR's presence in the country by placing a Human Rights Officer in Niger for about two years from spring

2000. "This closeness enables us at any moment and very quickly to communicate on problems which arise and to jointly prepare missions. It also offers DCHR's representative an opportunity to know the realities of Niger and ANDDH, which enables her to better support the efforts of our cooperation", says Mr Ikhiri. "Our common commitments are clearly expressed in the DCHR-ANDDH conventions, which we sign in each contract, and decisions are taken in common agreement. The basic objective we defend is universal human rights, and cultural differences only have a minor influence. Cultural differences are not a real obstacle if people use the dialogue right away to fall in with each other. We have learnt an example of a real partnership from our cooperation with DCHR. DCHR is sensitive to our concerns, listens to us and is constantly looking for perfection. DCHR is a dynamic partner, which takes the local context into account

when bringing corrections, and not a rigid partner that never wants to change position." According to the ANDDH President the partnership has been characterised by very few differences of opinion, which he links to the basic nature of the human rights work: "DCHR and ANDDH have the main thrust of our activities in common, i.e. the training and increasing of public awareness in human rights, so our partnership was a logical step to take. We are pioneers in West Africa in the field of human rights and we consider the success of the partnership as a success for the region, so, it is a kind of open door for partnerships between sister organisations and the DCHR. I think, DCHR found that our structure was representative at the national level with national and international credit. This convinced DCHR that a partnership with ANDDH could go far, and experience confirms this potential. Today we are preparing the third phase of our cooperation", concludes Mr Ikhiri.



"We think that ANDDH is the most credible human rights organisation in Niger. Besides, you get a warm welcome here", says Balangora Amadou Ly, leader of a group of 400 workers unjustly fired in a large-scale scam in the textile industry.

Rights of Non-citizens in Estonia

A strong and committed partnership between DCHR and the Legal Information Centre for Human Rights has step by step supported this NGO in becoming a genuinely respected actor on minority rights in Estonia. The seemingly insurmountable task of addressing the human rights of the Russian speaking minority in Estonia together with and not in combat with the government is now being met.

After the collapse of the Soviet Union Estonia regained independence. The new parliament worked hard to re-create a non-Communist legal system and multi-party democracy, but the considerable challenges of the systemic transition were not met easily. One such challenge was the large group of about 25-30% of the population (mainly with Russian background), who came to Estonia during the 50-year long Soviet occupation from different Soviet republics. This large group of permanent residents in Estonia found themselves to be labelled “individuals without citizenship” as a result of the citizenship laws passed by

the new republic in 1992 and 1993, which divided the population into citizens by birth and aliens. This inequality of the citizenship status generated problems in the process of democratisation and realisation of human rights in Estonia. Due to their status as non-citizens over one third of the population could not participate actively in the political decision-making process, and were suffering from excessive legal and procedural problems in defining and establishing their legal status.

“In 1991-1992 Russian community activists decided to found a Western-like human rights NGO to provide assistance to minorities and to collect information about the minority situation”, says Larissa Semjonova. “I had never expected to become a human rights activist, but following the social developments in Estonia after 1991 I nevertheless took the decision.” Enabled by a grant from the Royal Danish Ministry of Foreign Affairs for dialogue promoting initiatives in Estonia, the Legal Information Centre for Human Rights (LICHHR) was established in 1994 by a consortium of Estonian and Danish organisations, with DCHR as a core partner. Ms Semjonova,

FACT BOX

The Legal Information Centre for Human Rights (LICHHR) was established by a consortium of Danish and Estonian organisations (including DCHR) in 1994.

LICHHR's eight members of staff provide free legal aid, conduct analysis of the legal situation and provide legal advice to government bodies in relation to non-citizen issues. 4,000 complaints have been handled by LICHHR since 1994, and 60 precedent-creating cases regarding non-citizens' rights have been won through the agency of LICHHR.

DCHR has provided core funding, training and capacity building to LICHHR. A strategic plan was developed in 1997, which has been instrumental in securing LICHHR's transition from core to activity funding. LICHHR now cooperates with OSCE, Soros Foundation, UNDP, the Helsinki Foundation (Netherlands) and other international organisations. LICHHR is member of the President's Roundtable on National Minorities.

Homepage of the Legal Information Centre for Human Rights: www.lichr.ee

a prominent member of the Russian community, became the first Director of LICHR. "It was very difficult to organise NGO work in Estonia then. We were very inexperienced, but enthusiastic", she says. "Our Danish partners consulted the LICHR staff, provided us with the access to different courses and seminars on human rights, documentation and financing of NGOs - even English language training, which was later extremely important for fund-raising. DCHR helped us to collect our own library of books, material and documents on human rights. Their assistance was crucial for establishing the first international contacts of our organisation."

From the outset LICHR's primary task has been to address the human rights and legal problems of the Estonian minorities, i.e. mainly the Russian speaking population, but also other non-citizens. LICHR's main areas of activity are to provide free legal aid, to monitor and conduct analyses of the human rights situation and to disseminate information on human rights. Since 1994 LICHR has received approximately 4,000 complaints and requests from individuals seeking legal advice on issues such as: Statelessness and citizenship; restrictions of political, social and economic rights; legalisation; family reunification; legal status of former military persons and members of their families; freedom of movement; absence of ID and travel documents and children's rights.

The legal counselling of LICHR has an impressive track record: "We have won more than 60 court cases", says the present Director of LICHR, Aleksei Semjonov. Mr Semjonov was trained as a social scientist, but became a counselor of the Tallinn City Government and a leading Russian politician in Estonia. Just like Ms Semjonova, he was propelled into human rights work in the early 1990's due to the minority issue. "From the very beginning we tried to

focus our attention on the so-called strategic litigation. Unofficially many cases that we have won in courts later became precedents. Thus, by finding a solution to concrete cases we removed obstacles for large groups of people."

The legal counselling of LICHR was positively reviewed in an external evaluation of 1996, not only for the very concrete results, but also for the crucial role LICHR plays in reducing the tension among the Russian-speaking population. According to Ms Semjonova this was a primary focus point from the start: "Our primary goal was to lower the tensions. Most minority representatives, who applied to LICHR during the first 2-3 years, were shocked and frustrated because of their problems. Lack of normal status and the 'adaptation burden' tried their patience. There were very aggressive clients as well." Such tension might eventually spill over into violent conflict, but the 1996 evaluation concluded that through LICHR's activities people slowly came to believe in legal remedies rather than conflict as a means of solving their situation. By functioning as a valve for letting out steam LICHR has thus met its conflict preventive objectives and made an important contribution to the development of a democratic Estonian society.

The office of LICHR is situated in the heart of the medieval Estonian capital Tallinn. The organisation rents two floors in the 17th century building on the border of downtown and the Toompea - the site of the Estonian parliament and the government. The relationship with the government and authorities has been a crucial element in LICHR's brief history and in the partnership with DCHR.

"From the first days of our work we tried to establish good relations with state officials. It was not easy indeed. We dealt a lot with migration issues, but the



Legal counselling at the LICHR office in Tallinn. More than 60 precedent creating cases on minority issues in Estonia have been won through the agency of LICHR.



"DCHR helped us to perceive our role as civil society builders, and taught us to raise only those problems we were 100% sure about," says Larissa Semjonova, former Executive Director of LICHR.

Estonian Citizenship and Migration Board was reluctant to cooperate with us. It was a long period of misunderstanding", says Ms Semjonova. The awareness and understanding of human rights is generally low in the Estonian society, even amounting to a general aversion. This is very much rooted in the fact that human rights are associated with minority rights. Human rights promotion is thus implicitly seen as siding with or stemming from the old occupying force, Russia. Mr Semjonov explains: "The negative attitude towards the very notion of human rights seems to be the legacy of the Soviet period. Until recently, many claimed that Estonians as such could not have problems with human rights. The issue of minority and human rights was usually addressed as unfounded, anti-Estonian propaganda of the Russian Federation. As a result, the lack of trust from state officials created difficulties for practical human rights activities."

The fundamental commitment of DCHR's civil society strategy to support a constructive dialogue between civil society and the state was consequently put to a severe test in the Estonian context. It was nevertheless a basic assumption of the partnership that the Estonian government would be interested in finding a commonly acceptable solution to the problem of the great number of persons in Estonia of mainly Russian origin, with no other place than Estonia to call home. The challenge was to find a way to initiate and sustain the dialogue. According to Mr Semjonov this challenge was met. "Our foreign partners taught us to establish good relations with state organs. Now we see that without such cooperation it will be extremely difficult (if even possible) to assist people. Our relations with the Citizenship and Migration Board were undeveloped, but 2-3 years later the Board started to send to us its own clients seeking counselling in migration issues. Today, we share documents and material with the Board officers and have regular

meetings on different seminars, workshops, etc", says Mr Semjonov. "We can cooperate, while we to a certain extent remain rivals".

The capacity building activities of the partnership programme helped LICHR to become a credible dialogue partner, which could not simply be turned down by the state. "Our Danish partners provided us with assistance of all kinds, but most importantly they explained to us the 'commitments' of NGOs", say Ms Semjonova. "They helped us to learn their 'rules' of behaviour, and this experience helped us to raise the efficiency of our work. They helped us to perceive our role as civic society 'builders' in the country, and taught us to raise only those problems which we were hundred percent sure about. Consequently, our opponents could not ignore the existence of particular difficulties per se. We tried to work with our opponents, to explain our views and to build cooperation on a pluralistic basis. Thus, the Danish partners encouraged us to base relations with other institutions on trust and self-respect."

A primary tool in this process of institutional development was the strategic plan jointly formulated by LICHR and DCHR. The first strategic plan of LICHR was finalised in November 1997, and later revised during a workshop in 1999. The strategic planning workshop showed that the process of systematically ensuring the organisational and financial sustainability of LICHR had actually worked. LICHR has succeeded in using the plan as a systematic and valuable tool for programming and steering the organisation's activities, economy and fundraising. This has given donors, authorities and others more direct access to understanding the objectives of LICHR, thereby facilitating cooperation outside and inside Estonia as well as attracting new donors.

"It became the basis of all our activities,"

says Mr Semjonov. "In the strategic plan our goals and objectives were articulated, and we could start writing project proposals within the main fields of activities stated in this document. We could not imagine that these eight pages could be of such importance for our organisation".

Initially, writing the strategic plan did, however, seem futile from LICHR's point of view, says Ms Semjonova. "DCHR always tried to take all decisions by consensus. However, sometimes they tried to force us to do certain things we considered senseless at that time. Frankly speaking, we were loathing to write the strategic plan, but our partners insisted on it. Today, we understand that our Danish partners were absolutely right, and I am glad that they could make us believe in the importance of such documents for long-term planning of the work of the organisation." Although struggling to obtain the necessary funding to carry out its objectives as set forth in its statutes and strategic plan, LICHR has developed a considerable professionalism in acquiring financial means as well as in project coordination. As Ms Semjonova puts it: "The main result of our partnership is that one year after the Danish project was finished, LICHR is still alive. LICHR's core project for the last two years, funded through the Helsinki Committee of the Netherlands, was prepared in full conformity with the strategic plan. Our objectives and proposed activities found support from this experienced organisation, which amply shows the positive effect of the planning".

LICHR has developed into an established capacity in the promotion of human rights culture and standards, nationally as well as internationally. Mr Semjonov envisages a great potential for expanding the activities of LICHR in the region. "I am very glad that LICHR has become an expert organisation regarding minority rights and standards in the Baltic States. It is a very challenging

task considering the last developments in Estonia and Latvia. Both countries have recently started the official integration into the European Union." He sees this as a very positive development. "Becoming a full-fledged member of the international community makes the authorities look for solutions to the most important problems and to start cooperating with the main actors of civil society, including minority rights advocates. Without respect for human and minority rights, it will be impossible to get impressive results in this field. We see our mission in analysing the main obstacles on minorities' way to integration and in distributing our ideas and recommendations to the international community and local authorities." A lot can be learned from the Estonian experience, and according to Ms Semjonova LICHR has an important role to play in the systemic transition of the region: "Many minority related problems will 'survive' even the process of accession to the European Union. Thus, we will deal with these issues within the common European framework."

There is currently no actual project cooperation between DCHR and LICHR. This should be taken as a change of cooperation in the sense that the partners now work on an equal footing, rather than as a sign of ceased partnership between the two centres. "I think that LICHR was a good independent source of information, and specific features of the Estonian situation enriched the experience of DCHR officers. Today, both of our organisations are equal partners and we can even work as consultants for DCHR, especially regarding minority rights protection," says Ms Semjonova, and concludes: "The Danish Centre for Human Rights has always been a model for us. When its officers helped us found LICHR, their centre was as old as we are today. We want to have the same story of successful development as our partners."



"Our foreign partners taught us to establish good relations with state organs. Now we see that without such cooperation it will be extremely difficult (if even possible) to assist people", says Aleksei Semjonov, Director of LICHR.

Theme: The Research Partnership Programme

Qualified research based on own experience and expertise is a tool for monitoring, disseminating and implementing human rights principles in a domestic context, and such research is thus a key to the development of human rights and the rule of law. The vision of the DCHR Research Partnership Programme (RPP) is to support qualified domestic research capacity within the field of human rights in developing countries.

The RPP recruits up to nine researchers per year. The research partners come mainly from Danida programme countries, but also from other developing countries that DCHR cooperates with. The special feature of the RPP is the combination of training, supervision, access to documentation facilities and the submission of a research report. The overall objective of the programme is to give research partners the possibility of drafting articles and the like in an enabling research environment, which promotes their activities. Research partners receive supervision during the research process and form an integral part of DCHR's research staff. Candidates with a master degree are qualified to apply for a stay for a period from three months to one year. Applications, which have to be submitted by March 1st, are reviewed annually. Hereafter, they are screened by the RPP Steering Committee at DCHR. The main criteria for selection are the applicant's educational background, relevant experience in respect of human rights and previous working and research experience. Criteria such as the general relevance of the research project, its potential integration with DCHR priority areas, and the availability of supervisors at DCHR are also taken into consideration.

The RPP is divided into four modules. The first module, conducted by the Danida Fellowship Centre, offers a general introduction to Danish society. DCHR is responsible for the following three modules, which comprise a human rights course (see page 57), a short-term research project (including training courses), and in some cases a long-term research project, which can include a field study. The research period is concluded by the submission of a final report, which may be published. DCHR received the first research partners in 1997 and has since received 21 researchers from NGOs, ministries and research institutions. Due to the researchers' diverse experience and educational backgrounds, the themes of research have varied greatly, and the programme strives to be flexible and to accommodate each and every researcher's capacity for research. As a result of the strategy of DCHR to take on a more thematic approach, the research partners for 2001/2002 have been selected with a view to including their research area in the new research theme "Post Traditional Justice Systems and Human Rights".

Research partners 2001/2002



Mr Nsongura Udombana is senior lecturer at the University of Lagos in Nigeria and is doing research on a model procedure for the African Human Rights Court. During his stay at DCHR, he will assess how the European Court on Human Rights operates and make recommendations for the operations of the future African Human Rights Court based on a comparative study. Mr Udombana will finish his 10 months research project by the beginning of June 2002.



Ms Chen Min is a private Chinese lawyer especially concerned with issues related to women. Previously she has been a lecturer at the China University of Political Science and Law. Ms Min finished her six months research at DCHR in mid March. Her topic of research was Economic Transition and Women's Labour Rights in China. She wishes to publish her findings in the national newspaper, China Women's News.



Ms Eno-Obong Bassey Akpan is a Nigerian lawyer and women's rights activist working with the Gambia Committee on Traditional Practices. Through her research at DCHR, Ms Akpan aims to identify and analyse beliefs, traditions and cultures among ethnic groups in rural Gambia, which promote exploitation of girls and women. Ms Akpan's findings will be put at the disposal of Gambian non-governmental organisations working with women's rights. Ms Akpan will finish her 10 months research project by the beginning of June 2002.



Mr Lawrence Juma is a lecturer at the Faculty of Law, University of Nairobi. As a research partner at DCHR he conducts a research project on African customary law and human rights in Kenya, and his hope is to be able to publish his findings in a Law Review Journal. Mr Juma will finish his 10 months research project by the beginning of June 2002.



Ms Ghania Rajabu Mwamba is a co-ordinator of Adult Education, Statistics and Pastoralist Communities Education at the Ministry of Education and Culture, Tanzania. As a research partner she is working on a research project concerning the right to education. The main focus of her case study is the Maasai tribe in Kiteto, Tanzania. Ms Mwanba will finish her 10 months research project by the beginning of June 2002.

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Donors

In 2001 DCHR partnership programmes received support from the following foundations and institutions:

British Council
 Dan Church Aid
 Danish International Development Assistance, Danida
 Danish Democracy Fund, the Danish Ministry of Foreign Affairs
 Department for International Development, DFID, United Kingdom
 The European Union, EU
 FRESTA, the Fund for Peace and Stability, the Danish Ministry of Foreign Affairs
 The William and Flora Hewlett Foundation
 IBIS, Danish Development NGO
 The International Rehabilitation Council for Torture Victims, IRCT
 The Hermod Lannung Foundation
 The Netherlands Ministry of Foreign Affairs
 Norwegian Agency for Development Cooperation, NORAD
 Swedish International Development Cooperation Agency, Sida
 United Nations Development Programme, UNDP
 The World Bank

DCHR Partnership Programmes Turnover 1998-2000, Budget 2001

(DKK mio)

This statement covers regional and country based partnership programmes, thus excluding other types of activities of the partnership programmes funded by the Danida Co-operation Agreement. For further information on these activities, please confer with the DCHR annual accounts. Out of the total turnover/budget the Danida Co-operation Agreement covered 75% in 1998; 81% in 1999; 65% in 2000; and 57% of the 2001 budget (per 26 June).

REGION	1998	1999	2000	2001
Africa				
Regional Programmes	1,888	1,785	1,099	0,499
Benin	-	-	0,277	0,030
Botswana	0,473	0,026	-	-
Egypt	0,135	-0,079	-	-
Lesotho	0,671	0,570	0,235	-
Malawi	3,908	3,171	4,269	3,550
Mocambique	1,645	1,324	0,918	0,715
Niger	1,453	0,874	1,224	1,417
Nigeria	0,647	0,633	1,120	1,156
Rwanda	3,411	6,149	5,516	4,208
South Africa	0,650	0,660	0,693	0,807
Tanzania	0,149	0,404	0,430	0,507
Tanzania, Zanzibar	-	-	0,156	-
Uganda	1,288	0,723	0,493	0,915
Total	16,318	16,240	16,430	13,804
Asia				
Cambodia	-	0,281	0,760	1,000
China	-	0,081	1,399	3,336
Nepal	0,793	0,808	0,808	0,904
Vietnam	0,373	0,570	1,110	1,942
Total	1,166	1,740	4,077	7,182
Europe and CIS				
The Balkans:				
Regional Programmes	-	0,817	3,637	7,203
Albania	0,836	0,249	1,006	1,463
Bosnia	0,653	0,040	0,175	-
Serbia-Montenegro	0,761	0,458	-	2,657
The Baltic States:				
Regional Programmes	0,055	0,046	-	-
Estonia	0,511	0,099	-	-
Latvia	-	0,321	-	-
Lithuania	1,048	0,618	0,595	-
CIS:				
Armenia	-	0,016	-	-
Georgia	0,330	0,174	0,108	0,054
Total	4,194	2,838	5,521	11,377
Latin America				
Regional Programmes	0,160	0,218	-0,004	-
Guatemala	1,085	1,837	1,737	2,350
Total	1,245	2,055	1,733	2,350
Other	0,999	0,902	0,987	-
TOTAL	23,922	23,775	28,748	34,713

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- No. 3 The Lithuanian Centre for Human Rights. Frontier Consulting, Rob Watson, 1999.
- No. 4 Rationalisation and Transformation of the Ministry of Justice, South Africa. Carl Bro International A/S, Poul Erik Rasmussen, Torben Lang, Tyge Trier, 1999.
- No. 5 · Establishment of Human Rights Courses, University of Malawi.
· Strengthening of the Ombudsman Institution, Malawi.
· Strengthening of Human Rights NGOs, Malawi.
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- No. 7 The Uganda Human Rights Education and Documentation Centre. Frontier Consulting, Rob Watson, 1999.
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- No. 9 Programme de Renforcement des Compétences et des Capacités Nigériennes en Matière de Droits de l'Homme. Penal Reform International, Paris, Ahmed Othmani, 2000.
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· Strengthening of the Ombudsman Institution, Malawi.
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- No. 11 Human Rights Office Tuzla, Bosnia-Herzegovina. Steven Sampson, 2000.
- No. 12 Review of Children's Rights Training in Nepal. Anette Faye Jacobsen, Mukanda Kattel, Hans-Otto Sano, 2000.
- No. 13 Albania Human Rights Sector Review. Steven Sampson, 2000.
- No. 14 Judicial Defenders in Rwanda. Judge Karl Peter Puskajler and Dr Joachim Kaetzler, 2000.

- No. 15 Human Rights Courses, 1995 - 1999. Anette Faye Jacobsen, 2001.
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- No. 19 Research Partnership Programme. Birte Engelsen, 2001.
- No. 20 Juvenile Justice in Uzbekistan. Charlotte Flindt Pedersen and Jørgen Vammen Jepsen, 2001.
- No. 21 · The Police in Cambodia. Kristine Yigen, 2001.
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Abbreviations & Acronyms

ACHR - Albanian Center for Human Rights

AHRC - Asian Human Rights Commission

ANDDH - Association Nigérienne pour la Défense des Droits de l'Homme

BCHR - Belgrade Center for Human Rights

BHRN - Balkan Human Rights Network

CDP - Cambodia Defenders Project

CJD - Corps of Judicial Defenders

Danida - Danish International Development Assistance

DCHR - the Danish Centre for Human Rights

DFID - Department for International Development

EU - European Union

FRESTA - the Danish Fund for Peace and Stability

HRA - Human Rights Advisor

HRO - Human Rights Officer

LHR - Lawyers for Human Rights

LICHR - Legal Information Centre for Human Rights

LLM - Master of Laws

MA - Master of Arts

NGO - Non-governmental Organisation

NHRI - National Human Rights Institution

NORAD - Norwegian Agency for Development Cooperation

RPP - Research Partnership Programme

OAU - Organisation of African Unity

OSCE - Organisation for Security and Cooperation in Europe

Sida - Swedish International Development Cooperation Agency

UNDP - United Nations Development Programme

UNICEF - United Nations Children's Fund