



CHRI 2019

Advocacy, Transparency, Challenges and Successes

THE COMMONWEALTH HUMAN RIGHTS
INITIATIVE (CHRI) QUARTERLY NEWSLETTER

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ADVOCACY, TRANSPARENCY, CHALLENGES AND SUCCESSES

The Commonwealth Human Rights Initiative (CHRI) Quarterly Newsletter

Vol. 25, No. 2 | June 2019

[Updates from April to June 2019]

ABOUT THE COMMONWEALTH HUMAN RIGHTS INITIATIVE

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation, which has worked in the area of human rights issues for over 32 years. In 1987, several Commonwealth professional associations founded CHRI, since there was little focus on human rights within the association of 53 nations although the Commonwealth provided members the basis of shared common legal system.

Through its reports, research and advocacy, CHRI draws attention to the progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, civil society and the media on criminal justice concerns. It works on and collaborates around public education programmes, policy dialogues, comparative research, media dissemination advocacy and networking on the issues of Access to Information and Access to Justice.

CHRI promotes adherence to the Universal Declaration of Human Rights, the Commonwealth Harare Principles and other internationally recognised human rights instruments, including domestic legislation supporting human rights in Commonwealth countries.

CHRI is headquartered in New Delhi, India, with offices in London, UK and Accra, Ghana.

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FROM THE INTERNATIONAL DIRECTOR

Greetings from CHRI!

The last few months have been a blur of advocacy, travel and writing. In this newsletter, we bring to you the highlights of some of our activities, sharing some good news as well as bad news.

At the beginning of April, I was in a workshop meeting journalists in Bangladesh. Soon afterwards, back in India, we had an intensive three-day meeting with CHRI's International Advocacy Commission (IAC), Heads of Offices and Programmes, and former directors with the goal of reviewing CHRI's governance structure and identifying ways of moving ahead in the changing global landscape.

Later in April, with my colleagues, Vinu Sampath and Venkatesh Nayak, I met with partners, funders and like-minded organisations in Bangalore. The next month, I travelled to South Africa to be part of an international group mandated to observe the national and provincial elections in the country. Later the same month, I spoke at the SDG 16 Conference organised by the International Development Law Organization (IDLO) and the United Nations Department of Economic and Social Affairs (UN DESA) in Rome, followed by a two-day seminar at the Commonwealth Small States Office in Geneva on the Civil Society/Human Rights Defender space in the Commonwealth.

There is some good news: As a result of sustained efforts by our dedicated teams, we have recently seen a string of successes. In India, we have been making progress in securing access to justice for some of the country's most vulnerable. In this newsletter, we share with you the story of how our Prison Reforms team succeeded in reuniting an imprisoned Iranian national with his family after 14 years. In London, our work on Sustainable Development Goal (SDG) 8.7 was recognised and given the Commonwealth Secretary-General's Innovation for Sustainable Development Award 2019.

Our Ghana team's unceasing advocacy over the past decades too paid off with the President signing into law the Right to Information (RTI) Act, thus ensuring its citizens' right to know and seek government accountability.

But we also suffered a blow earlier this month with the loss of our Manager of Accounts in the New Delhi office, Mr. KS Rautela -- or Rautelaji, as our team called him -- who passed away very suddenly on June 5. He had been with us for nearly two decades. We will miss him and have put together a set of memories that we are enclosing with this newsletter.

In several ways, therefore, this is a time for us to acknowledge the shifts in our world, and commit ourselves with renewed vigour to the cause of human rights.

If you have any thoughts, comments or suggestions on this newsletter, [please write to me](#) or to [Richa, our communications officer](#), who put it together.

With good wishes,

Sanjoy Hazarika,
International Director,
Commonwealth Human Rights Initiative (CHRI)

New Delhi, June 2019

CHRI WORK ON ERADICATING CONTEMPORARY FORMS OF SLAVERY RECEIVES COMMONWEALTH AWARD

We are pleased to report that CHRI was awarded the *Commonwealth Secretary-General's Innovation for Sustainable Development Award 2019* on 14 June for its work on SDG 8.7 to eliminate contemporary forms of slavery across the Commonwealth.

The Commonwealth award is a heartening acknowledgment of the efforts of the London team. Congratulating the team, Joanna Ewart-James, Chairperson of CHRI's UK Executive Committee, said, "We hope that our work on the nature and scope of modern slavery across Commonwealth countries both offers an impetus and guides practical, coordinated action towards its end."

CHRI has been advocating for the Commonwealth to commit itself towards achieving SDG 8.7 since 2016. Following the release of its two ground-breaking research reports last year, '*Creating an Effective Coalition to Achieve SDG 8.7*' at the 2018 Commonwealth Heads of Government Meeting (CHOGM) in the UK and '*The Commonwealth Roadmap to SDG 8.7*' in December 2018, CHRI has contributed to the most recent update of the Global Slavery Index (GSI) and has also developed its own Indicator Framework to supplement and reinforce the GSI.

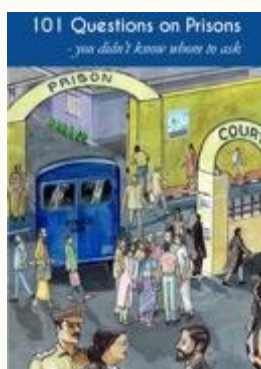
Upcoming research will feed into a public-facing *Commonwealth Portal of Indicators* and a further report to be launched at the next CHOGM in Rwanda.

CHRI has also established a network of over 50 local, grassroots civil society organisations working on SDG 8.7 issues across the Commonwealth, to be officially launched in July 2019. The *Commonwealth 8.7 Network* will serve as a knowledge-sharing platform for country-specific and thematic information and best practice across all five regions of the Commonwealth. It will also provide a mechanism for NGOs from across the Commonwealth to prepare collective and effective advocacy strategies, particularly with a view to the next CHOGM.

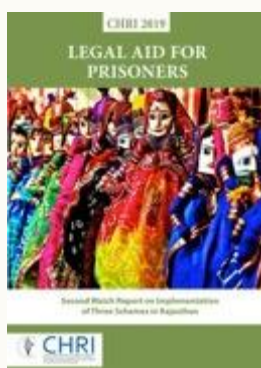
REPORT LAUNCHES SINCE APRIL 2019



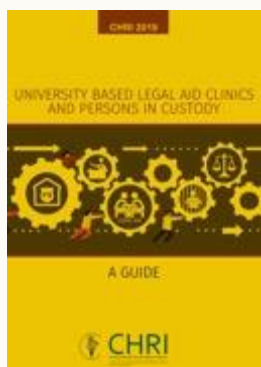
The Easier Said Than Done (ESTD) report is a part of the series started in 2007 to review the voting patterns of Commonwealth member states at the Human Rights Council (HRC) in Geneva. This report, based on the 40th Regular Session of the UNHRC, summarises an analysis of the performance of 11 Commonwealth member states: Australia, The Bahamas, Bangladesh, Cameroon, Fiji, India, Nigeria, Pakistan, Rwanda, South Africa, and the United Kingdom of Great Britain and Northern Ireland (UK). [Read the full report here.](#)



Prisons are closed spaces. Very little information is available on the daily lives and routines of prisoners. Additionally, very few people are interested in learning about the details of prison life unless they find themselves in one. This may mean that for many, questions they have on prisons, sparked either by curiosity or necessity, are often left unanswered. This book contains answers to 101 frequently asked questions on prisons and prisoners' lives. [Read the full report here.](#)



This report is a follow up on CHRI's 2016 report, "Legal Aid for Prisoners: Status Report on the Implementation of Three Schemes in Rajasthan". The previous report noted gaps in the legal aid machinery in Rajasthan. This publication examines improvements made on the ground between 2014 and 2016 and suggests detailed reporting and monitoring mechanisms for stakeholders involved in legal aid delivery. [Read the full report here.](#)



Within the legal aid delivery framework, access to justice for persons in custody has always been an area of considerable neglect. Recognising the idealism and zeal of university students (not restricted to the area of law), this guidebook intends to help university based legal aid clinics to expand their area of work to the area prisoner's rights including effective legal aid delivery and advice. [Read the full guidebook here.](#)

CHRI'S WORK ON BREAKING THE INFORMATION BARRIER IN GHANA

By Esther Ahulu

Programme Officer, Access to Information Programme, Accra

On 21 May, Ghanaian president Nana Addo Dankwa Akufo-Addo signed into law the Right To Information (RTI) Act, about two months after Parliament passed it. The Ghanaian Parliament's move had come after 17 years of advocacy and efforts by RTI activists in the country and Commonwealth.

Over the past two decades, CHRI's Africa Office has been providing technical inputs to state institutions responsible for drafting and enacting the RTI legislation, as well as mobilising for public support to demand a good law to help break the information barrier in the country.

CHRI believes that access to information is a key measure of growth, development and respect for fundamental human rights of citizens in any functioning democracy. To this end, the team relentlessly engaged in the long fight which has recently resulted in Ghana becoming the 32nd member of the Commonwealth to have a national law on the Right to Information.

In this article, we detail some of our most prominent efforts that brought to a close this decades-journey for a good legislation to operationalise the constitutional right to information held by public institutions.

In March 2018, the CHRI became part of an 'RTI Coalition' with other key stakeholders, and held a press conference to initiate an RTI Bill enactment countdown campaign aimed at demanding that the Executive table the Bill in Parliament before it went into recess for its first sitting in the year (scheduled for March-end 2019). This conference was extensively covered by media, compelling the Executive to lay the Bill in Parliament on March 23 – the day that Parliament rose for recess. The Bill was subsequently referred to the Joint Committee on Constitutional, Legal & Parliamentary Affairs and Communications (Joint Committee) to present a report to the House.

As part of the Coalition, we also conducted a 'media soiree' in September 2018 to commemorate the International Day for Universal Access to Information. This program provided a platform for media personnel to discuss how they could use their platform

to support the RTI advocacy. Towards the end, participants agreed to form a Media Coalition to undertake a series of media-led and -run activities to increase pressure on Parliament to expedite the passage of a credible RTI Bill into law. We also created a WhatsApp page for these participants, which swelled up from around 30 to 220 people by the end of the year.

With the Media Coalition on RTI and Occupy Ghana in November 2018, we organised social media campaigns such as #RTIRedFriday – for which, the public wore red on Fridays before the Christmas holidays to protest the delay by Parliament in passing the Bill, and posted their pictures on social media.

The first Friday of the #RTIRedFriday (November 30) was marked by two main activities: street advocacy in some major areas in the Greater Accra region, where members in red attire distributed educational materials on RTI; and a visit to Parliament by CSOs leaders clothed in red. The initiative received a lot of support from the general public including the media and the hashtag #RTIRedFriday was the first on Ghana Twitter trends for the day. This continued till the Christmas holidays, and as a result of this pressure, Parliament completed the consideration process on the Bill within three days of resuming sitting from the Christmas break on 29 January, leading to the passage of the Bill on 26 March and the subsequent Presidential assent on 21 May 2019.

In addition to these, the team in the year before the passage of the Bill facilitated a series of engagements with the Chair of the Parliamentary Committee on Constitutional, Legal and Parliamentary Affairs and the Minority Leader of Parliament to stress on the urgent need for the some problematic clauses to be amended.

Between March and April 2019, the team also conducted multiple meetings to facilitate experience-sharing, and exercises facilitating interactions between people and duty-bearer, as part of an initiative to prepare the citizenry on the usage of the RTI Act.

KEY EVENTS, MEETINGS AND CONFERENCES

29 March



On 29 March 2009, CHRI held its second annual human rights lecture, with advocate Vrinda Grover discussing "From Impunity to Accountability: Unravelling the Labyrinth of the Hashimpura killings (1987-2018)". Advocate Grover, who is also a known human rights activist, discussed the meandering journey to justice for the families of the 42 Muslim youth – mostly daily wage earners – who were shot dead by the Provincial Armed Constabulary (PAC) during the 1987 Meerut communal riots. Only a few young men survived the massacre, and managed to file police reports. Ms. Grover carried the packed audience through the various trials in different courts that went on for 31 long years before the accused members of the PAC were finally convicted in 2018 and sentenced to life imprisonment.

14-16 April

A joint Extraordinary Meeting of members of the International Advisory Commission (IAC), Heads of Offices, Heads of Programmes, CHRI International Director, Mr. Sanjoy Hazarika, and special invitees -- including former directors, Mr. Richard Bourne and Ms. Maja Daruwala -- was held at Heritage Village, Manesar in April. The meeting was facilitated by an independent consultant, Ms. Sneh Aurora, with objective of understanding the global environment in which CHRI operates, reviewing its governance structures, articulating its

strategic priorities, and identifying areas of strengthening to enable it to grow and fulfil its mandate more effectively and efficiently.

27 April

On 27 April 2019, members of the Prison Reforms Programme organised a roundtable consultation “Inside Haryana Prisons” in collaboration with the Haryana State Legal Services Authority. This consultation included representatives of the prison department and legal services authorities in Haryana and included discussions to validate the findings and recommendation gives in the CHRI study *Inside Haryana Prisons*.

13-16 May

Devika Prasad, Programme Head, and Devyani Srivastava, Senior Program Officer with the Police Reforms Programme, conducted a scoping visit to Maldives to learn about the newly elected government’s democratic reform agenda, its key priorities, planning process and implementation challenges. Given the CHRI team’s body of work on policing in the Maldives, the visit focused on reviving its engagement with the police leadership, understanding reforms planned, and identifying ways to assist them through research, standard setting and/or capacity building. The team members visited the Vilingilli island police station the capital city of Male, and met with several authorities, including the Head of Policy in the President’s Office, the Commissioner of Police, Deputy Commissioner of Police, the Attorney General, the President of the Human Rights Commission of the Maldives and its Head of the investigation department, among several others.

3-4 June

CHRI International Director, Sanjoy Hazarika, *spoke at a seminar* on “*Civil Society/Human Rights Defender space in the Commonwealth: A dialogue to share lessons learnt and good practice*” at the Commonwealth Small States Office in Geneva on 3-4 June 2019. The seminar was jointly organised by the Commonwealth Secretariat, the Commonwealth Small States Office and CHRI.

6-7 June

Sarthak Roy, Research Officer with the Office of the International Director, participated at a conference titled “Global Human Rights at Risk” at The Hague on 6-7 June 2019. The multidisciplinary conference, that witnessed the participation of scholars from across 28 countries, examined key debates and perspectives

arising from various contemporary challenges to international human rights and emancipatory politics. He presented his paper titled "*Role of Judiciary in Combating Extrajudicial Killings: A Case Study of Manipur*" as part of the Global South Panel.

7 June

The Police Reforms Programme held a session with senior police officers at the National Police Academy and presented its **Draft Model Policy for Women in Police in India**. The presentation highlighted the continuing low numbers (7.28% nationally) of women in the police along with key policy gaps in recruitment, service and working environment that hinder their growth. It also highlighted time-bound measures to help overcome institutional barriers and push for a greater intake of women across all levels. The presentation received positive feedback, with some officers showing interest in taking this forward in their respective states. Over 100 officers from across various states attended the session as part of a mid-career promotional training course.

8-10 June



On 8-10 June, the Access to Information team conducted a three-day training session on "Know your Rights: RTI for the Rights of Persons with Disabilities (PwDs), Strategic Partnership Training & Consultation". The sessions were held in collaboration with the Javed Abidi Foundation and Disability Rights India Foundation, and were supported by Friedrich Naumann Foundation (FNF). It dealt with the Rights of Persons with Disabilities (PwD), and available entitlements and government schemes for the community as well as how members could use the RTI Act, 2005, to claim these schemes. The training

sessions had over 40 people from across the country in attendance. [More information available here.](#)

12 June

A book, "[Can ASEAN Take Human Rights Seriously?](#)" co-authored by Professor Alison Duxbury, Chair of CHRI's International Advocacy Commission, and published by the Cambridge University Press was on 12 June released at the Centre for International Law, National University of Singapore. Professor Duxbury is a Professor at Melbourne Law School, an Associate Director of the Asia Pacific Centre for Military Law, a member of the Council of the Australian and New Zealand Society of International Law and the Executive Council of the Asian Society of International Law.

17-19 June

Madhurima Dhanuka, coordinator of the Prison Reforms Programme, attended the International Legal Aid Group (ILAG) Conference in Ottawa, Canada on 17-19 June. The conference gave the team the opportunity to provide inputs to [UNODCs Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes](#). As mentioned in the last newsletter, CHRI had in March 2019, organised a side event at the UN Human Rights Council in Geneva on 'Pre-Trial Detention and Effective Legal Aid Systems'. These efforts will jointly strengthen research and advocacy for our upcoming report for the next Commonwealth Heads of Government Meeting (CHOGM) 2020 to be held in Rwanda, which will evaluate existing pre-trial safeguards in every Commonwealth country.

21 June

At the launch of the latest '[Easier Said Than Done](#)' report, CHRI and O.P. Jindal Global University also signed a Memorandum of Understanding for collaborative research and programmes on human rights, including workshops and training. This collaboration will cover, among other things, internships, fellowships, researcher mobility programmes, joint research and research assistance, collaborative summer/winter programmes, and courses for emerging scholars, students and staff. CHRI International Director, Sanjoy Hazarika said that this partnership would enable a closer connect between academia and human rights defenders as well as encourage scholarship and research in a critical area that is of increasing relevance but is coming under extensive pressure across the world from both State and non-state actors. [More on this here.](#)

ADVOCACY EFFORTS

- The National Human Rights Commission (NHRC) registered CHRI's complaint into the death of 19-year-old Rajesh Sondharva of Rajkot district in Gujarat, who was not an RTI activist himself but was reportedly attacked for trying to get a cancellation of bail of an accused in the murder of his father (known RTI activist Nanjibhai Sondharva). See [details of our complaint](#) to the NHRC here. In a note to the media, CHRI urged the body to closely monitor the trial process investigating the attacks on RTI activists and their families, given the repeated and continued threats to their lives. The absence of any independent observers often emboldens the accused and continues to threaten transparency activism in India. The country-wide tally now stands at 83 reported cases of alleged murder, at least 165 cases of assault, and 180 cases of harassment or threats to RTI activists. Another six cases of death by suicide have also been linked to RTI activism. (See CHRI's '[Hall of Shame](#)')
- CHRI has also welcomed the NHRC's recent move to revive dialogues with civil society groups and human rights defenders (HRD). On 13 June, the body convened a meeting of its Core Group of NGOs and rights defenders which was attended by groups working across a spectrum of issues. At the meeting, the NHRC acknowledged its own status as an HRD and the value of the groups' work in furthering India's democracy and development agenda. It also affirmed its commitment to protecting HRDs in keeping with India's international obligations under the UN Declaration on Human Rights Defenders and the action plan developed at the World Summit of HRDs in 2018. You can read [more about this meeting here](#).
- CHRI [submitted a written statement at the 38th Session of the United Nations Human Rights Council](#) (HRC), raising concerns over the continued deterioration of the human rights of freedom of assembly and association in Cameroon. The statement also stressed on the attacks on the freedom of media and expression in the country. CHRI made six recommendations for UNHRC review with regard to these issues.
- CHRI with a group of 37 other human rights organisations [published a letter](#) calling on states to use the next session of the UN Human Rights Council (HRC) to

raise concern over Tanzania's situation in order to prevent a further deterioration. In the letter, the NGOs say, "While we do not believe that at this point, the situation calls for a [HRC] resolution, warning signs of a mounting human rights crisis exist."

- In a statement released on 1 May, CHRI urged the Supreme Court of India to reaffirm India's constitutional and international obligations on complex issues of nationality, detention and deportation in light of millions of people in the state of Assam living at the cusp of "stateless" because of lack of clarity over the creation of the National Register of Citizens (NRC). The statement, signed by a group of eminent citizens including former Supreme Court Justice Madan Lokur, Wajahat Habibullah, CHRI's Chair and former Chief Information Commissioner, Justice AP Shah, former Chief Justice of the Delhi High Court, and a number of senior former officials and civil society leaders, said, "We are disappointed by recent statements by the Chief Justice of India on a complex matter relating to illegal detention and deportation, without heeding India's own constitutional and international obligations." [You can read the letter here.](#)
- On 18 April, CHRI [condemned](#) the killing of Nusrat Jahan Razi, a Bangladeshi schoolgirl, who was who was set ablaze when she refused to take back her a sexual harassment complaint against her headmaster. The "atrocities could have been averted if the police and the school governing body had taken steps on time," it said in its statement and added that the incident reflected the significant problem of sexual abuse and harassment in the country and other parts of South Asia.
- In February 2019, CHRI organised a meeting for the Indian Prisons Network (IPNet). This network has been initiated with the support of the [Tokyo Foundation for Policy Research](#) and is intended to bring together individuals and organisations including scholars, activists, lawyers and social workers etc. who are engaged in research, advocacy or policy framing on issues related to the prison system in India. A similar meeting was organised by CHRI in Kolkata in June 2018, after which we prepared a flyer inviting organisations across the country to join it. To join, please fill out [the information form by clicking here](#). You can email the completed form at indianprisonsnetwork@gmail.com or chriprisonsprog@gmail.com.
- As our Prisons Reforms Programme continues to its work in India, as part of our plan to expand the focus of work, we have recently undertaken a project with the

University of Dundee, UK on exploring barriers and enablers in realisation of rights of LGBTQ+ communities in prisons. Further details of the project will be shared in the next newsletter.

- In furtherance of CHRI's mandate and objective to make prisons open spaces, and encourage sharing of prison data in the public domain, in April 2019, the Prison Reforms Programme launched the '[Indian Prison Data Map](#)' which graphically indexes for each state basic information on key criminal justice institutions, Board of Visitors, Under Trial Review Committees (UTRC), Legal Aid Services for Persons in Custody and foreign national prisoners in each state.
- On 1 April, CHRI spoke out against the proposed new laws in Brunei Darussalam, which would punish same-sex relations with stoning, and described it as "a flagrant violation of rights". It also wrote a letter to the Commonwealth Secretary-General, urging her to raise this issue at the upcoming Commonwealth Ministers' Advisory Committee (CMAG) and consider Brunei Darussalam's suspension from the international organisation. "What the Government of Brunei Darussalam proposes is a turning back of the clock of history," CHRI International Director, Sanjoy Hazarika wrote on behalf of CHRI's International Advisory Commission, which includes prominent international scholars, educationalists, lawyers and a former senior UN official. [You can read the letter here.](#)

SAMDEN ADVOCACY

CHRI's latest initiative, the **South Asia Media Defenders Network (SAMDEN)**, has been working since 2017 to monitor, address and campaign to solve problems faced by journalists in the South Asian region. Over the past year, the network has grown from its core group of eminent journalists from India, Pakistan, Bangladesh and Nepal to include lawyers, digital security experts and activists, as well as to incorporate Sri Lanka in its focus of work.

We detailed recent advocacy efforts and a **national-level meeting** organised to discuss the “perils of journalism on the internet in India” in our **last newsletter**. SAMDEN has, in the last three months, been working with a focus on attacks against journalists in India and Pakistan:

- On 3 May -- World Press Freedom Day 2019 – SAMDEN published in collaboration with Himal Magazine **#JournalistsOnTrial** – a study on litigious attacks against journalists in the five South Asian countries of India, Bangladesh, Pakistan, Nepal and Sri Lanka. The report, which is designed as a starting point for furthering these conversations among journalists and the public, was well-received by readers.
- On 19 June, SAMDEN **joined Pakistani media groups** in calling for an independent and time-bound inquiry into the alleged murder of senior journalist Ilyas Warsi. It also urged the police and Syed Murad Ali Shah, the Chief Minister of Sindh, to investigate the death and establish whether the killing was linked to his work as a journalist.
- On 10 June, SAMDEN **joined calls** by the Editor's Guild of India, The Network of Women in Media, India, and journalists across the country demanding the release of three media professionals held in Uttar Pradesh for allegedly “maliciously” the image of Chief Minister Yogi Adityanath by sharing and broadcasting a video. In the case that attracted national outcry, Prashant Kanojia, a freelance journalist, and Ishita Singh, Anuj Shukla and Anshul Kaushik, the editor, the head and an employee of ‘Nation Live’ TV news channel, were arrested on 8 June for broadcasting a video of a woman who claimed that she had sent the Chief Minister a marriage proposal. SAMDEN noted with

concern that the charges slapped by the police against Mr. Kanojia did not warrant detention, and drew the attention of the National Human Rights Commission (NHRC) to the case. The journalists were granted bail, but the latter three remain in detention over other charges.

- SAMDEN **called for greater press freedom in Myanmar** while welcoming the release of two Reuters journalists who had been detained for 17 months by the state. The reporters had been charged with breaking the country's Official Secrets Act (OSA) while working on an investigative report on the violence against Rohingya Muslims. "We are extremely glad to hear of the release and hope that this acts as a spur for greater press freedom in Myanmar," SAMDEN said.
- On 12 April, SAMDEN **urged the Federal government in Pakistan** to take prompt action against alleged threats issued by a former leader of Jamaat-e-Islami (JI) against journalists in South Warizistan. The leader, Taj Mohammad Wazeer, and other unidentified members of Pakistan's National Assembly on April 8 called for attacks on and killing of journalists in the Khyber Pakhtunkhwa province at a public political rally.
- On 12 April, **SAMDEN welcomed orders** by the Supreme Court granting relief to journalists in two separate cases. We mentioned in **our last newsletter** in April that SAMDEN had **extended its support** to the Shilling Times newspaper after the Meghalaya High Court filed a contempt of court charge against it over a news report. The Supreme Court on 15 March stayed the order after the journalists filed an appeal. In the second case, in early April, the Manipur High Court ordered the release of jailed journalist Kishorechandra Wangkhem, who had last December been charged with sedition under the National Security Act (NSA) for criticising the Chief Minister, and spent four months in jail.

PERCEPTIONS OF RETIRED MUSLIM POLICE OFFICERS ON RELIGIOUS AND COMMUNAL BIAS

Aditi Datta

Senior Programme Officer, Police Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) along with the Quill Foundation jointly published a report titled “Muslim Voices: Perceptions of Policing in India” in December 2018. The study, spread across eight cities and several geographies, documented the extent to which Muslims perceive bias and discrimination by the police in the context of local-level realities and experiences. The report, in addition to talking to nearly 200 people from the community, also contained insights from retired Muslim police officers, based on their experiences from within the police.

This article looks into the perceptions and experiences of Muslim police officers based on one-to-one interviews with 25 retired male Muslim police officers across 10 states. CHRI did not approach serving officers and, unfortunately, was not able to reach any retired Muslim police women. The interviews were done on the basis of a semi-structured questionnaire. Of the 25, six were from the Indian Police Service (IPS), while the rest were from the state cadres. The interviews with the officers provided perspectives and insights about how they feel anti-Muslim bias is played out.

One of the most significant points to emerge through the interviews was the need for a diverse and a representative police. The officers made observations such as, “*Police is not representative of society*” and “*Representation across all ranks is minimal. It is not at all to the desired extent*”. Most police officers also pointed out that the representation of Muslims in the police was much lower than the Muslim population in the country, and highlighted that Muslim police officers were mostly concentrated in junior ranks. There is an element of truth in this. As of 2013 data provided by the National Crime Records Bureau (there is no data available since), excluding the number of Muslims in the Jammu and Kashmir Police, the total representation of Muslims in police services was a meagre 3.14% of the total police strength in the country. If the representation from J&K is included, the figure jumps to 8%, but because the bulk of this is concentrated in one state, it would not be accurate to project this number nationally. The analysis of 2013 National Crime Records Bureau data on Muslims in the police over a period of 15

years clearly shows that the numbers have remained consistently low, hovering within 3-4% (excluding Jammu and Kashmir).

Linked to this paucity in numbers was the belief that a proportionate representation of Muslims in the police would help build the Muslim community's faith and confidence in it, while low representation could create insecurities. Some of the police officers we spoke to said, *"Less representation is dangerous for the Muslim community as there will be injustice to the community in communal riots. During communal riots, I could not help Muslims even though I was a Muslim", "Representation increases the confidence of the community as people think they can approach their community in person" and "When Muslims see a Muslim officer, they feel a little confident because they tend to be insecure."*

Most police officers also pointed out that Muslim police officers were concentrated in the junior ranks, especially in the constabulary, and were virtually absent from higher ranks and leadership positions. They expressed concern over the fact that there were very few Muslim police officers at intermediate levels at the ranks of investigating officers, Assistant Sub-Inspectors and Sub-Inspectors. This is significant because without representation at these levels, the police departments cannot implement the recommendation of the Sachar Committee to "post at least one Muslim Inspector/Sub Inspector in the Muslim concentrated *thanas* as a measure to build confidence in the community".

A second insight shared with us was that while there was inadequate representation of Muslims in the police, this was most likely because of social and educational backwardness in the community. They said, *"Not many Muslims are applying... they are not economically sound...they don't know how to enter or apply or study for these services" and "Their motivation to join the police department is less, their participation is less and their education is also less"*.

According to the 2011 census figures, as many as 42.7% of Muslims in India are illiterate. While this bears out statistically, respondents also said that police departments had not consciously recognised the need for greater diversity and pointed to a lack of targeted recruitment drive as a reason for low representation. With no encouragement or outreach measures from the police departments, the officers felt that Muslim youth are discouraged from even trying to join the police, believing they would not make the final cut. Here, we were told, *"Muslims are applying now but they wonder who will accept*

them” and “There is a fear amongst Muslims that they would not be recruited [in the police]”.

Thirdly, respondent police officers displayed an acute awareness that the police, as an institution, is deeply majoritarian. This was explicit in their acceptance and internalisation of the presence of Hindu religious practices and symbols within police stations and departments. This acceptance existed even with the recognition that public institutions such as police stations should present themselves as secular places. Some officers said, “Every Saturday, there is ‘Shani puja’ in every police station. Everybody participates in this, including Muslims. If it’s a custom that unites people, then as a leader I would encourage it” and “In Karnataka, every Friday, puja is conducted. It’s a tradition. I was also part of it. I wanted to show that I am not against pujas.”

However, it appeared that such internalisation is not without its reasons and that it stemmed from perceived constraints. Muslim officers felt that any opposition could create unnecessary difficulties and would be regarded as anti-majority. They said, “If you tried to get rid of it, it would unnecessarily become an issue” and “In my presence, temples were built inside the police station. I did not take a stand and thought it was not necessary unless there is any hindrance from it.”


Fourthly, most respondents said while they had gained the confidence of the public and their supervisors, and expressed satisfaction with their roles, they also felt they had to work “doubly hard” as compared to others and constantly “prove their loyalty”. Many of them felt that especially when dealing with matters related to Muslims, their smallest actions could easily be construed as partisan or ‘communal’. Some comments that we received included, “We need to work doubly hard to prove our efficiency, loyalty and honesty. It’s not because of religion but for mere survival as we don’t have godfathers within the police department” and “As a Muslim police officer, he has to work double as hard and his character has to be exemplary... There cannot be any blot on [the career of a Muslim officer]. He has to be of impeccable integrity, work hard and be an example for others”.

The fifth point to emerge from the study was the fact that Muslim police officers struggled with the fear of being branded partisan. Some respondents felt that Muslim police officers were tagged as communal by the majority when they were protecting or helping members of the Muslim community. This element of bias prevented them from carrying out their professional duties. Thus, they were forced to carry a double burden:

their first concern was about being branded communal while protecting members of their own community, and the second was a sense of being disempowered and unable to stand up against communal illegalities. They said, *“They had accused me of favouring Muslims [during communal] riots where as I was merely protecting the Muslims and not favouring them since they were at the receiving end [of violence]”, “If I had raised a voice and had been vocal, then I would have been branded communal” and “When there is a communal riot, no matter how much impartial a Muslim police officer is, he will still be labelled as partial by politicians”.*


With the information that came out of these interviews in mind, the CHRI report provided a set of recommendations to state police and home departments, amongst others. This included suggestions to increase the strength of Muslims in the police, prohibit the display of religious symbols, places of worships or conduct of religious practices in any police station, unit or office, and undertake regular and periodic specialised studies on the perception and satisfaction level of Muslims and other minority communities on policing. Such studies, the report said, could be conducted in association with minority and/or Human Rights Commissions and civil society, as far as possible.

RECENT WRITING FROM THE TEAM




We Must Recognise That
Discrimination Plays A
Part In Torture

By Devika Prasad and Sabika Abbas
in *The Wire*




A Coalition With Common
Goals May Make The Best
Government For A Complex
Nation Like India

By Sanjoy Hazarika
in *The Economic Times*



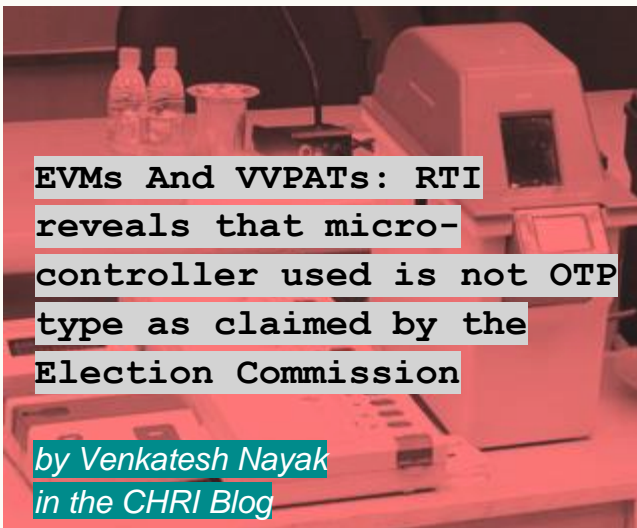
Politicians Flexing
Muscles as EVMs Expose the
Very Voter Privacy They
Were Designed to Protect

By Venkatesh Nayak
in *News18*




Women in Police: India
needs more than just
Tokenism by Political
Parties

By Pavani Nagaraja Bhat
in the *CHRI Blog*



EVMs And VVPATs: RTI
reveals that micro-
controller used is not OTP
type as claimed by the
Election Commission

by Venkatesh Nayak
in the *CHRI Blog*



Committees to inquire into
complaints against CIC:
DoPT claims secrecy over
the proposal and sends a
copy of the RTI Act free
of charge

by Venkatesh Nayak
in the *CHRI Blog*

THE STATE OF POLICING TRANSPARENCY: A VIEW FROM THE GROUND IN UTTAR PRADESH

Shikha Chhibbar,

Programme officer, Access to Information Programme

The Access to Information team at CHRI, New Delhi, travelled to Uttar Pradesh in April to conduct research on the status of implementation of Section 41C of the Code of Criminal Procedure (CrPC) in Police Control Rooms (PCRs). Section 41C (2) requires PCRs to display information about arrestees (as well as the police officers making the arrests) on notice boards in police stations.

Our interest in this examining the status of Section 41C was to check the extent to which this provision, which is broadly aimed at increasing transparency in the working of police stations. In 2018, the ATI Team had made RTI-based interventions in seven states to secure the police departments' compliance with this requirement of transparency at PCR- and State Police Headquarters-levels according to Section 41C.

In most of these states, the issue was escalated to the concerned State Information Commissions through appeals or complaints. The Uttar Pradesh Information Commission sent our team a notice of hearing for 10 April 2019, upon the receipt of which, we decided to re-check the Uttar Pradesh Police website to ascertain whether or not they were displaying arrestee information. It did not. We, therefore, decided to check compliance at PCRs.

During this visit, we inspected PCRs in 12 districts – and on their advice, also visited the police stations in the districts. One of the first findings from this visit was the fact that only two PCRS – in Agra and Kanpur City – were compliant with the statutory requirements of making arrestee data accessible to people on their notice boards as per Section 41C (2) of the CrPC. In a third place -- the Etawah PCR -- arrestee information was only updated after our visit.

In addition, we looked for the presence of *DK Basu Guidelines* -- specific requirements and procedures laid down by the Supreme Court for the police and other agencies to follow during the arrest, detention and interrogation of any person -- on the notice boards in the Police Stations, and found that only five out of 12 police stations were compliant with this requirement.

During these visits, we interacted with several police officers from various ranks to study how they reported crime to their superiors, and noticed that in most police stations, duty officers were working in the open outside the main Police Station buildings!

Most police personnel we spoke to said that they found their work very challenging and complained about long hours of duty – which sometimes stretched to 24 hours. One policeman said, “The police is like an animal or some machine, as we are expected to perform continuously without any rest.” A few officers said even that accused persons were given more rights than the police.

We also found that the UP police was majorly Hindi speaking, which could be a deterrent to non-Hindi speakers.

To our great surprise, some officers told us that since “investigation is not easy, most of the time, the accused does not confess easily or cooperate with us, so we are compelled to use ‘traditional methods’ of interrogation such as torture.” This was a very alarming admission – and was clearly a sentiment that was common enough for them to be comfortable sharing it with a visiting team. These practices occur all over India, overtly or covertly, as discussed and observed in CHRI’s conference on “[Strengthening Legal Protection against Torture in India](#)”.

During the visit, we witnessed a woman -- a brick kiln worker -- trying to get a complaint of assault towards her and her husband registered. However, she was not referred to a female police officer by any of the duty officers present; neither was she offered help by sub-inspectors, who refused to file her complaint, saying that the crime had not occurred within this police station’s jurisdiction.

It was, then, surprising that after this instance of non-cooperation with a complainant, the official turned to us and declared that the police was the least corrupt of all authorities. The general atmosphere of unprofessionalism we witnessed is deeply concerning, and needs to be urgently dealt with in training and sensitisation sessions. As shown by reports, [the public has little trust in the police](#), and without massive behavioural changes, this cannot be corrected and police-public relations cannot be improved.

Another point of concern for us was the visible absence of secularism within station premises. Of the 12 police stations, we found temples within four. In the capital city of Lucknow, the police station had a large temple, in which evening prayers were

underway during our visit. After the rituals, the priest distributed “prasad” to officers on duty and it appeared that these religious practices were part of the daily functioning of these police stations. As has been pointed out in a report on perceptions by CHRI’s Police Reforms team, such activities alienate officials as well as visitors from other communities.

In the Constituent Assembly, Dr. B.R. Ambedkar had drafted an establishment clause which said that “the State shall not recognize any religion as State religion.” This crucial constitutional value of state does not seem to be translated into reality in the police stations of UP. At a few police stations, police officers even asked about our caste identities – a practice that can be deeply discomfoting and discriminatory for communities. This shows that fault lines of casteism, classism and religious bias run deep into our police system, and unless such prejudice is not addressed, just and fair policing for all citizens will remain an unfulfilled dream.

HOW CHRI'S CITY CORE GROUP INITIATIVE IS BRINGING POLICE REFORMS ADVOCACY TO THE PUBLIC

Anju Anna John

Project officer, Police Reforms Programme

A year ago, CHRI helped create the City Core Group (CCG) initiative to bring together a collective of groups working with women, with the goal of building a demand for better policing in the area of women's access to justice.

While anchoring monthly meetings for this group, CHRI brings in resource people to build capacity and solidarity. These meetings also serve to provide a platform for members to share their experiences, and discuss challenges, and are recognised for providing assistance in cases that are brought to the group's notice. CCG helps its member groups connect with organisations and lawyers working in the area. In several cases, CHRI has also stepped in and assisted members in individual cases.

A recent example of this was the case of an 11-year-old victim of rape, who was brought to CHRI's attention by a CCG member. Prompt intervention by Donita Quadros (Project Associate, CHRI) ensured that the Deputy Commissioner of Police (DCP) took cognisance of the case and that an Investigation Officer (IO) was suspended for filing an unsatisfactory FIR. The newly appointed IO ensured that an FIR as well as supplementary charge-sheet was filed in the case. The child was then referred to Plane Jar -- a CCG member organisation -- for pro bono psychological counselling. The case, which is still going on before the Sessions judge, has been taken up by another organisation free of charge.

In its work in Mumbai, CHRI has constantly been engaging with other groups and institutions, often speaking at their events and thus reaching out to a varied audience on the issue of police accountability. We have also been working towards popularising the State Police Complaints Authority (SPCA) in Mumbai by informing the public about the rules and procedures for contacting this independent body to make complaints of police misconduct.

More recently, we have made inroads into various communities through our members. In April 2019, CHRI was invited by the coordinator of the *Maharashtra Ghar Kamgaar Vikas Sangathan* (MGKVS, a domestic workers Union) to conduct a session on policing

and citizens' rights with community members in Khar, Mumbai. Participants comprised of domestic workers, community activists, homemakers and youth from local *bastis* (slums), who learned about the process of filing complaints and First Information Reports (FIR), citizens' rights, different kinds of offences, and the structure and ranks of Mumbai Police personnel, among other things.

Around the same time, the team held a similar session with Ajeevika Bureau's *Shramik Sahayata Kendra*, where it addressed a group of 30 migrant workers. Earlier in 2019, we held a session on policing and accountability before lawyers and law students from the Rahat Legal Aid Foundation.

While we continue to focus on issues of how the police handles cases relating to crime against women and children, we have also tried to reach out beyond the members of the CCG initiative and raise awareness among citizens on *they* can do to hold the police accountable. This has been supported by the members of the CCG, who have graciously invited and provided CHRI with the opportunity to reach out to various communities. Such sustained efforts may indeed be the only hope for creating a citizen-led demand for the kind of conscionable and robust policing that we deserve.

SENDING THEM HOME: HOW OUR PRISON PROGRAMME INTERVENTION REUNITED A FAMILY

By Palak Chaudhari,

Project Officer, Prison Reforms, Access to Justice Programme

In the last newsletter, I wrote about the plight of an Iranian national imprisoned in the Alwar Detention Centre awaiting repatriation for the past five years. A colleague and I had come across the case in May 2018 when we visited the centre to meet detainees and get them repatriated to their home countries. At the time, Hassan Rohullah (name changed) had been imprisoned for 13 years – including the five after having completed his sentence in 2013.

I had shared Mr. Rohullah's details with the Iranian embassy, which initially refused to believe that he was Iranian and also expressed doubt about why Indian authorities had not informed the embassy about the issue.

Further probing showed that there had been confusion between the police and the prison departments about who would inform the embassy -- eventually leading to a situation where no information was communicated at all either at time of arrest or while he was an under-trial, and subsequently, an imprisoned convict.

With our intervention, the counsellor at the Iranian embassy finally managed to contact with authorities at the Alwar detention centre, who let him speak with Mr. Rohullah over the phone. It took five months of following up with the Ministry of External Affairs, the Rajasthan Home Department, the Rajasthan Intelligence Bureau, the Iranian Embassy and Foreigners Regional Registration Office (FRRO) to finally get Mr. Rohullah's papers for repatriation. After these documents arrived in January 2019, we found that neither the embassy nor his family had the funds to sponsor his ticket back home. After some effort, they managed to raise these funds through Iranian NGOs.

We are happy to report that Mr. Rohullah finally went home on 19 May 2019 after having spent 14 years in Indian prisons. Sadly, his battles did not end there and he was arrested in Iran for a murder case that happened in 2008. The counsellor from the Iranian embassy then got in touch with me to procure the certified copy of documents proving that he was in India at the time of the alleged murder to exonerate him of the crime. We are now waiting for a certified copy of these documents to be sent to Tehran.

CHRI'S WORK IN BUILDING THE CAPACITY OF CIVIL SOCIETY ORGANISATIONS FROM SMALL STATES

Of the 52 member states of the Commonwealth, 31 are designated Small States.¹ In the first decade from 2006 until 2016, 19 Commonwealth countries have served at the UN Human Rights Council (HRC) a term on the Human Rights Council (HRC), only four (Botswana, Namibia, Mauritius and Maldives)² have been Small States.³

It is important to shed light to the founding principles laid down by the UN General Assembly through the Resolution 60/251 that the HRC is to be impartial, non-selective and follow the idea of international cooperation.⁴ Small States' participation at the HRC is hindered mainly by the lack of capacity to engage with the numerous international organisations and institutions present in Geneva. Even more worrisome is the fact, that out of the 31 Commonwealth Small States, 9 States do not have permanent missions in Geneva.⁵ Their chances of participating in the HRC are further debilitated. As a result, Small States feel marginalized and their HRC credibility is jeopardized. Again through Resolution 60/251 UN member countries envisaged the needs of Small States and provided for capacity building needs of Small States in the Council's special procedures such as the Universal Periodic Review (UPR).⁶

With this backdrop, CHRI has designed the project involving capacity-building and training of the CSO members from three CSS: Fiji, Vanuatu, and Papua New Guinea.

¹ Commonwealth Small States and Small Island Developing States, Commonwealth Foundation, available at:

<http://commonwealthfoundation.com/wp-content/uploads/2014/09/Commonwealth-Small-States-and-SIDS.pdf>

² Maldives left Commonwealth in 2016.

³ The Commonwealth at the Human Rights Council, Commonwealth Human Rights Initiative, 2017, available at:

<http://www.humanrightsinitiative.org/download/1497945875THE%20COMMONWEALTH%20AT%20THE%20HUMAN%20RIGHTS%20COUNCIL.pdf>, p.5-6

⁴ General Assembly resolution 60/251, Human Rights Council, A/RES/60/251, para 4, (3 April 2006), available at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

⁵ Kiribati, Nauru, Papua New Guinea, Samoa, St Kitts and Nevis, St Vincent and The Grenadines, Tonga, Tuvalu, Vanuatu do not have a Permanent Mission, available at:

[https://www.unog.ch/80256EE600582E34/\(httpPages\)/8CEC446B720477DA80256EF8004CB68C?OpenDocument&expand=1&count=10000#1](https://www.unog.ch/80256EE600582E34/(httpPages)/8CEC446B720477DA80256EF8004CB68C?OpenDocument&expand=1&count=10000#1)

⁶ General Assembly resolution 60/251, Human Rights Council, A/RES/60/251, para 5, (3 April 2006), available at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

CHRI's Capacity-building Project

CHRI has been actively working on identifying and highlighting human rights concerns in the SIDS, coupled with training, collaboration, and capacity building of the CSOs in these States.

At the 40th HRC session, CHRI collaborated with activists from Citizens' Constitutional Forum (Fiji), Transparency International (Vanuatu), and PNG Tribal Foundation (Papua New Guinea) to bring to the fore the human rights issues in these countries. The programme enabled these activists to understand HRC processes, engage with diplomatic missions from their respective countries, connect their field experiences with policy issues at the international level, and report back to the civil society at home. They also delivered statements at the session on behalf of CHRI. This visit to Geneva was sponsored by CHRI.

41st Session of the UN HRC (June-July 2019)

In continuation of the project, CHRI will sponsor members from three civil society organisations, one each from Fiji, Vanuatu, and Papua New Guinea, to participate in the 41st HRC session in June-July 2019. For this session, our focus will be on the issues of transparency, accountability, and access to information in these countries as attributes of good governance essential for full realisation of human rights. The goal is to open space for greater participation in international human rights advocacy and improved focus of the HRC towards human rights challenges in these States.

The activities for the CSO members will include, amongst other things:

- Understanding the OHCHR mechanisms, including effective engagement with special procedures and treaty bodies;
- Participating and making statements in General Debates Agenda Items 4 and 6 highlighting the human rights issues in these three States;
- Participating as panelists in a side event on the margins of the session organised by CHRI to discuss focal theme of transparency, accountability, and access-related developments and challenges;
- Meetings with diplomats and other civil society actors in Geneva.



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