

# **chri ANNUAL REPORT** **2009**

# **2010**



**COMMONWEALTH HUMAN RIGHTS INITIATIVE**  
B-117, SECOND FLOOR, SARVODAYA ENCLAVE, NEW DELHI – 110 017, INDIA  
T +91 11 43180200; F + 91 11 26864688  
[info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org); [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

# Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to 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, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

The nature of CHRI's sponsoring organisations\* allows for a national presence and an international network. These professionals can also steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups also bring local knowledge, can access policy makers, highlight issues, and act in concert to promote human rights.

CHRI is based in New Delhi, India, and has offices in London, UK, and Accra, Ghana.

International Advisory Commission: Sam Okudzeto - Chairperson. Members: Eunice Brookman-Amissah, Murray Burt, Alison Duxbury, Yash Ghai, Neville Linton, B.G. Verghese, Zohra Yusuf and Maja Daruwala.

Executive Committee (India): B.G. Verghese - Chairperson. Members: Anu Aga, B.K.Chandrashekar, Bhagwan Das, Nitin Desai, K.S. Dhillon, Harivansh, Sanjoy Hazarika, Poonam Muttreja, Ruma Pal, R.V. Pillai, Kamal Kumar and Maja Daruwala - Director

Executive Committee (Ghana): Sam Okudzeto - Chairperson. Members: Anna Bossman, Neville Linton, Emile Short, B.G. Verghese, and Maja Daruwala - Director.

Executive Committee (UK): Neville Linton - Chairperson; Lindsay Ross - Deputy Chairperson. Members: Austin Davis, Meenakshi Dhar, Derek Ingram, Claire Martin, Syed Sharfuddin and Elizabeth Smith

\* Commonwealth Journalists Association, Commonwealth Lawyers Association, Commonwealth Legal Education Association, Commonwealth Parliamentary Association, Commonwealth Press Union and Commonwealth Broadcasting Association.

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## Commonwealth Human Rights Initiative

**Headquarter: CHRI New Delhi Office**  
B-117, Second Floor, Sarvodaya Enclave  
New Delhi - 110 017  
INDIA  
Tel: +91-11-2685-0523, 2652-8152, 2686-4678  
Fax: +91-11-2686-4688  
E-mail: [info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org)

**CHRI London Office**  
Institute of Commonwealth Studies  
28, Russell Square  
London WC1B 5DS, UK  
Tel: +44-020-7-862-8857  
Fax: +44-020-7-862-8820  
E-mail: [chri@sas.ac.uk](mailto:chri@sas.ac.uk)

**CHRI Africa Office**  
House No.9,  
Samora Machel Street Asylum Down,  
opposite Beverly Hills Hotel,  
Near Trust Towers,  
Accra, Ghana  
Tel/Fax: +00233-21-271170  
E-mail: [chriaf@afrikaonline.com.gh](mailto:chriaf@afrikaonline.com.gh)

**CHRI got unprecedented visibility and success in the 2009 CHOGM at Trinidad & Tobago, and its report and advocacy around Rwanda as well as the campaign against the Gambian threat to human rights defenders, has earned it valuable recall and commendation from friends in London and beyond. CHRI's statements are taken seriously and picked up by the media around the Commonwealth. CHRI is recognised by the Commonwealth Secretariat as an expert resource on the Universal Periodic Review mechanism of the UN Human Rights Council.**

**CHRI's Access to Information work is being recognised much more widely, the quality of its submissions appreciated, and staff have become increasingly sought after resources in several Commonwealth regions. Ghana has come very close to having its own access to information law, and CHRI Africa is in the forefront of the campaign. The police reforms programme has done well to gain eminence as a resource in South Asia, and is gaining ground with the East African Community.**

**CHRI's Director, Ms. Maja Daruwala was awarded the prestigious Nani A. Palkhivala Award (2009) for the protection and preservation of civil liberties in India.**

## **1. GENERAL**

The Director's international engagements during the review period included: meeting of External Advisors for implementation of the World Bank's new Governance and Anti-Corruption (GAC) strategy, the Eschborn dialogue 2009, on 'Developing Security, Securing Development'; meeting with several High Commissioners and influential people in New Delhi and London as part of the pre-CHOGM advocacy.

In India, the Director's attention was largely focussed on building and expanding networks interested and vested in police reform. The Director addressed several public forums/meetings/consultations organised by Forum of Free Enterprise, Confederation of Indian Industry, Rotary Club and Foundation for the Restoration of National Values (FRNV), met with members of Bar Associations, and journalists; is a member of the Working Group on Human Rights and the NGO Core Group of the National Human Rights Commission.

The Director was awarded the prestigious Nani A. Palkhivala Award (2009) for the protection and preservation of civil liberties in India.

CHRI had a steady stream of visitors which included High Commissioners, academics, funders, civil society partners and interested citizens. CHRI also received several delegations in addition to the visiting programmes it organised for its South Asia partners. This included a Bangladeshi delegation that came to see how access to information works in India, an African delegation from UNDP, delegations of Irish Parliamentarians, a delegation from the Afghanistan Independent Human Rights Commission (AIHRC).

## **2. HUMAN RIGHTS ADVOCACY PROGRAMME**

### **2.1. Overview**

CHRI has worked to position itself as a watchdog that monitors the Commonwealth and its member states' compliance with human rights standards. Presently it does this through a

series of ongoing projects (liaising with the Com Sec, making regular submissions to Commonwealth mechanisms, monitoring and engaging with the UN Human Rights Council and the UPR mechanism; providing support and capacity building for civil society and human rights defenders who engage with international human rights mechanisms; organising pre-CHOGM human rights events/ forums; joining influential international networks that advocate for human rights globally and in Commonwealth member states (membership of HRCNET, CIVICUS, FIDH); and by responding to sudden challenges and opportunities as they present themselves (Fiji coup, Pakistan crisis, Rwanda fact-finding, the Gambian threat to human rights defenders).

## **2.2. Activities**

### **➤ UNHRC**

The advocacy team has been monitoring the UN Human Rights Council and the Commonwealth members of the Council. CHRI is a signatory to a number of joint letters and statements issued on international issues as they arise at the Council. CHRI has also made a number of submissions to various sessions of the Council.

### **➤ HRCNET**

In its work on the UNHRC the team has been working closely with HRCNET. HRCNET is a cross-regional network of NGOs that attempt to work on a cross-regional basis at the Council level. CHRI has been a member of the network since its early days and has participated in both of its annual meetings so far at New York in October 2008 and February 2010.

### **➤ Easier Said than Done**

CHRI has continued to publish its report, *Easier Said than Done*. The report monitors Commonwealth members' compliance with pre-election pledges made at the Human Rights Council. The second edition is being revised and has an additional UPR supplement and a supplement on human rights defenders. The mid-2010 third edition will have a special feature on the 2011 review of the Council as it relates to the Commonwealth and its member states.

### **➤ Events and campaigns**

In June 2009, CHRI brought to Geneva a delegation composed of CHRI staff and partners from Kenya (head of a leading Kenyan civil society organisation and the chair of the Kenyan NHRI) to campaign around post election extrajudicial killings in Kenya. The campaign was timed to coincide with the presentation of a report on the same issue by the UN Special Rapporteur on Extrajudicial Killings to the UNHRC. The Kenyan government were not at that stage willing to acknowledge post election related extrajudicial killings and were canvassing the fact that the Special Rapporteur was "an outsider" with little grasp of ground realities. CHRI and its partners were the only strong lobby and speaker at the Council. An effective campaign saw the Kenyan government reversing its stance and acknowledging that such killing indeed took place. The presence of eminent Kenyan civil society folks led to a very well attended side event that acted as a platform for the Special Rapporteur and the Kenyan government to dialogue on issues relating to human rights defenders and policing.

In 2009, CHRI participated in the IX International Human Rights Colloquium in Sao Paulo that brought together Southern CSOs associated with the Colloquium for the past nine years to explore and review the UN human rights system.

In 2009, CHRI also conducted a two day training programme for law students on human rights mechanisms and human rights defenders at the Rajiv Gandhi National Law University in Patiala, India.

#### ➤ **UPR**

CHRI has so far made UPR submissions on 13 Commonwealth countries and continues to monitor the UPR process.

CHRI has also been assisting civil society partners in providing information and know-how on the UPR process. Recently through a request from the Commonwealth Secretariat, CHRI also dealt with queries on UPR know-how from the Maldivian government.

CHRI's UPR work and approach has been listed as civil society best practice in the Commonwealth Secretariat's UPR handbook published in 2009.

In the intervening four years between reviews of each country, CHRI is looking at follow up initiatives on the UPR. CHRI is in discussion with a number of CSO partners and has already begun work with CSO coalition in India known as the Working Group on Human Rights.

#### ➤ **Commonwealth**

**CMAG:** CHRI has continued to follow developments in Fiji and pushed for Sri Lanka to be removed from CMAG. In CHOGM 2009, CMAG's membership was revised and Sri Lanka is no longer on CMAG. CHRI also continued to push for the CMAG to implement its mandate fully and take note of serious human rights issues that may not qualify under the rubric of unconstitutional overthrow of governments. The CHOGM 2009 Communiqué has asked CMAG to implement its mandate to its fullest remit.

**CHOGM 2009:** CHRI actively participated in the Committee of the Whole (CoW) process and was a part of the Commonwealth Peoples Forum statement drafting committee from the CoW stage onwards till the very end in Trinidad and Tobago. Subsequently, many of CHRI's advocacy points including on human rights defenders and CMAG, were included in the final civil society statement to Heads of Government.

CHRI also took the lead in organising the Human Rights Assembly within the Commonwealth Peoples Forum in Trinidad and Tobago.

In the lead up to CHOGM, CHRI also campaigned on the threat to human rights defenders in the Gambia, a Ugandan Bill that sought to punish homosexuality with death, and Rwanda's admission into the Commonwealth. It also participated in the meeting with Commonwealth Foreign Ministers at CHOGM that looked at some of these concerns.

CHRI's media visibility on Rwanda, the Gambia, and to a lesser extent on the issue of LGBTI was unprecedented. Its concerns were well reflected in the national, regional and international media. It also actively participated in international media programmes such as the BBC's World Debate on the Commonwealth that took place prior to CHOGM.

#### ➤ **Human rights defenders**

CHRI's 2009 CHOGM report showcased the work and value of human rights defenders and the dire consequences they must endure. Prior to the CoW meeting in 2009 CHRI organised an international roundtable attended by some of the most influential NGOs and individuals working in the area. The outcome was a set of recommendations that went to policy makers and a greater understanding amongst civil society actors on engaging with the Commonwealth. CHRI's 2009 CHOGM was launched immediately after the roundtable conference.

As part of its work on building capacity for human rights defenders in September 2009, CHRI facilitated an international humanitarian law training program in Bangkok.

#### ➤ **Rwanda**

In 2008 and 2009, CHRI examined the eligibility of Rwanda to be a new member of the Commonwealth. To assess the situation, CHRI conducted its own fact finding mission to Rwanda. Based on its findings that suggested a dire state of civil and political rights in the country, CHRI advocated for suspending Rwanda's application for membership to carry out more thorough scrutiny of the country and ensure that it meets Commonwealth human rights standards. CHRI's advocacy in this area caught widespread media attention and visibility within Rwanda, in the press in East Africa, and in the international media. Nevertheless Rwanda was admitted into the Commonwealth at CHOGM 2009. CHRI continues to follow the situation in Rwanda as it gets worse prior to elections scheduled later this year.

#### ➤ **Others**

In 2009 CHRI also resourced a meeting by the Asia Division of the Commonwealth Youth Programme in Chandigarh, India, and trained Youth on human rights mechanisms.

As a programme working on a global/Commonwealth-wide scale, more projects could be furthered in coming years at regional levels through CHRI offices in London and Accra, enabling better reach and success.

### **3. MEDIA ADVOCACY PROGRAMME**

#### **3.1. Overview**

The brief of the media unit is to give visibility to CHRI's issues as well as to CHRI as an organisation all across the Commonwealth. Routine activities include sending out backgrounders, and press releases, nurturing and keeping up connections with media outlets in all the countries of the Commonwealth, disseminating CHRI products created for reading, the radio and TV, using events and special days such as Commonwealth day as hooks for publicity and regularly expanding the geographic reach and diversity of our communications. Where required by a particular program it is expected to build public opinion on our chosen areas of work.

Recent innovations include marketing CHRI publications through commercial channels; and getting our slides about prison issues into a popular Bollywood movie Jail, as the last visuals for the audience to mull over, before the credits roll. The early dissemination of targeted and well designed messages about Rwanda, human rights defenders, and the Gambia prior to CHOGM and the induction of Rwanda into the Commonwealth were successful efforts at



getting attention and debate focused around the issues. Our media exposure at CHOGM was unprecedented.

### 3.2. Activities

- **Marketing Publications:** We aim to take to the general public our books on Right to Information and Policing, which could be of use to them, through popular sales outlets at railway stations and other popular sales points. We approached the leading book sellers across railway stations and airports in India. AH Wheelers, Allahabad bought 1950 books at discounted rates, to sell through their outlets. Books are also being sold through book fairs, most recently in Kolkata. However, the challenge is in keeping tabs on the numbers sold and trying to get a purchasers profile.
- **Bollywood:** CHRI's Prison Reforms Programme had created a 30-second spot on the delays in the criminal justice system, the numbers of under-trial prisons and the conditions in which they live. Using the golden opportunity of the release of the Bollywood blockbuster, *Jail*, that highlighted the plight of under-trials, made by a director of repute, we negotiated the inclusion of our spot into the movie. Slides from the spot were included at the end of the movie before the credits roll down; we were also included in the credits. To further capitalise on the moment, the media unit assisted the prison reform team to publish an article titled 'The sad ballad of an Indian jail' <http://www.indianexpress.com/news/the-sad-ballad-of-an-indian-jail/539449/0> in The Indian Express.
- **CHOGM Campaign:** The Trinidad and Tobago CHOGM has so far been one of the most successful CHOGM's in terms of media advocacy. The Gambian President's remarks against human rights defenders offered us a ready hook to air our concerns about human rights defenders, indicate standards relevant to the duty of the State to protect, and, the credentials of Heads of State who came to CHOGM, and tag on the standards necessary for admission of Rwanda into the Commonwealth. We could publicise the need to review and strengthen of Commonwealth Ministerial Action Group and give publicity to the human rights assembly we were organising in Trinidad and Tobago, as well as give publicity to our biennial report titled 'Silencing the Defenders: Human Rights Defenders in the Commonwealth'.

Exactly two months before the CHOGM started, we planned a special edition of our CHOGM newsletter and articles from there were released separately from October onwards till the CHOGM began from 27 November 2009. Each of our articles got carried in more than ten places and most importantly in the local press, both before and when the CHOGM began. Additionally our three letters to Secretary General on Gambia were released at frequent intervals to the press all over the world. A week before the CHOGM, we also found out that most of the Caribbean papers were not sending their people because of recession and would be depending on wire services. We therefore compiled a list of people from wire services of AP, AFP, Reuters, Inter Press Service who would be attending the CHOGM as well found out who from the BBC and the local press would be there and ensured that they knew when our team was coming and who they were. Before our team reached Trinidad, we got to know that the Gambian President would not attend the CHOGM meeting. Because we had concentrated on local press, the wires, the BBC, there was intense discussion on Gambia and Rwanda as well, although everyone knew the outcome on Rwanda. Because of media advocacy that lasted two months, we were in the news in more than 300 places across the world. It must also be borne in mind that the a leading press in Trinidad carried our article titled 'Silencing the Defenders in the Commonwealth' the day our Human Rights Assembly began and our

editorial titled 'Promises, Promises' got carried in another leading daily the day the official CHOGM began. (**See Annexure 2(a) and 2(b)**)

- **Lok Police (People's Police) - a broadsheet from CHRI:** In order to augment the police reforms program with more and more outreach ability, in January 2010 CHRI began publication of a Hindi broadsheet known as *Lok Police*. This is perhaps one of the most ambitious outreach efforts undertaken by the police and media units. A lawyer well versed in Hindi and Urdu works part time as editor-writer to assist in bringing the broadsheet out. Presently it is quarterly. The aim of the broadsheet is to provide relevant information on policing to the rank and file in particular and to give them some sense of connection with what is happening with policing in other jurisdictions even as they go about their own busy lives often in isolation from ideas and events that could be valuable to them. It is meant to help connect police across states doing all sorts of work in difficult conditions. Lok Police targets the police constabulary that makes up over 80% of the force. For the moment it is designed to reach only the Hindi heartland. While the main audience will be the constabulary, our secondary audience will be the people in our network and civil society. At the moment the physical dissemination is through our office but we intend to come to arrangements with interested parties to disseminate in bulk through their closer contact with the police establishment. The level of success will in part be judged by the feedback we receive. We hope to encourage feedback by seeking readers views, offering to show case their writing, creating small quizzes relevant to policing, and later perhaps visiting some select police stations to find out if the broadsheet is received and read. In about a year we intend to conduct a survey.

**Lok Police - a broadsheet from CHRI**

**This is a new activity related to creating awareness in India on issues of policing. It is intended for the constabulary. We hope that this can be replicated in Ghana and even in East Africa along with the 101 publication mentioned above.**

- **Press Releases, Briefs, Statements, Invites, Letters, and Workshop Visibility:** CHRI's media unit seeks to give visibility for our workshops and on important meetings and developments whether at national or state level, as well as in the Commonwealth, by sending them press invites and releases, briefs, eminent citizens' letters and the like. Following are some of the releases/invites/letters/briefs and statements relating to workshops or an important issue that got us some visibility and coverage in the press.

CHRI expresses grave concerns over Rwanda's elections 5 March, 2010

*Jail Adalats* – Panacea or Problem for Under-trial Prisoners? 26 February, 2010

CHRI Condemns Maoist Violence in West Bengal and Bihar, 20 February, 2010

CNN -IBN Nominates CHRI's RTI Collaborator in J&K for Citizen's Journalist Award, 12, February, 2010

CHRI Director to Receive Nani A. Palkhiwala Award for Defence of Civil Liberties, January 13, 2010

Human Rights Groups Urges Commonwealth to Give More Space to Civil Society, 30 November, 2009

Press Conference on Human Rights in Commonwealth at IFC Room 1, 2:30 pm, 26, November, 2009



Commonwealth Greens Parties Against Rwanda's Entry to Commonwealth, 26, November, 2009

Press Invite for Human Rights Assembly in Trinidad, 23-24 Nov, Hotel Cascadia, #67 Ariapita Road, St. Anns, Port of Spain, 23, November, 2009

Letter to Kamallesh Sharma, Secretary General Commonwealth Demanding Statement on Gambia, 20 November, 2009

Press Invite for Human Rights Assembly in Trinidad, 23-24 Nov, Hotel Cascadia, #67 Ariapita Road, St. Anns, Port of Spain, 20 November, 2009

CHOGM Special: Letter to Hon President of Uganda on Gambia, 13 November, 2009

CHOGM Special: Letter to Trinidad and Tobago PM on Gambia, 11 November, 2009

CHRI Press Invite For Roundtable On Police Reforms In South Asia: Role Of Civil Society, 28 October, 2009

CHRI Condemns Maoists violence Unleashed in Jharkhand and Maharashtra, 12, October, 2009.

CHRI Deplores Gambian President Jammeh's Comments on Human Rights Defenders, 9 October, 2009

CHRI Urges Trinidad and Tobago Govt. Not to Invite Gambia for CHOGM 2009, 9 October 2009

Karnataka Should Not Tinker With Supreme Court Directives On Police Reform: Chri To Monitoring Committee, September 14, 2009

Public Debate On Police Reforms In Karnataka, 14, September, 2009

CHRI press invite for three events on 14 - 15 September to discuss Karnataka's compliance with the sc directives and draft police bill , 8 September, 2009.

CHRI Media Digest: Information on New Indira Awaas Yojna and Role of RTI in checking Corruption, 28 August, 2009.

CHRI Briefing Note for Chief Minister's Meeting on Internal Security. 17 August, 2009

CHRI Press Invite for Book Launch by Mr Kapil Sibal, 12 August, IIC, 11 August, 2009 (sent on 6<sup>th</sup> and 7<sup>th</sup> Augusts as well.)

National Level Workshop on Understanding Pakistan's Freedom of Information Ordinance 2002, 30 July 2009

Negative Features, Omissions And Weak Areas In The J&K RTI RULES, 28 July, 2009

CHRI and CPDI to Release Urdu Case Book on Access to Information, 24 July, 2009

Press Invite: Panel Discussion on "DOES THE RIGHT TO INFORMATION = THE RIGHT TO ACCOUNTABILITY? EXPLORING THE RTI ACT", 23 July, 2009

Maja Daruwala, Human Rights Activist, Calls for Release of Baha'i Leaders in Iran, 10 July 2009.

Its Official Again - RTI Act will be amended says the Minister for Personnel, 8 July, 2009

DoPT Circular No.1/1/2009-IR on Information Commissions, 2 July, 2009

Probable Amendments to the Indian RTI Act- based on Second Administrative Reforms Commission Recommendations, 19 June, 2009.

CHRI Events in Geneva on Extrajudicial Killings in Kenya, 2 July, 2009

CHRI Event on Extrajudicial Killings in Kenya and Police Reforms in East Africa in Geneva, 29 May, 2009

Workshop on Human Rights & Prison Monitoring for Afghanistan Independent Human Rights Commission, 27 May, 2009

CHRI urges congress to act on police reform in first 100 days, 22 May, 2009

Review of Our Report Feudal Forces: Reforms Delayed--Moving from Force to Service in South Asian Policing, 14, May, 2009

Sri Lanka: Commonwealth Should Act on Crisis, 16 April, 2009

- **Articles Written:** More than -- articles have been written that have got published mostly in papers, some in internet and listserv. Some of the articles got carried in number of places simultaneously. There were more than five TV appearances and Radio Interviews.
- **CHRI in the News:** We have been quoted in more than --- places from what we could track in the internet from April 2009 to March 2010.
- **Calendar:** CHRI's media unit has been creating yearly calendars which are distributed to our networks in India, South Asia and across the Commonwealth; the 2010 calendar focused on CHRI's different programmes and what each does. The calendar was disseminated to select organisations and people with whom we hope to foster closer ties.
- **Database:** CHRI is constantly updating its media database region-wise, and a few-country wise.
- **Outreach –Redesigning CHRI Website**

This is an initiative of our IT department, which felt that as our networks and outreach have increased over the years, we need to do a total makeover of our website [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org). Our new look website, to be launched in April 2010, is engineered to support the volume we presently generate as well as our links to a large number of related sites and sister organisations with like agendas.

The website will:

- Use Content Management System (CMS), which is currently used worldwide for website development.
- Give it a more user friendly look and flow
- Minimise text while keeping coverage wide

## **4. ACCESS TO JUSTICE - POLICE REFORMS PROGRAMME**

### **4.1. Police Reforms- International**

#### **4.1.1. Overview**

The police reforms international programme has been active in South Asia and East Africa. In South Asia, CHRI aims to mobilise public support for police reform. In East Africa, CHRI is working to develop common standards on policing for the EAC countries. While the South Asia programme receives funding support from the Friedrich Naumann Stiftung, the East

Africa programme had to be managed with general grant funds and some event funding received sporadically. The programme is not active in the Pacific, as it does not have any funding for work in the region, and efforts towards finding funds did not fructify.

#### **4.1.2. Activities**

##### **East Africa**

The work in East Africa gained momentum in 2008 and 2009 with more regular travel to significant regional and national projects.

Three projects were the focus of the programme over the year:

##### **A. The development of a report establishing common values and principles for policing in East Africa.**

It was determined, given the push for regional co-operation across East Africa, that the development of Common Standards for policing in the region would be a valuable resource and give CHRI maximum visibility across all five countries of the region.

The initial desk based research was completed in late November 2008 and a document that set out the common principles emerging from CHRI's review of international, regional and domestic policing and human rights law was then ready for focus group discussion in the five countries of the EAC. The first phase of consultations occurred from 1 – 12 December 2008. The second phase of the consultation process took place over three weeks from 21 March to 9 April 2009. CHRI, in partnership with APCOF, held a series of half day focus group discussions in each of Burundi, Kenya, Rwanda, Tanzania and Uganda. The meetings brought together stakeholders from EAPCCO, the national police forces, government, national human rights institutions, media, academia, the donor community and civil society to discuss the common standards that have emerged from the desk based research and first round of consultations. CHRI then consolidated all the feedback and prepared the common standards report for expert review. The meetings also explored how the common standards may be applied once they are adopted by EAPCCO and the EAC at a regional conference.

CHRI distributed the common standards for expert review to the University of Cape Town, the Australian National University, Bristol University and other key police reform practitioners, including Elrena van der Spuy and Prof. Alemika (University of Jos, CLEEN Foundation Nigeria). Comments on the draft were received around the deadline of 30 August.

An excellent response was received from the expert review, with all reviewers indicating their support/approval for the project and the document. The input from all the reviews was consolidated and the final version of the standards produced. The final version was forwarded to our partners at the EAC and EAPCCO.

Prior to the standards being published, it was determined that the approval of the final version by the EAPCCO Legal and Training Sub-Committee was desirable. This would provide the final product with significant support from policing institutions in the region and consolidate buy-in from major stakeholders. As such, the publication of the final product was delayed until after the meeting of that Sub-Committee in late February 2010. At the meeting, the final version of the common standards was approved in its entirety. The

Common Standards publication is now being disseminated widely and CHRI has integrated the Common Standards into the design of all projects in the region, both at the regional and national levels.

Focus has now moved on to the development of second phase projects that utilise the common standards and build on the momentum that the consultative process of the project has engendered.

In Uganda, we have been in discussions with JLOS funders over 2009-2010 to form a major part of the civil society component of a major public order policing intervention. This is as a result of a joint APCOF-CHRI proposal in relation to civilian monitoring and training of police during the election process. The funders have, however, consolidated several proposals into a major intervention whereby CHRI and APCOF have positioned themselves as part of the civil society intervention. Our partner organisation in this project, APCOF, attended a scoping mission in early March 2010 where meetings were held with all potential stakeholders (HRI's, CSOs, police, funders) to discuss and design the project. It is envisaged that the common standards will be utilised as the base from which the necessary monitoring and evaluation tool in the project is built on.

## **B. Kenya:**

### **Affirm police reforms as a national priority for civil society, GJLOS and TJRC processes. Development of TURF, major civil society forum.**

This work took the form of CHRI playing an integral part in the establishment of TURF – The Usalama Reform Forum. This is a forum of national and international civil society actors working for reform in the security sector in Kenya. CHRI and APCOF are both members of the 14 member steering committee, along with organisations such as Saferworld, Peacenet Kenya and the KNCHR. This Forum has already made significant steps towards organising Kenyan civil society around the police reform process in the nation. In 2010, CHRI has already provided significant resourcing such as the drafting of legal literacy brochures, a review of the relevant sections of the draft Kenya Constitution against the common standards, and logo design. TURF has the potential to develop a strategic direction that will place at the forefront civil society and citizen participation in the police reform agenda. It is significant to CHRI's work in the country, also, in that it allows us to remain very engaged in the work there in the absence of a staff member on the ground. CHRI along with APCOF, Saferworld and Peacenet have drafted and sent funding proposals to the EU and DFID with a focus on monitoring of the implementation of the Final Report of the President's National Task Force on Police Reform.

## **C. Uganda:**

### **Build capacity in Ugandan civil society to advocate for the resumption of the government's police reform agenda**

CHRI was able to publish several civil society capacity building tools in the form of brochures in 2009. They explained basic concepts of democratic policing, use of force and civil society participation in police reform. They were published in July 2009 and distributed through local civil society networks.

CHRI also provided inputs to the Uganda Police Force's draft community consultation tool.

CHRI is in the process of developing a policing elections intervention in Uganda. CHRI, APCOF and Hurinet have drafted the civil society component of the project and sent it to funders.

#### **D. Elections and public order policing in Tanzania.**

In November 2009, CHRI and APCOF met with CHRAGG and the Superintendent in charge of training for the TPF as well as funders in Dar Es Salaam. Discussions centred on the common standards as well as the concept notes that CHRI and APCOF had drafted for election policing-based projects in the country.

Unfortunately, due to the nature of the funding arrangements in the country, any project required a submission or request from CHRAGG as well as the TPF to the funders, as opposed from CHRI to the funders. This was never forthcoming, despite enthusiasm from both parties in face-to-face meetings. This perhaps demonstrates the difficulties in CHRI working in the region, in that it is difficult to follow-up and maintain pressure on stakeholders for programmatic interventions without a constant physical presence and without the ability or funding to more regularly meet with potential partners.

CHRI has drafted and designed three legal literacy brochures for CHRAGG. These were designed to be used by them in their training of police and in distribution to the community in the lead up to the 2010 elections. The brochures were well received and CHRAGG is now exploring the possibility of having their content translated into Swahili. We are also in contact with CHRAGG regarding CHRI and APCOF having a part in reviewing their updated training manuals, in line with the common standards.

#### **E. Other**

Funding remains an issue.

Partnership with APCOF that is carrying on beyond the initial common standards project remains beneficial and gives CHRI more leverage/presence in the region.

#### **➤ South Asia**

Subsequent to these activities CHRI and the Friedrich Naumann Foundation agreed to a regional programme that seeks to build a pan-South Asian network on the issue of better policing. First, CHRI visited Sri Lanka (June 2008), Bangladesh (August 2008) and Pakistan (July & November 2008) in order to conduct primary research on the progress of police reforms in those jurisdictions. This research, in addition to CHRI's existing work on policing within India, fed into a second regional publication entitled, *Feudal Forces: Reform Delayed – Moving from Force to Service in South Asian Policing*, that was officially launched by the Minister for Human Resource Development Kapil Sibal on August 12, 2009. The release of *Feudal Forces: Reform Delayed* garnered a great deal of national and international press coverage because it coincided with the release of Human Rights Watch's report on Indian policing, *Broken System – Dysfunction, Abuse, and Impunity in the Indian Police* (which CHRI assisted HRW in putting together).

Second, CHRI organised another Regional Roundtable on October 31 and November 1, 2009 that was entitled, 'Police Reforms in South Asia: Role of Civil Society'. The objective of this conference was to identify practical ways in which South Asian CSOs can positively impact policing in home jurisdictions. Moreover, an additional objective of the roundtable was to see if invitees would be interested in working together as the Network for Improved Policing

in South Asia (NIPSA). As expected, participants were eager to share knowledge and experience through NIPSA. Consequently, CHRI has agreed to serve as Secretariat for NIPSA. The first undertaking has been to distribute a monthly e-newsletter that includes articles written by others in the region on policing developments across South Asia. In addition, CHRI has launched a website ([www.nipsa.in](http://www.nipsa.in)) that will serve as a comprehensive platform for further information-sharing on the issue of police reforms in the region.

The following is a more detailed description of the work completed (and ongoing) in each jurisdiction:

## **Pakistan**

On November 28, 2009, CHRI visited Lahore once more and conducted a consultation in association with HRCP entitled, 'Police Reform in Pakistan: Beyond Analysis'. The intent was to bring together key policy/decision-makers and identify specific ways to further substantive dialogue on the issue of better policing. However, since the Mumbai attacks occurred just prior to the consultation, a number of key people were unable to attend the meeting. Nevertheless, the event was useful in providing additional information for *Feudal Forces 2008*.

CHRI has done a detailed critique of the Draft Punjab Police Act, 2010 (DPPA). On February 12, 2010, CHRI organised (along with HRCP) a meeting that examined the DPPA. The drafters of the Draft Punjab Police Act, 2010 (DPPA) attended a meeting organised by CHRI and its partner Human Rights Commission of Pakistan to examine the draft, and expressed a keen interest in receiving a formal critique on the legislation from CHRI.

CHRI has worked with HRCP to publish 'Police Organisations in Pakistan', a report that will provide lay readers with fundamental and basic knowledge of policing within Pakistan. This was jointly launched in Lahore in May 2010.

In addition, CHRI collaborated with Shehri-CBE (a Karachi-based NGO) to convert *101 Things You Wanted To Know About The Police But Were Too Afraid To Ask* into a publication that is specific to Pakistan. This booklet, published in both English and Urdu, was jointly launched in Karachi in May 2010. It is CHRI's intention to jointly hold with Shehri a consultation on police reforms in Karachi sometime in October 2010.

## **Bangladesh**

The first visit to Bangladesh occurred when CHRI was invited to attend the UNDP/DFID/Bangladesh Police-sponsored Police Reform Programme (PRP) retreat that took place in August 2008. Participation at this event, along with research conducted in Dhaka, was very useful for the writing of *Feudal Forces 2008*. This visit also established key contacts on policing issues.

Subsequently, CHRI collaborated with the Institute of Governance Studies (IGS) and BRAC Human Rights and Legal Services to put together a consultation (July 2009) that sought to formulate policy recommendations on how the issue of police reforms could be pushed forward post-December 2008 elections. These recommendations have been consolidated and will be used as an advocacy tool for 2010.

CHRI is working with the Bangladesh Legal Aid and Services Trust (BLAST) and grassroots organisation Nagorik Uddyog to convert *101 Things You Wanted To Know About The Police But Were Too Afraid To Ask* for Bangladesh and translate it into Bangla. In addition, CHRI



will be working with both organisations to conduct a legal literacy workshop later this year that will seek to educate grassroots organisations on what their rights are vis-à-vis the Bangladesh Police.

## **Maldives**

CHRI visited Male in April 2009. The objective of the visit was to identify partners that CHRI could work with on the issues of policing and access to information. As a result of CHRI's visit, the organisation was able to make contact with Transparency Maldives (a good contact for CHRI's RTI Team) and the Maldivian Detainee Network (MDN). CHRI has worked with MDN to bring out the Maldives-specific version of the publication *101 Things You Wanted To Know About The Police But Were Too Afraid To Ask*.

## **4.2. Police Reforms – India**

### **4.2.1. Overview**

The Supreme Court judgement on police reforms delivered in 2006 continued to be the hook around which the India programme carried on its advocacy, research and awareness activities. In early 2008, we were approached by the British High Commission to submit a proposal for the India programme. The proposal came through in June 2008 and that gave a huge boost to the programme.

The project required intensive activities in two target states – Kerala and Rajasthan as well as work in 10 other outreach states. The larger overall belief of the programme being that the philosophy of policing itself must change so that policing itself becomes democratic; the police must be an institution of state, that ensures the safety and security of the people, which is a prime function of any democratic state; it must be an institution that is a 'service' that assists in protecting rule of law, civil liberties and human rights rather than a 'force' subservient to the regime in power.

### **4.2.2. Activities**

The programme focuses not only the awareness raising and monitoring of the Supreme Court directives but adds the additional component of examining the working of the newly established Police Complaints Authorities (PCA) all over the country coupled with the task of building the capacity of pressure groups within various target and outreach states to demand equality and equal access to policing services. In addition to monitoring and capacity building activities, the project also requires developing an equality training module for police officers in two states.

The Supreme Court judgement in the Prakash Singh case continues to provide the critical 'hook' for the police reform agenda that CHRI has been advocating over the last decade. It has generated a momentum that CHRI has strategically capitalised on to advance its work on access to justice.

In this period the following activities were prioritised:

- Raising civil society's awareness about the Supreme Court judgement and its implications for police reforms;
- Assisting the Supreme Court set up a Monitoring Committee tasked with analysing state and central government's compliance with the Court's directives;
- Advocating with governments and the police for transparency in police act drafting activity nationwide;

- Critiquing and analysing new state police laws and promoting public discussion about them;
- Examining the work and functioning of the newly set up Police Complaints Authorities; and
- Developing an equality training module for police officers.
- Research and publication.

#### ➤ **Raising Civil Society Awareness and Building a Campaign for Better Policing**

After the Supreme Court judgement was delivered states began implementing the directives via government orders or by creating new police legislations. Some states in complete disobedience of the Court chose to do nothing. In this period, CHRI continued to publicise the Court's directives and how they could be that kickstart mechanism to reform; it informed groups of the state's response to the Court's directives and tried to design a strategy for groups to monitor the reform process as well monitor the performance of the police.

These workshops were done with different groups – civil society, media, lawyers, and in some instances with the police themselves aiming to inform them about the Court's directives for police reforms as also generate informed debate, discussion and advocacy about police reform issues.

Over 30 workshops were held in the states of Assam, Tripura, Andhra Pradesh, Karnataka, Goa, Kerala, Rajasthan, Madhya Pradesh, Uttarakhand and Delhi.

#### ➤ **Parliamentary Advocacy and Other Advocacy**

Advocacy Post-Mumbai terror attacks (November 2008): This provided the moment for advocating for the reform of the police. CHRI drafted an "eminent citizens" letter that got good coverage in the press. We also circulated a policy note that critically examined the constitution of the National Investigation Agency. The critique and letter were sent around to all the Chief Ministers and Chief Secretaries when they met in January 2009 at the Chief Ministers conference. This was all followed up by another "eminent citizens" letter to remind the government of what they had put in their manifesto regarding police reforms.

A dialogue meeting organised by the Indo-German Forum of Parliamentarians (IGFP) and the Friedrich-Naumann-Stiftung für die Freiheit on better policing in India provided parliamentarians with an undisturbed moment to examine the need for reforms. This meet was resourced by CHRI and Mr Prakash Singh. The meet was held to discuss police reforms with the MPs. The discussion focused on the role of politicians, who all too often interfere in the daily work of the police. The resulting politicisation of the police hampers it from fulfilling its basic duties.

#### ➤ **Monitoring Compliance with the Supreme Court's Directives**

Over the past four years since the Supreme Court directives, the team has been monitoring developments and compliance with the directives both at the state level and at the centre. In addition to analysing compliance with reference to affidavits and government notification filed by the state, the team also made effective use of the RTI Act to get information of the actual ground level compliance.

The Court in 2008 set up a three member Monitoring Committee headed by Justice Thomas to look at the compliance of states and Union Territories. CHRI has since then

been an unofficial part of the Monitoring Committee and has submitted its analysis of levels of compliance and legislation to the monitoring committee.

The analysis was also used to inform our workshops, and in several instances, these have sparked legal and media activity among players who had no prior access to this information.

### ➤ **Critiquing and Analysing new State Police laws**

An outcome of the Supreme Court judgement has been the introduction of new police laws in several states. As of June 2010, 12 states have already passed new police legislations<sup>1</sup>, and some other states are currently in the process of drafting new legislation. However there has been a complete lack of transparency, community consultation or civil society input in this process by most states. Except for the Karnataka and Kerala police who have put up their draft legislations on their websites, all other states have kept the public completely unaware of legislative reforms underway in their states.

Where Drafts were available in the public domain, CHRI has critiqued the same and made several recommendations for amendments to the existing drafts. Critiques were done for the states of Kerala, Karnataka, Goa, West Bengal and Delhi. These critiques were then passed on to the Drafting committee. In Kerala and Goa, we have lobbied extensively with the members of the drafting committee, the police, the concerned ministry as well as MLAs, educating them about the new proposed legislation as well as the need for public consultation on the Drafts. In Kerala, the sole advocacy of CHRI has led a relatively closed government to consider sending the Draft to a select committee who will in turn invite feedback and suggestions from the public. In Goa, the Bill has been referred to a Select Committee and CHRI has lobbied extensively with members of the Select Committee and has successfully managed to delay the passing of the Bill.

To widely publicise the drafting process, CHRI has published numerous articles in mainstream and vernacular media as well as held several press conferences wherever possible. In all our workshops we have informed participants about the Drafts of Bills and its downsides. In the process we have catalysed several groups to lobby with the government stressing on the need for public participation in the drafting process. This has not been an easy task considering the state government's completely closed stand to the notion of community consultation on policing issues.

### ➤ **Examining the functioning of the newly set up Police Complaints Authorities**

Considering the present level of public dissatisfaction with policing and the serious nature and increasing number of complaints against the police, the Court had also ordered the setting up of State and District level independent Police Complaints Authorities (PCAs). Since 2006, fifteen states have set up Complaints Authorities through either new legislations or government orders. However most of these exist only on paper. The only functional ones are those of Assam, Kerala, Goa, Uttarakhand and Tripura. Even these function under serious financial and human resource constraints with little government support or backing. It is important to note that no State government has established Police Complaints Authorities both at state and district levels that fully comply with the Court's orders in terms of composition mandate and powers. (Please see CHRI's first report on the functioning of PCAs, 2009 – Police Accountability in Action

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<sup>1</sup> States of Assam, Bihar, Chattisgarh, Haryana, Himachal Pradesh, Punjab, Rajasthan, Sikkim, Tripura, & Uttarakhand have passed new police legislations. Kerala and Gujarat have passed Amendment Acts.

[http://www.humanrightsinitiative.org/publications/police/complaints\\_authorities\\_police\\_accountability\\_in\\_action.pdf](http://www.humanrightsinitiative.org/publications/police/complaints_authorities_police_accountability_in_action.pdf) ). A significant minority of states – Andhra Pradesh, Madhya Pradesh, Uttar Pradesh, Karnataka, Tamil Nadu, Punjab, Mizoram, West Bengal and Jammu and Kashmir have completely ignored this directive.

The mandate under the project was to ensure that the newly mandated oversight bodies set up across India work effectively, especially in relation to issues relating to bias and unequal treatment meted out to traditionally disadvantaged groups. To this effect CHRI has monitored complaints authorities in Goa, Kerala, Assam and Tripura. Through Right to Information requests, we were granted permission to inspect complaints received and orders passed by several of the Authorities. After the inspections, CHRI obtained copies of all orders passed by the Authority since its inception. With this information in hand in March 2009 we brought out our first report analysing the functioning of the PCAs. The report analyses the profile of complaints and complainants, the kinds of orders passed and weaknesses in the bodies and recommendations for improvement.

However we do not restrict ourselves to merely monitoring or critiquing the work of the Authorities. We successfully have engaged with members of all the Authorities, who are pretty much clueless about their roles and functions and the larger reason behind the setting up of such bodies. As a result of the engagement we have been asked by several of the Authorities to develop rules for the functioning of the Authorities as well as providing them with good practices elsewhere.

#### ➤ **Developing an Equality Training Module for Police Officers**

CHRI is in the midst of developing an equality training module for officers of the rank of Inspectors and Sub Inspectors. The Kerala police have agreed to incorporate the module in their curricula. A questionnaire has been administered to a reasonable sample size of officers and the responses to the questionnaire will form the basis for the module content. Training modules or curricula from other jurisdictions are also being examined. Methodologies from these may be adapted to suit the local needs.

#### ➤ **Other**

The Coordinator was invited by One World South Asia to be the resource person on a radio show for citizen's rights and policing. Six episodes of 20 minutes each were resourced by CHRI. Thereafter we were also invited to resource a radio show on 'citizen's rights and policing' organised by IGNOU. This was a series of 10 episodes over 10 weeks. It was a live show with people calling in; the response was overwhelming.

#### ➤ **Litigation**

In this period CHRI has been involved in two litigations – one in the Andhra Pradesh High Court and the other in the Delhi High Court:

In February 2008 CHRI intervened in a petition brought up originally by the Andhra Pradesh Civil Liberties Committee (APCLC) in the High Court of Andhra Pradesh on issues relating to police behaviour in "Encounters or Extrajudicial Killings". The court had before it - APCLC the original petitioners, PUCL, the State and the AP Police Officers Association. An amicus was also appointed by the Court. In addition to our written arguments on the domestic law we provided the Court with researched case-law from the European Court of Human Rights, the Human Rights Committee as well as the Inter American Court.

In March 2009 the Court delivered its judgement which was a landmark in relation to extrajudicial executions. The Andhra Police officer Association has appealed the verdict in the Supreme Court. CHRI has engaged senior counsel to appear in the Supreme Court in the matter.

In May 2008, CHRI filed a writ of Habeas Corpus in the Delhi High Court to rescue a 13 year old boy taken as a hostage by the Gujarat police from his home in Delhi when they came looking for his father and could not find him. The boy was brought back after seven days in the custody of the Gujarat police. CHRI through its lawyers pressed for compensation from the state government for the family. After a year of arguments the High Court judgement of July 2009 came down heavily on both the Delhi Police and the Gujarat police, and awarded Rs 2.95 lacs as compensation to the family. It is a great judgement and it is quite rare for the Court to grant so much compensation.

A departmental inquiry has also been initiated against the errant officers from Gujarat and an FIR has also been filed. We are following the progress on this and hope to take it to some logical conclusion. This would be a living example of our work on police accountability.

### ➤ **Papers and Publications**

Several briefing papers have been drafted on the compliance levels with the Supreme Court directives.

The first report on the functioning of the Police Complaints Authorities – “Accountability in Action” was published in March 2009. Our reports on the Goa and Uttarakhand PCAs have also been published.

A User Guide on “How to Use your Complaints Authorities” as well as State specific pamphlets for Kerala, Assam and Tripura were also printed and are being distributed through our networks.

The team also developed “101 things you wanted to know about Policing but were too afraid to ask.” The publication has been much appreciated and well received in India for its content, style and visual appeal, and has been adapted by partners in other countries.

In January 2010 the Lok Police, a broadsheet aimed at the constabulary was revived after a year. The Lok Police was initially being published from the Chattisgarh office. After the close down of the office in March 2009 there was no one to take this forward.

CHRI did a paper for Centre for Civil Society (CCS) on progress of police reforms in Delhi.

## **5. ACCESS TO JUSTICE - PRISON REFORMS PROGRAMME**

### **5.1. Overview**

The programme aims to create awareness on prison related issues and strive towards better prison conditions in India. It undertakes research studies on prison conditions and prisoners’ access to justice. A major area of focus is on highlighting failures of the legal system that result in overcrowding and unconscionably long pre-trial detention and prison overstay. Another area of concentration is on reviving the prison oversight systems, which ensure that basic fundamental rights are being made available to all prisoners.

This is a crucial moment for prison reforms in India. The Union Law Minister has promised to reduce the number of under-trial prisoners languishing in jails for petty offences by two-thirds by July 31, 2010. The six months project is a part of the National Mission for Delivery of Justice and Legal Reforms, launched on 26 January 2010. These prisoners are to be released through fast track courts, meaning e-courts, evening courts and commercial courts within High Courts. While state strategies to implement the mission vary, the Minister intends to promote the expedition of bail, parole, plea-bargaining and—most importantly—*jail adalats* (prison courts) for the release of petty offenders. In addition to disseminating our report on jail adalats widely to the judiciary, state and the district legal aid authorities, prison departments and the civil society organisations across India, CHRI will continue to monitor how the states are going about implementing the minister's promise, paying close attention to the methods they use for releasing undertrials, and make it a central part of its interventions in the coming months.

Another area of work we are keen to pursue in the coming months is to use the Right to information in our prison reforms work. RTI will be used both to gather relevant information related to prisons, and as a tool to open up the traditionally closed system by pushing it to full compliance with the requirements under the RTI Act.

## **5.2. Activities**

Programme activities have been concentrated in Rajasthan, Maharashtra, West Bengal and Orissa with some activities in other states such as Tamil Nadu and Karnataka. Since prisons are a state subject, interventions need to be made state-wise, and we have had more activities on the ground in states where we have state-based consultants and active partners.

### **➤ Using technology to assist with implementation of bail provisions**

Over the last two years, we have started focusing more broadly on under-trial prisoners. A huge part of the problem is the improper implementation of existing bail provisions; hence our focus has been on ensuring diligent implementation of these provisions. CHRI, with pro-bono support from experts, has developed a simple user-friendly software (currently a set of analytical instructions, soon to be developed into a full-fledged software) called **'Evaluation of Period of Detention – for under-trial prisoners' (EPoD)**, which can assist with the implementation of the bail provisions under 436/436A of the Cr. P.C, by identifying under-trial prisoners who would be eligible for bail/release under these sections, and have been detained unnecessarily. As the programme calculates period of detention up to the current date, the data generated remains current. It will be of great utility to prison departments and routine use will help prevent unnecessary and prolonged detention of under-trials in prison.

### **➤ Work in Rajasthan**

CHRI has begun a yearlong study on pretrial detention in the state of Rajasthan. In India, where two-thirds of all prisoners are pretrial detainees (better known as "undertrials" or "undertrial prisoners"), lengthy detention, often exceeding the term of maximum punishment, contributes to prison overcrowding and appalling prison conditions. A major focus of the study will be identifying the obstacles to release on bail; the actors involved; and the best ways to streamline consideration of other alternatives so that the use of pretrial detention is routinely minimised. A more detailed study of the functioning of the legal aid system could be undertaken next year.



CHRI team members have met representatives of the higher judiciary, the State Legal Services Authority (SLSA), former and current CHRI external consultants and collaborators and High Court advocates. We have received data on undertrial prisoners from Jaipur and Jodhpur districts (this is a data set of over 3,000 prisoners from the two largest jails in the eastern and western parts of the State)

We have made a first round of RTI requests that received either no or negative responses. These responses/ non-responses were then appealed/ complained about and we finally received some data that helped identify a few bottlenecks in the system.

Depending on what other routes are available to us, we may also make RTI requests of the SLSA to find out about the status of legal aid in Rajasthan. We may also make RTI requests to learn more about SLSA's formal and in-practice criteria for choosing to represent people.

**RTI Applications:** Both for the purposes of data collection and to test the prison system's responsiveness to RTI, we filed RTI requests regarding reporting on undertrials.

- Reporting on undertrials who have been detained for more than 1/3/6 months is required of the Superintendents of jails to the District Superintendent, District Magistrate, and IG Prisons, respectively. The reporting, as specified in the Jail Manual, must take the form of a list of the names of all prisoners who have spent more than the specified amount of time in jail as undertrials.
- Our RTI requests have asked first, whether this reporting has taken place, and second, for the contents of these reports, for a 1-year period. We received two responses – one asking for a copy of the form (from CHRI) mentioned in the application and one asking for payment in exchange for the information.
- Further to our appeal, we got a set of information from the prison department telling us that the practice of providing monthly reports in a certain format (proforma R.J.114) had been discontinued. We also found out that the Chief Judicial Magistrate who is required to convene monthly meetings and take up cases of under-trial prisoners was not being held regularly. This was dated February 2010.

**Next Step:** We will file a similar set of RTI applications this month to find out if anything has changed ever since our last RTI requests in December 2009 regarding monthly reporting and meetings held by the CJI. It will be interesting to compare and contrast the findings and write a report on our analyses of the situation on the ground.

**Case Studies:** As part of the OSI study, we used RTI to identify persons whose cases exemplify persistent problems that lead to unnecessary detention and/or the severe consequences of unnecessary detention on the persons charged and their families. So far, the case of Roy Varghese, a mentally ill undertrial who has been held in Jaipur Central Jail since 2003, underscores the confusion in the law in the treatment of those persons charged with offences who are mentally ill. Given the large number of mentally ill prisoners across Rajasthan, and the country, Roy Varghese's case is an excellent one to highlight. We are highlighting similar cases of mentally ill prisoner in West Bengal as well.

Other than Rajasthan, we've filed RTI requests in **Orissa**, and **West Bengal**, again focusing on under-trial prisoners and identifying procedural delays that exacerbate prolonged detention of prisoners. For instance, we successfully identified 258 prisoners from Bangladesh lodged in jails of West Bengal through RTI. We sent the list to Bangladesh Legal Aid and Services Trust (BLAST) in Dhaka with a view to initiate a prisoners' exchange

programme. The Dhaka High Court has ordered the initiation of a verification process of those prisoners on the list.

Next steps in the study will include an analysis of the data gathered through RTI requests on cases of pretrial detention; more interviews with undertrial prisoners; and case studies featuring undertrial prisoners whose experiences are reflective of particular problems related to unnecessary detention.

### ➤ **Work in West Bengal**

CHRI's intervention in West Bengal has received a fillip in 2010, with one of our staff members moving residence to West Bengal, and rejoining us as External Collaborator for the programme.

CHRI started work in West Bengal in 2009, where we acquired a list of under-trial prisoners who had been detained for more than one year in the correctional homes of the state. Upon an analysis of the list, we came across a number of prisoners who could be released under section 436/436A Cr.P.C. With these results in hand, members of the team met with the Inspector General of Correctional Homes in Kolkata and discussed possible interventions to get them released.

#### **Success:**

The efforts finally led to the release of 52 under-trial prisoners on personal bonds/bail under section 436A Cr.P.C. in the state of West Bengal the first time around. CHRI has repeated the exercise two more times.

The Prison Department in West Bengal remains supportive of CHRI's efforts; CHRI would continue working in the state and focus on the following:

- **Write a chapter on rights of prisoners** for the West Bengal Correctional Rules directory.
- **Further develop EPoD** into software for wider dissemination, and incorporate it into the West Bengal Prison Management System.
- **Follow-up on Bangladesh National Prisoners in the state** – We have been following this up with the West Bengal correctional homes. CHRI is in possession of the standard operating procedure & the most recently updated list of prisoners. We have been in touch with BLAST (organisation in Bangladesh dealing with prisoners' rights), and due to our constant pushing, the prison department has also been taking this issue seriously and on priority. During our last conversation with the West Bengal IG (Correctional Services), we got to know that from the list of 450 prisoners, more than 100 prisoners have been sent back already. Under Dhaka HC orders, the verification process of these prisoners has begun and will hopefully lead to the return of 258 prisoners back to their home country in due course of time.
- **Follow-up on the Law Ministry Initiative for release of Under trial prisoners** – Surprisingly the prison department was unaware of this initiative. The IG has agreed to get a list of all under trial prisoners prepared who have received bail but don't have means to fulfil the surety. Once we have this list in hand, we'll meet members of the judiciary to get the ball rolling.
- **Focus on prisoners' rights training** along side regular monitoring of the system of legal aid and implementation of Sections 436/436A of the Cr. P.C.
- **Study on Mentally Ill Prisoners:** CHRI has studied the list of mentally ill prisoners and has started interviewing them. We have already spoken to a few people on this issue and met up with the psychologists at the various correctional homes in West

Bengal who are now ready to provide all information on the prisoners. They are helping us identify and build a rapport with the prospective prisoners whom we would like to interview.

- **Video on Rights of Prisoners:** The film-making team discussed and finalised the content of the video on Rights of Prisoners. The welfare officer at Presidency Jail and other staff members have agreed to help out in providing the details so we should have a concrete script ready by Monday itself. Shooting took a week and the video is now being prepared and should be ready by early August.
- **Collaboration with West Bengal National University of Juridical Sciences:** Discussions are on for finalizing the plan of action for holding Legal Aid camps in correctional homes in Kolkata. The IG Correctional Services of the state is encouraging of the initiative.
- **436/436A Cr.P.C:** Following CHRI's analysis of the West Bengal under-trial prisoners list for the third time for prisoners eligible to apply for bail under section 436A CrPC, the IG Correctional Services has issued orders (in July 2010) for initiating the process of applying for bail.

### ➤ **Work in Maharashtra**

CHRI studied the Sub-jails in Maharashtra to assess their condition in relation to the rights of those who are housed in them. *Sub-jails* are a category of prisons found at the block level in each state. Out of a total number of 1336 prisons in India, 852 are sub-jails. Maharashtra not only has the highest number of jails (210) in the country, but also records the highest number of sub-jails (172). The reason for choosing Maharashtra is, however, not just its high number of sub-jails, but also the system of their governance. The sub-jails in the state are not administered by the prison department, but by the revenue department. This study examines the impact of placing the management of prisons in the hands of a department (revenue) that is not trained to administer them. It seeks to highlight the glaring lack of information on these prisons, as well as provide an overview of how they function. The aim is to catalyse a debate on sub-jails in Maharashtra.

The study is complete and the report has been translated in to Marathi and is being published.

The Bombay HC issued orders in response to CHRI's letter that talked about the status and appalling conditions of sub-jails in Maharashtra (based on our 2010 report - *Maharashtra's Abandoned Prisons*) directing among other things the DIG Prison Nagpur region to visit and report on conditions in a pilot sub jail to the court in two weeks. The letter (dated 16.6.2010) was addressed to the HC Judge Ms. Ranjana Desai and has been treated as a Criminal Public Interest Litigation. The case is ongoing, and is moving in a positive direction.

### ➤ **Work in Orissa**

The 2009 study in Orissa examined whether the prisons in the state house under-trial prisoners in contravention of the existing provisions on bail as well as under section 107 and 109 of the Cr.P.C. It also sought to determine the reasons for non-implementation of the existing legal provisions.

CHRI decided to file a new set of RTI applications in May 2010 in order to fill in the gaps in information. The study will soon be published as a report that will contain recommendations for the state government and the subordinate judiciary on how to ensure the implementation of the existing law. It contains suggestions for the prison officials, the state

legal services authorities, and the board of visitors on steps that could be taken to avoid unnecessary detention and overcrowding.

A key target group for this report is the prison department and the civil society in the state which could play an important role in monitoring the implementation of the above mentioned Cr.P.C. provisions.

### ➤ **Work in Karnataka**

CHRI's prison reforms programme commenced its work in Karnataka in August 2007 on the basis of an invitation from the then Additional Director General of Prisons, who gave us permission to access prisons and records and assured us the department's full cooperation. CHRI's primary focus was to explore the Prison Visting System (PVS), however due to the department's cooperation we were able to conduct a relatively extensive study on the condition of prisons covering all aspects of prison life. The team studied the conditions of prisons across the state and brought those issues which required urgent attention to the prison department's notice. The report on prison conditions in Karnataka, to be published soon will give a boost to our advocacy efforts in the state, with both government and civil society.

### ➤ **Use of Right To Information**

Both for the purposes of data collection and to test the Prison system's responsiveness to RTI, we have filed RTI requests regarding reporting on undertrials. Reporting on undertrials who have been detained for more than 1/3/6 months is required of the Superintendents of jails to the District Superintendent, District Magistrate, and IG Prisons, respectively. The reporting, as specified in the Jail Manual, must be in the form of a list of the names of all prisoners who have spent more than the specified amount of time in jail as undertrials. Our RTI requests have asked first, whether this reporting has taken place, and second, for the contents of these reports, for a one-year period. The two responses received so far – one asking for a copy of the form mentioned in the application and one asking for payment in exchange for the information, haven't been encouraging, but we will persist with the applications and go into appeal, where required.

Depending on what other routes are available to us, we may also make RTI requests of the SLISA for the socio-economic data of undertrial prisoners. We may also make RTI requests to learn more about SLISA's formal and in-practise criteria for choosing which prisoners to represent.

The next steps in the study will include an analysis of the data on lengths of pretrial detention; a review of case files from different jails; more interviews with undertrial prisoners; and case studies featuring undertrial prisoners whose experiences are reflective of particular problems related to unnecessary detention.

### ➤ **Prison Visits by CHRI Team: To Suggest Strategies for Review of Undertrial Prisoners:**

The prisons team visited multiple correctional facilities in Kolkata, Orissa, Maharashtra (in particular Thane and Arthur Road Jails) and Jaipur Central Jail in Rajasthan. The objectives of these visits were threefold:

1. Gain insight and review the prevalent condition of prisons and prisoners across India to make necessary recommendations for improvement.

2. Acquaint the prison administration about the recent amendments in the Criminal Procedure Code (Cr.P.C) and suggest strategies to review the highly skewed population of undertrials. We present to prison functionaries the possibilities by which undertrials could be released under various provisions of the existing law. This has yielded good results in West Bengal and parts of Rajasthan.
3. Point out to the prison administration the importance and value of better coordination with various State agencies including the police, judiciary, legal aid cells, state legal authorities, human rights commissions, representatives in the Home Department and Non Governmental Organisations working towards reforming prisons.

Apart from this, we have been successful in building rapport with the prison staff, which would go a long way in facilitating CHRI's operational strategies. We have also been asked to review and suggest changes to the Prison Management System (PMS), a computerisation project in its initial stages currently developed by a private IT firm in Maharashtra, and being tested. PMS is an online web-based system to be implemented in prisons across Maharashtra, which will incorporate various modules of prison administration and help manage the data pertaining to prisoners, prison staff as well as the visits made by family members. This would be an effective tool to monitor the implementation of Prison Visiting System and would ensure that the information recorded is complete, concise and clear.

#### ➤ Publications

***Maharashtra's Abandoned Prisons: A Study of the Sub-Jails (2010)***: The study is aimed at providing a broad overview of the sub-jails system in the state in order to catalyse a debate in Maharashtra. This report encourages government bodies and civil society to collect information on the functioning of these sub-jails and recommends the transfer of their administration and control to the prison department.

***Monitoring Prisons – A Visitor's Guide (2010)***: This handbook has been prepared for use by prison visitors, officials and non governmental organisations working in the area of prisons and prisoner's rights. The handbook is an updated and revised version of the Handbook for Prison Visitors, which was prepared by R. Sreekumar and published by CHRI in 2003.

***Standards Behind Bars – Prescribed rules and recommendations for prisons (Maharashtra)***: This handbook has been compiled for prison officers, prisoners, members of judiciary, members of state human rights commission, members of the state legal services authority and civil society members advocating for prison reforms. It is designed to be a readily accessible and portable reference especially for prison officers containing a comprehensive collection of point-form standards and duties organized according to fifteen topics and themes, referenced with the respective rule mentioned in the manual. It will also be a useful tool for the prisoners in making them aware of their entitlements while imprisoned. It provides a comparative perspective between The State's Jail Manual, the All India Committee on Jail Reforms 1980-83 and the Model Prison Manual 2003. We aim to compile standards for the other three states that we are actively involved in viz. Orissa, Rajasthan, and West Bengal.

Our publication ***Liberty At the Cost of Innocence - A Report on Jail Adalats in India (2009)*** studies the functioning of jail adalats in 10 states of India, including Andhra Pradesh, Chhattisgarh, Delhi, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh. At this critical moment in the National Mission, the report seeks to inform and educate people through the media about *jail adalats*, and



thereby highlight their advantages, loopholes and compromises. This publication also explores the dubious choice given to poor prisoners unable to afford bail. The choice to either stay in prison and await a trial for months or years or to confess and be released after recording a conviction for the period (of imprisonment already) undergone.

The book also recommends alternative measures to decongest prisons that do not impinge upon the rights of under-trial prisoners. These measures include liberalised bail provisions, releasing under-trials on personal bond instead of unaffordable surety, decriminalising petty offences, and discharging petty offenders instead of releasing them upon conviction.

Our publication, ***Rights Behind Bars (2009)*** brings together important judicial pronouncements and NHRC guidelines on prisoners' rights in a simplified form so that this information is easily accessible to the stakeholders including the prisoners, prison officials, legal aid lawyers, human rights commissions and the civil society. This publication also includes recent high court judgments which stress upon the systemic implementation for the latest amendments in Cr.P.C. such as section 436A and also directives stressing for release on personal bonds instead of monetary sureties.

Our pamphlet on the ***Right to be released on bail under sections 436/436A Cr.P.C.*** was prepared in 2009 for country-wide distribution. The pamphlet renders information regarding the amendments to the Code of Criminal Procedure 1973, which proscribe the undue detention of under-trials in prison.

### **5.3. Impact**

Orders of the Maharashtra High Court based on our study on sub-jails and letter (as elaborated above)

CHRI's work in West Bengal has found a prominent place in the West Bengal Prisons website. Not only is it mentioned for assisting in the implementation of Sec 436A CrPC, but the proceedings of the consultation held by CHRI in August 2009 have been mentioned in full detail in the Legal Reforms section of the website. [http://www.westbengalcorrectionalservices.org/reforms\\_legal.html](http://www.westbengalcorrectionalservices.org/reforms_legal.html)

Sister Mariola, our partner a member of the Prison Ministry of Rajasthan, was a recipient of the CNN IBN *Real Heroes Award* in recognition for her work on under-trials and women prisoners in Ajmer. CHRI is delighted and also played a role by identifying Sister Mariola for the award.

#### **➤ Media Coverage**

- World wide release of the Bollywood film ***Jail*** (Directed by Madhur Bhandarkar and released in November 2009) was a great year for CHRI's campaign on unnecessary detention in India.

The campaign, which was in the form of an audio-visual clip, was designed to spread awareness on the population of under-trial prisoners in India. Currently there are more than 200,000 prisoners awaiting their trial in prisons across the country. Our intention was to sensitise the public towards this forgotten group of people and put forth the message that prisoners, like you and me, have rights too. Our primary target audience was the Indian middle class because it is this section of the Indian society that has the power to influence and push governments to make policies and draft laws.



- We also distributed our media spot in cinema theatres across the state of Rajasthan in February 2010.
- **Prisoner Raju given special treatment in jail:** This opinion piece argues that the special treatment afforded to the former chairman of Satyam Computer Services, B. Ramalinga Raju, after he was jailed in Andhra Pradesh on accusations of fraud, is unjustified. Though newspaper reports have emphasised that Raju was treated like any other prisoner, that “ordinary treatment” included privileges like visits from his personal physician and access to magazines and other amenities was unjustified. Andhra Pradesh law allows for the differential treatment of prisoners based on their socioeconomic status and standard of living, but such classifications violate the Indian Constitution’s guarantee of equality. (Sunday Tribune, 09/05/09)
- **The sad ballad of a Indian jail:** Opinion piece written by CHRI staff on unnecessary detention (Indian Express, 11/09)
- **Andhra Pradesh**

There is now much more conscious judicial oversight on the functioning of the prisons on a regular basis. The legal services authority, headed is required to undertake this function and report back to the Court. This has also solved the issue of clear legal direction from the government about the authority and power of Secretaries to visit the prisons. As a result of CHRI’s intervention, legal aid cells are now functioning better, prisoners are trained as paralegal workers and *Jail Adalats* are organised regularly. Prison administrators now bear it in mind that prisons are under constant judicial oversight.

## 6. ACCESS TO INFORMATION PROGRAMME

### 6.1. Overview

During the current reporting period, the Access to Information (ATI) team is happy to report that Bangladesh has become the 14<sup>th</sup> Commonwealth country to enact and implement a national level access law. Malta has enacted an access law but has not begun implementing yet. On the other hand overseas territories such as the Cayman Islands in the Caribbean and the Cook islands in the Pacific have made specific plans for implementing the access regime that their laws seek to institute. After several years of going slow in the civil society draft bill on the right to information (RTI) Ghana has moved into high gear in 2009 and introduced a watered down version of the Bill in Parliament. Pressure from donor agencies has played a significant role in ensuring this movement. Maldives is the only country where the Government steadfastly worked to introduce the RTI Bill in Parliament because it was committed to improving transparency in the administration. We have engaged with the legislative and advocacy processes in all these countries. Pakistan has a Private Member’s Draft Bill introduced by the former information Minister, who acknowledges CHRI’s inputs. CHRI is working on a critique of the said Bill as well. Jamaica has a Protected Disclosures Bill, which CHRI has critiqued, and sent on to our local partners to take forward. CHRI has been requested by a local partner to critique an RTI Bill that is being considered by the Malaysian state of Selangor.

Countries like Sierra Leone, Tanzania, Zambia, Nigeria and Kenya have not made much progress. Jamaica is going through a process of review of its access law while Nauru in the Pacific has, through a referendum, rejected, amongst others, a constitutional proposal to include RTI as a fundamental right. Little progress towards adopting information access regimes is visible in other countries.

Nevertheless our team members were interviewed on Radio France (in Sierra Leone) and in studios in the Pacific where we used the opportunities to talk about RTI and the value of having access laws in the countries of these regions.

## **6.2. Programme Highlights**

### **The Pacific Region:**

**Tonga:** In June 2009, the Commission for Electoral and Constitutional Reform had called for submissions on its Interim Report which included issues of transparency and accountability in the Tongan Parliament. We sent detailed submissions to the Commission on the importance of RTI, recommending incorporation of this right in the Constitution of Tonga. We also recommended adoption of a strong RTI law by the Tongan Parliament subsequent to the constitution reform process in order to give effect to this human right. These submissions were circulated through the civil society and media circuit in the Pacific. Our submissions received strong support from civil society organisations as we were the only organisation to make a submission on this subject. We published in the Tongan language our basic pamphlet explaining the value and significance of RTI in collaboration with Ma'a Fafine mo e Famili a local NGO. This pamphlet has been disseminated at the community level by our local partner.

**Vanuatu:** We played a key role in establishing a civil society core group in Vanuatu to take forward the advocacy efforts to have an RTI law for the country. We also made a presentation on the value of RTI to a group of 20 parliamentarians. Subsequent to our interventions some members of the steering committee held a talk show on Radio Vanuatu on the subject of RTI. They are said to have received enthusiastic responses from people living in the outer islands who demanded that more information about development and governance efforts be disclosed by the Government proactively.

**Nauru:** On 27 February 2010, the people of Nauru rejected the entire set of proposals to amend the Constitution dealing a body blow to our attempts to include RTI as a fundamental right.

**Australia:** While several countries in the Pacific are waking up to the idea of RTI, Australia the trailblazer in the region is looking to reform its 27-year old RTI law. The Government of Australia introduced the Freedom of Information Amendment (Reform) Bill 2009 (the Bill) in Parliament in November 2009. We submitted a preliminary analysis of the main items for reform arguing against increasing the number of exemptions and the blanket exclusion given to security and intelligence agencies and the information shared by them with other public authorities. We also argued for giving powers of sanction to the Information Commissioner to punish officers for contraventions of the access law. Our recommendations have been uploaded on the website of the Senate. The Committee submitted its findings and recommendations on March 16, 2010. We are analysing these recommendations and may make further recommendations if necessary based on our analysis.

### **Africa:**

**Uganda:** In 2008 we signed a memorandum of understanding with our local partner Human Rights Network Uganda (HURINET) to work together to promote RTI in Uganda. Earlier this year, our partner HURINET and the Daily Monitor, a popular English language daily, suffered a setback when their efforts to seek information about oil exploration contracts in western Uganda under the country's access legislation were negated by the judiciary. We will

analyse the judgement and provide HURINET possible advice based on our experience of litigating before the Information Commissions in India.

**Sierra Leone:** We have worked with the Society for Democratic Initiatives (SDI) since 2005 to develop a draft access law for Sierra Leone. In December 2009 CHRI made a presentation on the RTI campaign in India at the annual general body meeting of the Sierra Leone Association of Journalists, thanks to the support provided by the World Bank Institute. Later we had a brief meeting with the prominent members of the civil society coalition for RTI. SDI has shown interest in partnering with us to research the disclosure provisions in their law relating to local government and producing a user guide for citizens.

**Ghana:** CHRI's Africa office is the secretariat for the RTI coalition in Ghana that has been steadfastly advocating for a strong RTI law in the country. Earlier this year, thanks to pressure from international financial institutions like the World Bank, the Government tabled in Parliament a very weak RTI Bill. There is no mention of an Information Commission. The office of the President and Cabinet papers, have been provided with blanket exclusion and several positive recommendations made by the civil society coalition have been left out. We are working with our partners to make submissions to the parliamentary committee that will examine this Bill in detail.

In February 2010, we were invited to a standard setting conference organised by the Carter Centre in Accra. We gave valuable inputs to the development of the Africa findings- an adjunct to the Atlanta Charter and Action Plan.

The legislative audit that we conducted in Ghana has caught the attention of many organisations struggling along the path towards adoption of access legislation. Though initially sceptical about the value of such studies organisations like the Open Society Institute, and the Open Society Justice Initiative have started lending support to such studies in other parts of Africa. A multi-country legislative audit is being coordinated with support from the Open Society Institute in Western Africa. The ambit of these country-specific studies has been expanded beyond the concerns of human rights and governance that characterised our study to include development-related laws. We are happy to have contributed to this change in mindset at the macro level and eagerly look forward to the product of this multi-country study.

### **South Asia:**

**Bangladesh:** As we did in India, we have provided both government officials and civil society with advice regards implementation of the RTI Act. Our implementation guide is being translated into Bangla by our other partner Transparency International- Bangladesh (TI-B). This book will be disseminated widely amongst both Government and CSOs that have a suppyside role under the Act. We assisted our key partner Manusher Jonno Foundation (MJF) to set up meetings for senior Bangladeshi officials with members of the RTI campaign in India. We discussed the need for clarifying several provisions in the access law to iron out difficulties during implementation. We resourced a national level implementation conference organised by MJF in July 2009 where we shared the implementation experience from India. A major misconception arose during the debates on the access law about its jurisdiction over the 4000-plus strong Union Parishads (UP)- elected rural self governing bodies. We shared with both Government and civil society our interpretation of how the Act ought to be read to include UPs within its ambit. The civil society coalition has given currency to this argument putting an end to the speculation regards the status of UPs under the access law.

We are working with the Sharique-project of Intercooperation an international NGO, in a pilot project to build capacities of community members and elected members of UPs and Upa-Zila Parishads as well as government line agencies to implement the provisions of the RTI Act. Initially in 2009, we hosted a learning visit for senior members of Sharique to get a first-hand experience of the implementation of the RTI Act in India's panchayats. Later we provided technical advice for developing training modules targeting various stakeholders on both demand and supply side at the district, Upa-Zila and UP level in Bangladesh. In February this year we resourced workshops in two districts of Bangladesh which were organised to test these modules. The feedback received from these workshops is being factored into the revision of these modules. After these modules are finalised, Sharique will use them to train stakeholders in more than 100 UPs and also share the modules with other CSOs working with UPs in other districts.

Although MJF continues to be our longstanding partner we have established working relationships with other organisations such as TI-B, Nagorik Uddyog (NU) and Research Initiatives-Bangladesh (RIB) that have taken up capacity building activities targetting both government and CSOs. In 2009, we resourced a workshop organised by RI-B for community level activists and educators working with some of the most marginalised of groups in Bangladesh namely, the lowest castes and ethnic communities. During the learning visit organised in 2009, we hosted a batch of trainers from TI-B who interacted with CSO, media and government representatives in India. We have developed publications on RTI with NU for dissemination within government and civil society circles. A series of workshops for CSOs and media representatives have been undertaken in 2010 in collaboration with different partners in Bangladesh in addition to publishing a simple language pamphlet in Bangla.

**Pakistan:** Over the years, in our efforts to strengthen the RTI movement in Pakistan, we have closely worked with the Centre for Peace and Development Initiatives (CPDI)-our key partner. In 2009, in collaboration with CPDI, CHRI published the Urdu version of its popular publication "Our Rights Our Information" named "*Hamare Haqooq, Hamari Mahloomat.*" This book was launched at an event jointly organised by us and CPDI on 29 July 2009 at Islamabad. CPDI has been disseminating the publication through its workshops organised for CSO and media representatives and copies have been sent to senior and middle level government functionaries in key ministries.

During the year we developed partnerships with new organisations besides continuing to work with CPDI. In order to spread awareness about the FOI Ordinance, CHRI partnered with Shehri-CBE and Liberal Forum Pakistan in organising a two-day sensitisation and skill-building workshop at Karachi in July 2009. The workshop was attended by 40 representatives of CSOs and media from different parts of the country. Three of the workshop participants from the print media wrote articles in *The News*, a popular English language newspaper based on the learning from the workshop. Several workshop participants have joined SARTIAN and are sending postings on RTI-related matters from Pakistan.

**Maldives:** Maldives is on the cusp of a historical political change with the country witnessing radical reforms in the democratic processes. For a long time we were on the lookout for partners to work with to promote RTI in Maldives. We have recently established contacts with Transparency-Maldives (TM) one of the few civil society organisations in that country. We hosted a staffer of TM during our learning visit organised in 2009. In December 2009, when the Government once again introduced the RTI Bill in Parliament (earlier rejected by the Majlis in 2008), we were able to obtain first hand information regards the movement of the Bill and the surrounding politics. We have identified crucial areas in the Bill

requiring improvement in terms of international best practice standards. We submitted a comprehensive analysis of the Bill to the parliamentary committee vetting this Bill.

**Sri Lanka:** Sri Lanka was a difficult country to get much movement on RTI primarily because of the Government's preoccupation with gaining the upper hand in the ethnic conflict in the northern and eastern parts of the island. We have however continued to work closely with the Institute for Democracy and Leadership (IDL) a local partner organisation of FNF, Transparency International- Sri Lanka (TI-SL) and the Centre for Policy Alternatives (CPA).

As a follow-up to our workshop in 2008, we organised a two-day consultation on "Securing an Access to Information legislation in Sri Lanka" in November 2009 in Colombo. The objective of this consultation was to revive the discussions around the enactment of an effective RTI Act. This workshop was planned strategically to make the nascent movement for RTI more broad based than the set of actors who advocated for the adoption of access legislation in 2004. The earlier efforts were made only by Colombo based organisations who could not keep up the pressure for the adoption of the RTI law resulting in the campaign going defunct for a few years. We invited community based organisations working on issues of governance, peoples' rights and entitlements, women's empowerment, humanitarian aid etc to this workshop as they all have concerns about the low level of importance accorded to transparency by the Government. One of the highlights of the consultation was the participation of the largest community based organisation with presence in 15,000 villages namely, the Sarvodaya Shramadana Movement. A senior journalist working with *The Island*, who had attended the consultation, later published an article entitled 'From Media Freedom to Freedom of Information'. We also resourced a two-day workshop on Right to Information at Wadduwa. This workshop was organised by IDL and the Liberal Academy for Political Leadership (LAPL). The participants were members of the different chapters of Liberal Youth Guilds and a few elected members of provincial councils. The discussions at this workshop mainly focused on the importance and value of RTI; the RTI movements around the world and components of a good RTI law.

CHRI has adapted three chapters of its flagship RTI publication Open Sesame to the Sri Lankan context, which will now be translated into Tamil and Sinhala by local partners.

**Nepal:** Although Nepal is not a Commonwealth country, we were commissioned to provide technical assistance to the Nepali Information Commission at the behest of WBI. In 2009, we conducted a needs assessment study to gauge the preparedness of public authorities to implement the RTI law enacted in Nepal in 2006. Over a period of two weeks, we interacted with key functionaries in government departments and senior functionaries of the district administration to assess their preparedness for implementation. We also met with civil society coalition members and senior representatives of the print and electronic media to understand their expectations regards implementation of the Act. A detailed report of the findings and recommendations were submitted at the end of the study, which formed the basis for planning the implementation process in Nepal. The Nepal Information Commission on its own initiative translated our implementation guidebook into Nepali and circulated the text among key ministries. The Chief Information Commissioner has developed publication materials based on CHRI's pamphlets and RTI user guide. We have been asked by the Bank to resource the national level implementation conference likely to be held later this year.

**Regional interventions:** During the reporting period we have actively worked towards becoming a regional resource organisation for RTI in S. Asia. In addition to country specific interventions we have taken up specific activities at the regional level with the aim of making RTI a central theme on the agenda of reform and collaboration of the South Asian



Association for Regional Cooperation (SAARC). We were commissioned by South Asians for Human Rights (SAHR) to conduct a study of parliamentary procedures in Bangladesh, India, Pakistan and Sri Lanka and develop guidelines for increasing transparency in the working of parliaments in the region. This study has been published in 2009 and we are promoting the recommended guidelines for adoption at the level of SAARC and also at the national level. We are seeking the support of members of SARTIAN to take up advocacy for making parliamentary proceedings more transparent and accessible to people in their respective countries.

SARTIAN, the young email discussion group that we initiated during the last reporting period, has expanded in terms of membership and is becoming a platform for exchange of ideas and experience on RTI. More and more members are posting news and views on RTI-related developments in their respective countries. SARTIAN has caught the attention of WBI which proposes to develop this into a strong web-based platform where members meet regularly, discuss issues of common interest and undertake small projects for promoting transparency in their countries.

Our position as a regional resource on RTI has been recognised by different actors on several occasions during the reporting period. In July 2009 we were approached by the Institute of Secretariat Training and Management an apex officer training institute under the Government of India approached us to help them design and conduct a 5-day training workshop for government officers from South Asian countries. We developed the workshop schedule, reading materials and held training sessions for participating officers. The Commonwealth Secretariat which commissioned this workshop acknowledged our role as a dependable resource organisation based in the South and agreed to work with us in other parts of the Commonwealth to hold similar workshops.

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**Impact:**

Despite the challenging circumstances in the region we have consolidated our position as a premier regional resource organisation in South Asia during the current reporting period. CHRI's RTI work has deepened and become more diversified in the region with support from FNF, OSI and WBI. The Bank's Delhi office has mentioned CHRI as a regional partner in its project document drawn up for promotional activities on RTI in South Asia. We have been asked to assist with the designing and organisation of a regional RTI workshop to be held in April this year. In October 2009, India's Central Information Commission approached us for advice on inviting participants from South Asian countries to the national RTI convention that they were planning. These are instances of our growing stature as a resource organisation whose expertise can be relied upon.

Nationally our engagement with the law making process in Bangladesh has contributed to the inclusion of several positive provisions in the access law but more needs to be done to strengthen the law further. The learning visits have been very useful in developing local level capacity to advocate and train various stakeholders on RTI-related issues. In fact participants of these learning visits have not only gone back to write about RTI in the media several of them have become resource persons in their own right designing and conducting workshops in their own countries. This is particularly noticeable in Bangladesh and Sri Lanka. IDL has proposed to develop a fuller curriculum on RTI for young leaders in civil society and government to be taught through its leadership academy. We have been asked to provide technical support for this effort. In Sri Lanka we have contributed to broadening the base of the RTI campaign by introducing grassroots based organisations to the concept and philosophy of RTI. In fact representatives of these organisations were upset that the Colombo-based campaigners did not consult them in 2004 while drafting the RTI Bill.



Our publications are also viewed as useful contributions to the developing body of literature on RTI in South Asian countries. The eagerness of more and more organisations in these countries to partner with us to promote RTI is indicative of the legitimacy that we bring with us that makes us so attractive. In fact, none of our country specific partners has ever depended solely on us for resourcing collaborative activities. Instead the interaction has been one of equal partnership where both participating organisations have pooled in their resources to develop products or make interventions.

## **India:**

### **Overview:**

Now in its fifth year of existence, the RTI Act remains undiminished though attempts to curb its effectiveness are galore. During the reporting period defending the Indian access legislation has taken up a major portion of our energies. We have been alert, quick and sustained in our efforts to resist: attempts made by the Central Government to amend the Act in a retrograde manner; efforts of State Governments to tinker with the subordinate legislation to achieve similar effect and the machinations of some public authorities to impose a greater financial burden on information-seeking citizens. We have met with partial success in one case; we continue to try to turn the clock back in a couple of others in collaboration with local campaigners and activist organisations and are ever watchful over pronounced attempts to dilute this robust law. This we do even as we showcase the Indian campaign and implementation experience in Commonwealth and other countries at every available opportunity.

During the reporting period we have continued to train designated officers to implement the access law and build capacity of civil society organisations in different parts of India to use its provisions in the public interest. Our own officer training workshops have now become more advanced and specialised. We have begun providing specialised trainings based on the orders made by High Courts and Information Commissions and the Government's clarificatory circulars interpreting the provisions of the access law. We receive invitations to resource officer training workshops at the Centre and in the States. Yet these activities have been low key as several players whom we initially trained including those in our hub states have taken on the training role. We are describing in brief the innovative activities that we have undertaken during the reporting period and their observable impact on the state of transparency in India.

### **Defending the access law from rollback:**

On several occasions in the last two years, the Central Government had announced its intention to amend the Act under the guise of strengthening it. Never has this posturing been bolder than when the United Progressive Alliance Government returning to power after the 2009 elections announced through the President of India in Parliament that it was contemplating such a move seriously. We jumped to the defence of the law and sent out a series of email alerts to the RTI activist fraternity in India analysing the statements made. We analysed the decisions made by the Government regards the recommendations of the Second Administrative Reforms Commission for strengthening the provisions of the RTI Act and showed how several positive recommendations that would have increased transparency in the working of public authorities were rejected. Instead we showed that the Government actually contemplated introducing more exemptions to disclosure, adding a retrograde clause to deal with requests for voluminous information in the name of handling 'vexatious requests' and providing blanket exclusion to organisations including the highest judicial body in the country. In 2008 we made detailed submissions to the parliamentary Standing Committee tasked with oversight of the implementation of the law on two occasions and made out a case for improving implementation by strengthening subordinate legislation

without requiring any amendment to the principal Act. We have also worked with MPs to raise questions regards concrete proposals for amending the Act so as to put the Government on the defensive. On at least two occasions the inboxes of the top bureaucrats in the Department of Personnel and Training- the administrative department for the RTI Act were flooded by emails from RTI advocates opposing any regressive amendments. This resulted in the Minister announcing both publicly and in Parliament that the Government had received several representations from civil society and that the Government was committed to public consultation prior to enacting any amendments to the access law. We continue to monitor the Government's actions in the light of this promise.

We conducted a sustained email alert campaign throughout 2009 to prevent a few decisions of the Central Information Commissioners from becoming a precedent. Some Commissioners had allowed public authorities to charge information requestors wages, search and compilation fees at exorbitant rates which was in clear violation of the letter and spirit of the RTI Act as well as the subordinate legislation relating to fee rates. Thanks to the regular email alerts that we sent out with our analysis of the key legal points in this controversy the Commission was flooded with representations from all around the country. We protested the initial efforts of the Commission to keep the hearings focused only on the submissions made by public authorities and ensured that activists sent their opinion on the contentions issues prior to every hearing. Thanks to this sustained campaign and also due to the wisdom of one of the members of the decision-making bench the previous decisions allowing overcharging have been overturned and the situation restored to what is provided for in the law, namely payment of reproduction costs only. Later we sent out this landmark decision to all the State Information Commissions in India in order to ensure that they felt persuaded to treat this decision as a compelling precedent. We also shared this decision with our international partners so that they may use it to argue their case if a similar situation arises in their countries.

In the states, we continue to resist the change in subordinate legislation effectuated by the Governments of Karnataka and Bihar to discourage people from seeking information on multiple topics in a single request letter. We analysed the retrograde impact of the amendments made to the subordinate legislation and made practical recommendations for dealing with voluminous information requests without amending anything, translated the arguments into the local language and circulated them to all stakeholders in order to mobilise public opinion. We also highlighted the issues through the local media in order to extend the outreach of our arguments. Along with our partners we are determined to struggle against the retrograde changes until they are withdrawn. In Bihar, we hope to turn this into an election issue later in the year in order to extract a promise from all political parties to discard these changes.

Public authorities have resorted to another tactic to reduce the scope of the RTI Act. Legislation on other topics is being drafted and exceptions to disclosure under the RTI Act are being included in a bid to prevent disclosure of information to the benefit of vested interests. For example, the draft law relating to the establishment of a biotechnology regulatory authority contains a provision that prevents disclosure of information under the RTI Act. We keep a watch on such draft legislation through media scans and by engaging with other CSO networks and send our analysis and recommendations for change whenever we come across such instances. These submissions are circulated widely through the RTI stakeholders' networks and reported often in the media raising visibility for the issue.

### **Strengthening the access law in Jammu and Kashmir:**

The State of Jammu and Kashmir (J&K) is not covered by the RTI Act due to its unique constitutional position. J&K had enacted a weak access law modelled on the Freedom of

Information Act which the RTI Act replaced in 2005. Since then we have been advocating with the J&K Government to bring the State's access law up to par with the Central RTI Act. Throughout the reporting period we worked with our external collaborator in J&K, civil society representatives to impress upon the Government to amend the old access law. We drafted a para containing a promise to amend the law to be used in party manifestos and our external collaborator succeeded in getting one of the political alliances to include this promise in its vision document. This alliance came to power in 2008, and in 2009 delivered on its promise by enacting a stronger access law closely modelled on the Central RTI Act. We worked closely with the Chief Information Commissioner, Central Information Commission, who has considerable influence in J&K to urge the Government to pass a better law. However the Government preferred not to go further than the Central law. We have advocated with legislators to press for amending the access law to include stronger provisions which we have recommended based on the experience of implementing the Central RTI Act. Along with our external collaborator we have now focused on training of officers to implement the new access law.

### **Monitoring compliance of public authorities- simple methodology developed:**

After focusing a lot of our energies on training officers to implement the access law in India up to 2007 we have moved on to monitoring compliance within public authorities. We began by working with the Directorate of Training under the Government of the National Capital Territory of Delhi in 2008. We analysed the proactive disclosure documents prepared by the Delhi Police and the Divisional Commissioner's office and gave recommendations for improving their performance.

Later we decided to work with the paralegal team trained under CHRI's Access to Justice project (now organised under the banner of Nagarik Adhikar Kendra-NAK) in Gujarat to develop a simple methodology to assess compliance within public authorities functioning at the district and sub-district level. The paralegal team surveyed close to a 100 offices in a district specifically chosen for intensive training and capacity building of officers to implement the Act. We developed a set of simple performance indicators and ranked various public authorities based on positive and negative scores. We published the findings of the survey along with the methodology adopted for conducting it and included narratives of the experience of the survey team that interacted with officers who were reluctant, disinterested and sometimes threatening. The State Information Commission took up the findings seriously, advised the district administration to work harder to improve the quality of proactive disclosure made by various offices and extracted a public commitment from them to perform better. Thanks to the pressure from the Commission the district administration has begun to take a serious interest in improving its proactive disclosure and worked with us on the launch of a district-wide awareness raising campaign to teach RTI to people living in rural and semi-urban areas in collaboration with us and NAK. This survey report has found mention in an international publication authored by Prof. Alasdair Roberts.<sup>2</sup> Our network in Karnataka replicated some parts of this compliance survey to assess the proactive disclosure of public authorities in different districts. The findings were presented to the State Government and the State Information Commission for corrective action. This has resulted in our local partners being invited to train officers to implement the RTI Act better.

### **Sharpening focus of the work in hub states:**

Since 2005 we have worked hard to build a network of small civil society organisations, concerned citizens and sensitive media persons to learn the intricacies of the RTI Act,

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<sup>2</sup> A. Roberts, 'A Great and Revolutionary Law? The First Four Years of India's RTI Act' Suffolk University Law School, Legal Studies Research Paper Series, Jan 2010.

request information of interest to the public, monitor compliance in public authorities and provide troubleshooting advice to RTI applicants at the community level. **In Karnataka and Madhya Pradesh** two prominent and long time members of our CSO networks have started publishing periodicals (named 'Arivu' and 'Koylanchal Times' respectively) primarily devoted to disseminating information obtained under the RTI Act. These periodicals have become very popular in the home districts and are being published without much dependence on government advertisements.

In **Madhya Pradesh** (MP) the MP Suchana Adhikar Abhiyan (RTI campaign) has filed several hundred information requests with various public authorities. In the process several success stories have been published widely in the print and electronic media. A recent achievement has been the unravelling of corruption in the spending of project money earmarked for training officials and educating the local citizenry about the RTI Act. When information obtained in this manner was cross checked with the experience of trainees several anomalies came to the fore. The nodal department has ordered that an inquiry be conducted into the matter. Our partners are cooperating with the inquiring authorities. We are also documenting all instances of failures involving lack of timely responses, unreasonable refusal to disclose information and non-compliance with the orders of the State Information Commission in order to examine the possibility of filing writ petitions or launching strategic litigation in the High Court.

In **Karnataka**, members of our network have been teaching RTI to people in rural and urban areas and filing information requests regards developmental activities and implementation of development and social welfare schemes. Fed up with the slowness of change in the working of the administration, the network has picked up a crucial issue to ensure transparency and accountability at the systemic level. Using RTI as a tool they have started monitoring compliance with a compulsory reporting mechanism instituted by the State Government. Under this mechanism every government office is required to publicise a monthly report of its activities and money spent on the implementation of various development programmes and give reasons for non-attainment of targets. Our partners are working to ensure that this reporting is done punctually so that citizens may assess for themselves the performance of each office. A government-run research institute has volunteered to provide technical advice and train the network members to analyse the data published under this reporting mechanism.

During the current reporting period we started new hubs in the States of **J&K and Bihar, and Gujarat**. In J&K we have worked for the strengthening of the access law. This has already been explained above. In Bihar we are partnering with a community level CSO to spread awareness about the RTI Act. After three rounds of capacity building and troubleshooting workshops the nascent network has used RTI effectively to unearth instances of corruption and secure some of the impoverished families and individuals their rightful entitlements. In the process our external collaborator in the State has moved the Information Commission successfully to penalise errant officers who refused to part with information in an unreasonable manner. In addition to working at the community level our external collaborator is also coordinating the efforts to challenge and push back the negative amendments to the subordinate legislation, which has been described above.

We were able to launch the proactive disclosure model gram panchayat in Malav, Panchmahals dist. Gujarat on 28 June 2010. This is the first of 12,000 gram panchayats in Gujarat to have adequate proactive disclosure displayed through notice boards and wall paintings.

After working in the State of Chhattisgarh for more than four years through our external collaborator we ended our intervention in 2008. As our Chhattisgarh office was wound up after the completion of the community policing project we could no longer sustain the activities of our external collaborator on the meagre resources available for the RTI-India project. We ended the intervention by carrying out a 17-day long RTI roadshow (*Giyaan ke Gaada*) in December 2008, visiting 15 towns and cities in the State and spreading awareness about RTI through pamphlets, street theatre and troubleshooting advice and technical assistance provided through roadside RTI stalls.

### **Building synergies to use RTI in aid of reform of the criminal justice system:**

During the reporting period we have made a conscious effort to build synergies between the ATI and the Police and Prison reforms programme with the objective of working towards reforming the criminal justice system. The ATI team conducted skill building exercises for members of these programmes to draft RTI applications for seeking information relating to their work areas in India. We have assisted the Access to Justice (ATJ) team to file RTI applications regards compliance with the Supreme Court Directives in police reform. These interventions are in various stages of fruition.

We assisted the Prisons team to file applications to monitor compliance with the system of periodic reporting on the status of prisoners under-trial lodged in the Jaipur Central Jail. This intervention began in the 'testing the waters' mode but yielded very interesting results. We have now learnt that the time bound reporting procedure has fallen to disuse. Even though data about under-trial prisoners is prepared every month, hearings happen only when dates are fixed by the Chief Justice of the High Court. The Prisons team is working towards making use of this data in its advocacy interventions. We are planning to submit more information requests to unravel the reporting system in its entirety. This will help the Prisons team formulate its position on the concerned issues and develop arguments and recommendations for reform so that no prisoner remains behind bars even for a day more than is required by the law.

### **Testing the boundaries of the access law:**

We have begun to file information requests to test the limits of the access law and in the process widen its ambit. We started by seeking copies of the standing orders of the Delhi Police on a variety of topics relating to crime prevention and investigation. We had found out during our compliance survey in 2008 that the Delhi Police had computerised all the standing orders but had not published them despite a statutory requirement under the RTI Act. The Delhi Police did not even respond to our information request initially. Later when notice of our complaint filed before the Central Information Commission reached the Delhi Police the concerned officials rushed to our office to hand over all the information requested originally. We have not withdrawn this complaint as Delhi Police has not complied with its proactive disclosure requirements regards these orders. Soon we will upload copies of the standing orders that we have obtained and inform the civil society sector through email alerts.

We have used RTI to break open the locks of secrecy regarding procedures adopted at the highest decision-making levels of government. Until recently the rules governing the transaction of business in the Government of India were a confidential document. So also were the rules relating to procedure for Cabinet meetings. We filed an information request asking for these rules. The Cabinet Secretariat rejected our request. We filed an internal appeal which was also rejected. Our second appeal is pending before the Central Information Commission. Meanwhile the Cabinet Secretariat has quietly uploaded the transaction of business rules on its website. We have filed another request for inspecting the file relating to this decision of proactive disclosure to ascertain whether our initial



information request created any pressure on the Cabinet Secretariat. The topics discussed by the Cabinet are rarely made public in India despite five years of implementation of the RTI Act. The Government chooses to announce some topics and the decisions taken at its own discretion. We have made it a habit to file information requests regularly to seek a list of all topics of Cabinet meetings. These topics are circulated through the email circuit to civil society and the media. We are hoping for a rejection of this request at some point of time in the near future so that we may press the Central Information Commission to issue orders for proactive disclosure of the topics at Cabinet meetings.

The rules and instructions for according security classification for sensitive documents are a closely guarded secret in India. We filed a request for obtaining a copy of these instructions with the Ministry of Home Affairs- the nodal agency for this topic. We lost at all stages including the second appeal before the Central Information Commission. However senior RTI campaigners have advised us to seek a review before a larger bench of the Commission or petition the High Court as the current order of the Commission has not taken into account the reasoning behind our arguments. Thanks to the information provided by the Freedom of Information Advocates Network (FOIANET) in response to our email request for technical assistance, we were able to quote extensively from international best practice in our submissions made before the Commission.

We are also litigating before the Commission for compliance with proactive disclosure of important legislative and executive policies of the Government. We have been granted an out of turn hearing by the Commission regards our request to make the text of the draft whistleblower Bill public. We are hopeful of a positive outcome in this case. We have also encouraged CSOs working in other sectors to file similar test cases in relation to draft legislation that pertains to their sector. Together we hope to pressure on the departments to consult with people while drafting laws and incorporate their views before sending the text to parliament for debate.

**Impact:**

Faced with the daunting challenge of preventing roll back of the access legislation, and this takes a huge proportion of our time, we have not gone slack in our watchfulness. When we critiqued a circular issued by the Department of Personnel and Training about the illegality of constituting varyingly sized benches of Information Commissions we circulated an in-depth analysis of the issue involved. The Central Information Commission uploaded our analysis on its website and forwarded it to the Department to take note of. Our analysis played a significant role in stemming further action in the direction of making smaller benches of Commissions illegal.

We can also legitimately take credit for building countrywide opinion against retrograde amendments to the RTI Act being planned by Government. This is not to say that we have been the sole players in this game. Several other prominent RTI activists have also intervened at very high levels of decision making in Government and in the political alliances running the Government. We have been part of these intensive efforts throughout the reporting period. It is with a sense of achievement and relief that we report that we have played a significant role in building public opinion against the Government's to amend the RTI Act.

Our compliance survey in Gujarat has opened up several opportunities for us to ensure implementation of the provisions of proactive disclosure at the community level. The State Information Commission and the district administration requested us to develop a model proactive disclosure template which would be replicated in other panchayats throughout the State. We are working with NAK in one village panchayat to develop a credible and effective



mechanism for providing information to people through wall paintings and free inspection of all records on specific days of the month. The RTI awareness campaign that we supported in one district of Gujarat last year has held us in good stead with the State Information Commission. We have been invited to replicate this exercise with NAK in two more districts of the State.

Our ATI team receives calls for assistance regards RTI from different corners of the country every day. Several such requests for assistance are made by officers designated with the task of implementing the Act. This is indicative of our role as a dependable resource organisation in the country. By testing the provisions of the Act in innovative ways we are pushing the boundaries of secrecy farther away. Not all such attempts will be successful. We are learning from our failures and are making better plans and devise more effective strategies for entrenching transparency in the working of public authorities in India.

## **Developing and Disseminating Publications**

### **International:**

During the previous reporting period, as part of our commitments under our Pacific and South Asia RTI projects, the ATI team prepared a publication containing case studies from around the world of how the right to information has enabled people to have the full range of their human rights realised. The casebook - 'Our Rights, Our Information' provides background information on the status of the right to information in international law, as well as detailing the international best practice standards with which a good access law should comply. The book is aimed to broaden interest in the right to information amongst NGOs that are working on a range of social justice issues – such as human rights, access to food, torture, humanitarian, development and environmental organisations, so that they may join the efforts to secure transparency laws in their own countries. This publication was formally launched in the Pacific at the Pacific Islands Civil Society Meeting held at Auckland in August 2008. The World Bank Institute has added this book to its Outreach Publications list published on its website. This was done without any canvassing from CHRI which may be taken as an indicator of the good quality and the usefulness of our publications.

In order to reach out to activists in South Asian countries, in 2009, this collection of case studies was adapted, translated and published in Bangla and Urdu by CHRI's partners in Bangladesh and Pakistan respectively. The Urdu publication named '*Hamarey Haqooq, Hamari Mahloomat*' was launched in July at Islamabad at an event organised by us in collaboration with CPDI. The Bengali publication, '*Amader Tottho Amader Odhikar*' was launched at an event organised by Nagorik Uddyog and CHRI in October 2009 at Dhaka. The Information Commissioners were present at this event.

In Tonga, as a part of our Pacific project, CHRI collaborated with Ma'a Fafine mo e Famili in producing a Tongan version of the basic RTI pamphlet on the link between RTI and other human rights which had been disseminated in the Pacific earlier. The pamphlet has been printed and widely circulated.

We were invited by ActionAid International to contribute seminal articles on openness in governance to their e-magazine named Governance Link. The team wrote well researched articles on topics such as: openness in the legislative, executive and judicial spheres of the State and in local government bodies; resistances to and opportunities for entrenching transparent governance and tips to CSOs for lobbying policy makers to adopt access legislation. This e-magazine is circulated within the ActionAid network in more than 30 countries spread over Asia, Africa and Latin America.

## **India:**

**RTI User Guide:** In keeping with our commitment to increasing awareness about the RTI Act amongst citizens in India, we published regional language translations of one of our key publications: 'Your Guide to Using the Right to Information Act, 2005'. Along with our partners this book was translated into Oriya, Bangla and Manipuri for publication and dissemination. Earlier this book had been published in four languages namely, Hindi, Gujarati, Assamese and Kannada. The Kannada version of the User Guide has been a bestseller in the state where we released a small number of copies for commercial distribution. A bulk of the copies were disseminated through our workshops. Due to the immense popularity of this book we printed a revised edition in 2009. This edition has also made it to the bestseller list in February this year. Four local language dailies have placed this book on the bestseller list.

The Bangla version of the User Guide has been disseminated in West Bengal through our partners and has also been sold at the annual Kolkata book fair for the past three years. It has also been disseminated in Tripura in collaboration with Tripura Information Commission. The Commission has advised us to add to the Bangla version a booklet containing the revised RTI Rules issued by the Tripura Government. We are working on this supplement containing the RTI Rules and plan to get this printed soon. This supplement along with the Bangla version of the User Guide will be disseminated to designated officers and CSOs in Tripura through the State Institute of Public Administration and Rural Development. *Aajker Fariad* a Bangla daily published in Agartala, Tripura has published the contents of the User Guide in a series of 17 articles. The Manipuri version of the User Guide has been published in collaboration with our local partner named, the Centre for Organisation Research and Education (CORE). This book was launched recently in Imphal followed by a two-day capacity building and trouble-shooting workshop for CSO and media representatives.

**Compliance survey:** One of our latest publications in India, '*Compliance with the Right to Information Act: A survey*' based on a survey conducted in a district in the State of Gujarat has attracted considerable interest nationally and internationally. Along with Nagarik Adhikar Kendra we have disseminated the publication amongst government departments, public authorities and the State Information Commission. We are also sharing the survey and ranking methodology with other RTI advocacy groups with a view to encouraging them to use them in their own context.

**Posters:** In 2010, CHRI published three posters in Hindi on Right to Information and the public distribution system, public health care and life and liberty issues (police). These are being disseminated through our network of partners in all the Hindi speaking states. The plan is to translate these posters into other regional languages for large scale dissemination throughout India. The Gujarati and Kannada versions of the posters have been sent to print. This will be disseminated through our networks in Gujarat and Karnataka respectively.

**Booklet on Panchayats and RTI:** In October 2008, we published the Hindi version of our publication: '*The Right to Information and Panchayati Raj Institutions – Uttar Pradesh as a case study*'. This was brought out in collaboration with Uttar Pradesh Voluntary Agencies Network (UPVAN), Lucknow, a network of 300 NGOs throughout the state. This publication is being disseminated in collaboration with UPVAN. This will serve as an important resource for training of elected representatives and CBOs working on rural local self governance.

**RTI Calendar – 2008 and 2009:** In 2008 CHRI printed a wall calendar in English and Hindi with illustrations based on RTI success stories. In 2009, CHRI printed 1000 copies of a desk calendar based on the successful use of RTI laws for the protection of human rights from around the world. These stories have already been printed in our publication 'Our

Rights Our Information'. The calendars were disseminated widely amongst Information Commissions, public authorities, NGOs in India and other countries.

**RTI pamphlets:** An educational pamphlet on RTI was produced for the states of Delhi (in English) and Bihar (in Hindi). The pamphlets are being disseminated through civil society networks in that state. We have also translated this popular pamphlet into Urdu for dissemination amongst the minority community living in Delhi and Uttar Pradesh.

**Guidance notes on RTI:** We are working on guidance notes on specialised topics in relation to the Indian RTI Act which will be of use to officers and transparency advocates alike. We had commissioned a guidance note on RTI and information held in fiduciary relationship. This guidance note will be finalised and printed later this year.

**Analysis of RTI Rules notified by Courts:** We have brought out the first publication in the RTI & the Judiciary series that analyses RTI rules notified by the several Courts in Delhi. We have started our advocacy around it. We expect to produce more publications in the series in the coming months.

#### **Other activities and recognition:**

CHRI participated in a seminar on "Exploring partnerships between ATI activists Networks and Academic Research Centers" at the Constitution Unit, University College London at London in May 2010.

The Coordinator has been invited by OSJI to write a paper on classification system for sensitive documents in India for a forthcoming conference to be held in March 2011.

CHRI is a part of the amicus curiae intervention in the Inter-American Court of Human Rights filed by Open Society Justice Initiative in the context of disclosing information about enforced disappearances in Brazil. We sent the court judgement in the APCLC case (2008) to OSJI.

An article written by CHRI on the basic structure of the constitution is the most accessed article on the subject by students of various law schools. It turns up at the top of the Google search list when the words "basic structure + Indian Constitution" are keyed in.

World Bank Institute has sought CHRI's assistance in conducting a legislative audit for RTI in Burkina Faso

CHRI received a request from the CIC, India for uploading the email alert relating to DoPT's office memorandum (OM) on fee payments on their website.

Centre for Civil Society and FNF have approached CHRI to do a briefing from MPs in India based on the publication we did with South Asians for Human Right (SAHR) on Transparency in Parliament

CHRI was mentioned in an article on RTI in India published on the main page and page 4 of the national and city editions of the New York Times.

## **7. CHRI LONDON OFFICE**

## **7.1. Programmes**

### **➤ Commonwealth**

The London office's programme of work has been to focus particularly on advocacy for and representation of CHRI in London. The office has kept up regular contact /cooperation with the Human Rights Unit of the Commonwealth Secretariat (HRU) and the Commonwealth Foundation and constantly monitored CMAG; in respect of the latter there was considerable focus on the Sri Lankan situation. In 2008 there was a campaign for a 'Commonwealth Expert Group on Policing', targeted at the Law Ministers meeting in Edinburgh which, regrettably, was procedurally frustrated at the end in that the CHRI paper was not considered at the Meeting, and the expert group didn't come through either.

### **➤ Collaborative events between CHRI offices in London in the lead up to the 2009 CHOGM**

In 2009, there was continuous advocacy and events organised in London, as a collaborative exercise between the CHRI offices in the lead up to the November CHOGM.

CHRI's report on Rwanda (following a fact-finding mission), by Prof. Yash Ghai, AC member, was launched and discussed by an eminent panel at an event organised in London at the House of Lords. The launch in London of the report generated a lot of debate and media attention as Rwanda's membership application to the Commonwealth was expected to be accepted at the 2009 CHOGM (and did become a member at CHOGM 2009) despite questions raised in several quarters over its human rights record. The report's findings and predictions have been quoted recently by a leader of the opposition in Rwanda in her letter to the Commonwealth Secretary General, expressing grave concerns about the fairness of forthcoming elections there, which was copied to CHRI.

CHRI's report to CHOGM 2009 on Human Rights Defenders was launched at a conference at the University of London. Some 19 noted human rights defenders attended as did the HRU of the Com Sec and most of the major international human rights groups working on civil liberties. FIDH could not make it due to transport problems. The statement from the meeting was circulated widely and presented to Commonwealth Secretariat. It added to the already on going advocacy around seeking to exclude the President of the Gambia from CHOGM. Funds for the conference were provided by the Commonwealth Foundation.

### **➤ Building Human Rights Capacity in the British Overseas Territories**

#### **Purpose of Project:**

The goal of the project is to raise the capacity of OTs to improve human rights observance consistent with international standards. The UK Government committed to this endeavour in a 1999 White paper, in a joint DFID/FCO report 'Realisation of Human Rights in the UK Overseas Territories', in 2005 Consultations between Governors and OT governments and in the initiation of OT constitutional reviews (which are ongoing).

The three partners in the consortium (The Commonwealth Foundation, CLEA and CHRI) were to agree a Memorandum of Understanding laying out the methods for working together on this project. However an MOU was not actually signed until late February 2009, by which time it had become clear that the respective roles of the partners as reflected in the original project proposal should be modified to reflect actual circumstances. Thus the Commonwealth Foundation is no longer Lead Partner, but is Project Manager, and a lead agency is assigned to each of the various activities (see below). The Foundation is kept

informed through regular meetings information given via the regular quarterly and ad hoc Project Team meetings and through posting minutes on a shared private web portal. The Foundation is in any event invited to take part in the activity planning if it chooses. The activities can be grouped into three major themes. CHRI has responsibility for delivering many of the activities in the second and third groups. It also receives £2,500 per project year as an administration fee meant to cover participation in the Project Team which oversees coordination and delivery of all activities

### **Inception phase**

The Foundation travelled to the Caribbean, sought an institutional base for the project in the region at the Cayman Islands Law School, and recruited the Caribbean regional coordinator. Coordinators held consultations with civil society and governments in the OTs to understand their current levels of awareness and capacity as well as demand for the project. Most were in-person but some were via video link. This led to the formation of project plans. In order to lay a conceptual framework for the project, CLEA commissioned a technical report to examine the laws in the OTs protecting human rights found in the ICCPR, European Convention on Human Rights, and CEDAW. It also covered the ILO Convention on the Worst Forms of Child Labour 182 on account of the commitment made at the Ninth Overseas Territories Consultative Council by Chief Ministers or their equivalent to have this convention extended to their territories by June 2008. Territories were invited to give feedback into the draft. After some considerable delay due to administrative problems with the project partners contracts for Technical support, capacity building, human rights advocacy and human rights training in Pitcairn were signed in April 2009. The first set of incoming payments took place in the late spring of 2009 and activities started to be planned.

### **Project Progress**

In September 2009, the first training visit to Pitcairn was undertaken by CHRI and CLEA. This initial training focused on awareness training and on women and children's rights. This was followed by a visit to St Helena to begin the first stage of capacity building. Stephanie Aiyagari from CHRI went to Pitcairn as trainer in October 2009. Other trainers involved in one or other of the sessions, provided through CLEA, were Linda Coetzee, Lloyd Lotz and Desia Cogan from South Africa's street law program. CHRI has also had some input into the process of curriculum development and in the institutional learning process. The Second stage of capacity building will be in St Helena and initial training is about to commence in Ascension Island. Curriculum development is currently underway for Tristan de Chuna and St Helena. Caribbean work has been slower getting started but preliminary work on the ground holding capacity building meetings are progressing. The British Governments takeover of the Turks and Caicos Islands has not hampered any of the project work but did help to draw publicity to the project and the human rights issues facing the British Overseas Territories.

### **Future potential**

This is the largest project that CHRI London has had to manage and is likely to yield substantial results. As well as producing results within the territories the project will also produce an institutional expertise that will be invaluable for CHRI London. This expertise can be deployed into other projects and used in developing wider human rights projects within the Caribbean and beyond. This project represents a chance for CHRI London to raise its capacity to do project work as well as develop a regional expertise. CHRI should develop a way to transfer learning between the consultant and staff. It is also possible to obtain some



general financial return through the line items of administration costs, curricular development, and trainers' fees.

## ➤ **Media Freedom Law and Human Rights Defenders**

### **Purpose of Project:**

The project is a reformation of The London Office's Journalists as Human Rights Defenders Project. This was to be part of our CHOGM report but was felt to be sufficiently meaty to merit a publication of its own. The project has changed to look specifically at the laws of each Commonwealth country which limit the ability of human rights defenders to report on human rights abuses. The purpose of the project is provide a comprehensive index of those laws which limit the freedom of human rights defenders, and in addition provide several related articles which provide background information as well as possible recommendation for reform. It is hoped that this will lead to the development of programs to improve legislation and pan-Commonwealth reporting of media freedom. CHRI London is the first organisation to embark on a project of this kind and is hoped that when completed this will be a useful resource for those campaigning for press freedom and freedom of information around the Commonwealth. The Human Rights Unit have expressed interest in the project and sees potential use for the final product as a basis from which to pursue a campaign on freedom of speech laws. The close links that CHRI London has to the Commonwealth Journalists Association, the Commonwealth Broadcasters Association and the Commonwealth Press Union has facilitated this and provided a network of contacts and resources upon which to draw. The project has also considerably increased the expertise of CHRI London in this area and the office is currently working on a report with the CJA on Sri Lankan legislation that has made it easier for journalists to be arrested for merely doing their job.

### **Contents**

The new project consists of one page summaries of legislation, laws and policy from each Commonwealth country and discussing what has been found to be the major areas which limit the ability of human rights defenders to report on human rights abuses. These areas of limitation include: broadcasting regulations, civil and criminal defamation law as well as other restriction which include but are not limited to anti terrorism legislation, specific legislation which prevents reporting on separatist movements, as well as fines for non-registration of journalists. All of the research is done from primary sources and the team at the London office has established a comprehensive research methodology in order to ensure accuracy. The second part of the project consists of a series of essays which provide background information. They include: the methodology of the report, the influence of major regional human rights tribunals, problematic areas of civil defamation through out the Commonwealth, the pernicious nature of criminal defamation as well as its historical roots, the indirect pressures placed upon those who report on human rights abuses and the reason for exclusion of several smaller Commonwealth states from the index. These essays compliment the index to place the problems of media freedom into a meaningful context. The project is entering the final stages of completion. The final index will be hosted on a web portal hosted by the Commonwealth Press Union (CPU) which will be managed by CHRI London. A more in-depth version of the report along with CHRI essays and additional materials on legislative freedom will be hosted on CHRI London's webpage on the CHRI website.

### **Future prospects:**

After the web portal is up and running, a permanent intern position will be created at the London office to manage and update the web portal and monitor current developments. CHRI London will then try to establish a database of legislation in this area. Long term funding should be sought for this program to maintain the website and undertake other areas of research. The HRU may be interested in a legislative action project to assess law reform in small states.

### ➤ **Monitoring Human Rights in the Caribbean**

This project was born out of CHRI London's regional remit, which consists of Europe, North America and the Caribbean.

### **Work Undertaken**

(1) *Analysis of human rights developments in the region.* CHRI London produced situation reports of human rights issues in the region. These took the form of short background papers:

- a. A legislative analysis of the 2009 Constitution Bill in St Vincent and The Grenadines and an outline of the Human Rights concerns in the proposed bill (Author: Cowell)
- b. People Trafficking in the Commonwealth Caribbean an analysis of the human rights issues and the response from the US State Department (Author: Simpson)
- c. Background Briefing on the Caribbean Court of Justice and the East Caribbean Supreme Court (Author: Shahab)
- d. *Misick v FCO* [2009] and the Human Rights implications of the takeover of the Turks and Caicos Islands (Author Cowell)

Two of these papers (a) and (b) were published on the website and one paper (d) was prepared for publication in the form of a 6000 word case note and submitted to the International Comparative Law Quarterly. The legislative analysis of St Vincent's constitutional bill was used by several different organisations. The Equal Rights Trust used the report in their advocacy campaigns as did Amnesty International and a number of organisations have emailed requesting copies or stating they were downloading copies to use from the websites.

(2) *An analysis on the Caribbean Court of Justice and the Death Penalty.* A lot of background research in this area was undertaken by Antonia Shahab who produced a summary of legislation and a literature review on the subject. The focus of the research was to produce a technical overview of the changing face of death penalty appeals in the Commonwealth Caribbean. The project was approached from an access to justice perspective rather than an anti-death penalty campaign perspective. Meetings were held with the Centre for Capital Punishment Studies, the UCL courts and tribunals centre, the Commonwealth Judges and Magistrates Association and the Caribbean Section at Amnesty International's International Secretariat. The intention was to work towards forming a project plan focusing on capacity building and improving awareness. This was going to form the basis of a project that funding could then be sought for. Antonia Shahab left CHRI at the beginning of November 2009 and this loss of manpower meant that the fundraising slowed down still further. Further meetings with Amnesty International in December 2009 proved successful as they agreed to formally collaborate on a potential project assessing the death penalty. All research to date is currently being put together in a background paper on the topic.

(3) *Monitoring Human Rights Developments.* In an attempt to expand, this monitoring work was broadened to assess all regional human rights issues. This involved amongst other

things writing responses to Bermuda's freedom of information project and looking at deaths caused by the police in the region. A large amount of research was done on the treatment of Lesbian gay and Bi-sexual human rights workers by the police and Antonia Shahab produced a background paper on the subject which informed CHOGM advocacy on the Human Rights Defenders. This was also passed on to the Equal Rights Trust and used in advocacy on gender issues.

### ➤ **Freedom of Information Capacity Building in Malta**

#### **Project purpose**

The project would have been conducted with the support of New Delhi office. The aim of the project was to promote the effective use of FOI in Malta and to (a) strengthen peoples' access to information held by public bodies and (b) increase participation of citizens and Civil Society Organisations (CSOs) in the decision making processes within governance in Malta. In particular, CHRI wished to use Malta as a pilot to develop an online distance learning and networking resource to share, disseminate and promote interactive learning about FOI and participation in governance. The 'value added' of such a project would have been its ability to form the basis of a new model specifically designed for small/island states and overseas territories within the Commonwealth, where traditional large-state approaches do not always fit. The duration of the project was to be two years with the possibility of follow-up work.

#### **Current Status of the Project**

Much preliminary work has been done on the project and there have been consultations with both officials and NGOs in Malta. In June 2009, the project was put on hold following a decision of the Executive Committee of CHRI London. It was felt that the remainder of the year would be dominated by preparations and advocacy surrounding the Commonwealth Heads of Government Meeting and it was also not clear that funding from the Commonwealth Foundation would be available in the near future given their provision of a grant to help with pre CHOGM activities. The project was suspended until after CHOGM. The absence of a buy in from political figures in Malta and an up-to-date understanding of the status of freedom of information legislation would make securing any funding for the project in its current state difficult.

## **8. CHRI AFRICA OFFICE**

### **8.1. Overview**

The Africa office's Coordinator, Nana Oye Lithur, Freedom of information Officer, Florence Nakazibwe, both of whom made valuable contributions to the organisation during their long stints with CHRI decided to move on. This presented quite a challenge, as the RTI campaign was picking up and the Justice Centres Project was facing several hurdles. With Mina Mensah and Joseph Ochill Kingham providing the much needed continuity during those trying times, the office has managed to pull through. We are happy to welcome the new Coordinator, Ms. Caroline Nalule, and hope the office will grow by leaps and bounds both institutionally and programmatically in the coming years.

### **8.2. Programmes**

#### **➤ Justice Centres Project**

CHRI Africa has received a two-year grant from Ford Foundation for 200,000\$ for this project from June 2008 – June 2010. The Justice Centres Project is a pilot project that strives to promote access to justice for the poor by establishing four model Justice Centres in Accra and Kumasi (Ghana), Monrovia (Liberia) and one in Freetown (Sierra Leone) to improve accessibility of judicial redress for indigent arrested persons. This will involve training of pre-trial lawyers and law students who will operate from Justice Centres to provide pro-bono services, as well as building sub-regional networks to promote access to justice. The project also has a component of public education and media advocacy.

#### **Progress on Project Activities**

##### **Setting up of Justice Centres**

The project has had to overcome several difficulties, especially in relation to the commitment of partners such as the Ghana Bar Association to host the justice centres. Good progress has been made this year in this regard, and the centre in Kumasi and Accra (both in Ghana) are expected to be operational soon, with the Legal Aid Scheme offering to host the Kumasi Office and positive discussions with the Ghana Bar Association for them to host the Accra Centre.

##### **Training of pro bono lawyers and law students**

Handbook and exercise manuals for training interested lawyers and law students are ready to be printed, and the trainings for Kumasi and Accra will be held soon.

##### **Public Education**

Public education is on-going process aimed at making a dent in the existing gaps in the basic knowledge of rights among the general public that have impeded access to justice in Ghana. In June 2009, the Africa Office began awareness creation and educational programmes on the rights of arrested persons in Ghana. Activities included radio programmes, forums in schools and workshops for community and faith based organisations, which can further transfer their awareness to communities. This we hope will help bridge the existing ignorance gaps that has impeded access to justice in Ghana.

## Partners

- Ghana Police Service
- Ghana Law School
- University of Ghana Law Faculty
- Kwame Nkrumah University of Science and Technology (KNUST) Law Faculty
- Ghana Bar Association
- The Legal Aid Scheme

## Challenges

- Changes in government resulting in changes in the leadership of the Police Administration
- A number of our major stakeholders, namely the Ghana Police Service, the Ghana Bar Association and the Law Schools, are bureaucratic in their functioning, and this has created constraints in fast-tracking the process.
- The Bar Associations in both Liberia and Sierra Leone are now re-organising after the war. There is therefore a challenge in terms of finding a focal hosting agency for the justice centres.

### ➤ **Police Accountability Project**

In 2005, CHRI Africa Office commenced a project on enhancing Police Accountability in Ghana. The project aimed to initiate reforms in the Ghana Police Service to institutionalise policing in accordance with modern principles of democratic governance and international human rights. One of its objectives was to examine the police system and the mechanism through which the police are made accountable.

During the implementation, CHRI found that one key gap to ensuring accountability of the Ghana Police Service was the lack of knowledge of basic human rights by many Ghanaians. The result was that many Ghanaians regarded violations of their rights as the norm rather than the exception.

To help bridge the knowledge gap and empower the public to safeguard their rights, CHRI at the end of the project in 2007 developed educational materials, among which are the "Ghana Know Your Rights" booklets on the rights of arrested persons, and disseminated them to various stakeholders.

### ➤ **Project on the Rights of Arrested Persons**

CHRI has initiated a one-year project on the Rights of Arrested Persons. This project, funded by the Australian Government under its AusAID 2008-09 Human Right Small Grant Scheme aims to educate the people of Ghana about their rights in relation to Arrest and Detention, Interrogation, Bail and Legal Aid.

## Objectives

To inform the people of Ghana of their rights in relation to arrest and detention, interrogation, legal aid and bail through;

- Reprinting and dissemination of Ghana Know your Rights booklets
- Sensitisation in schools



- Educating Community/Faith Based Organisations so they can continue with information dissemination

## **Project Activities**

### **Re-printing and distribution of booklets and brochures**

Two thousand copies each of the Ghana Know your Rights booklet; Police and Public as well as Commercial Drivers Know your Rights brochures have been reprinted and distribution is ongoing.

The educational materials are distributed to participants at foras, workshops and schools where our activities are implemented. Among these are; participants at the Accra Public Forum, eight Senior High Schools in Accra, four in Somanya (in the Eastern Region), one in Kumasi, four in Sunyani and three in Tamale. Two universities, one in Accra and the other in Tamale have also benefited from the distribution.

Other beneficiaries are 20 Community/Faith Based organisations in Tamale, 16 in Kumasi and 12 in Sunyani. Key stakeholders such as Commission on Human Rights and Administrative Justice, National Commission for Civic Education (NCCE), CHRAJ, Community Policing Department of the GPS, the Legal Aid Scheme and Media partners have also received copies.

### **Public Forum in Accra**

The Public Forum in Accra took place on July 27 2009 at the British Council Hall. In attendance were the Australian High Commissioner, a representative of the IGP, the GPS, Ghana Army, CHRAJ, NCCE, the Legal Aid Scheme, Civil Society organisations, schools and the media.

### **Senior High Schools SHS and Universities**

Activities for this aspect of the implementation process differed slightly from what was originally proposed. CHRI proposed to visit 10 SHS and two universities in Accra, however during the continuous evaluation process of the implementation process, the project team decided to spread the schools to regions where workshops will be conducted instead of focusing solely on schools in Accra. Thus out of the 10 SHS proposed; four have taken place in Accra, one each in Somanya, Kumasi, Sunyani and Tamale. One school is selected as the focal school and other schools in the community/town are invited to participate.

For the universities, a forum each has been organised at the University of Ghana Legon (October 3 2009) and University of Development Studies, Tamale, Nyankpala Campus (February 12 2010). In attendance at these foras were students, lecturers, representatives from the GPS and CHRAJ.

### **Seminars/Workshops**

Three Workshops have been organised namely; Kumasi (24 participants from 16 CBO), Sunyani (15 from 12 organisations) and Tamale (30 from 20). Participants were drawn from Community/Faith based organisations, the media, the Police, NCCE and CHRAJ.

### **Partners**

The Ghana Police Service  
Commission on Human Rights and Administrative Justice  
National Commission for Civic Education  
The Media

## **Challenges**

The main challenge was the change of Government resulting in changes in the Police Administration our major partner.

Also coordinating with SHS and Universities occasionally proved difficult because of their academic calendars-that is, it was difficult to get schools to participate when they are writing mid-semester or end of term examinations.

### **➤ Right To Information (RTI) Project**

In 2007, the Coalition on the Right to Information Ghana obtained a grant amount of US 164,671.00 as funding for a two-year project on the 'Adoption and Implementation of a Comprehensive Advocacy Strategy for the Promulgation of the Right to Information Legislation in Ghana'.

## **Objectives**

The central objective of the project is to work more effectively through advocacy towards the passage and effective implementation of a Right to Information Law in Ghana. Most importantly, a law that complies with established principles of international best practice. The funds were specifically provided to develop a Secretariat to serve as the hub for Coalition activities, translate and develop publications, undertake awareness creation activities, capacity-building activities and support for the law-making process.

## **Activities Addressed**

Throughout 2008 to 2010, the Coalition has built networks between traditional institutions, the Government, NGOs and other organisations to garner support for the passage of the RTI Bill. A number of public awareness activities have been undertaken. These have included public marches, sensitisation workshops, press forums and media engagements, capacity-building workshops, among others.

### *Public Awareness Campaigns*

#### 'Publish What You Pay'

CHRI participated at the 'Publish What You Pay' annual general meeting and the Ghana Journalist Association's Annual General Meeting, which resulted in 80 media personalities endorsing the coalition.

#### Public March:

There was a public march on Labour Day, which was held in collaboration with the Ghana Trade Union Congress in 2009. The following year, on 27 January 2010, over 1500 campaigners under the coordination of the RTI Coalition in Ghana marched on the principal street of Accra to raise awareness and disseminate knowledge on Right to Information (RTI). The objectives of the marches were:

- To increase public awareness on the Right to Information Bill
- To solicit more public support
- To increase public pressure for the passage of the bill
- To create an opportunity to raise awareness on the need for a thorough revision of the text of the current RTI bill to ensure that it complies with international best practice standards

All the objectives for the marches were achieved.

### Media Advocacy

The Coalition also set out to identify potential allies in Parliament by monitoring the parliamentary process. It networked with various MP's including the Deputy Speaker of Parliament Hon. Doe Adjaho and his Anti-Corruption counterpart, Hon. P.C. Ofori. The Coalition also sustained work with the Parliamentary Legal and Constitutional Committee. Parliament had listed the RTI Bill among the bills to be considered at its last sitting of the year, which ends in December 2009. The passing of the Bill has been delayed, but the pressure is on, and we hope to see it becoming law soon, although the current Bill is not as strong as we had hoped.

A number of media activities, print and electronic media, were conducted throughout the RTI Campaign: Press Freedom Day, Labour Day, Right to Know Day and was hosted on Coastal TV (Cape Coast) and Skyone (Takoradi), Melody FM, Choice FM, and Joy FM. In 2008, there were 42 stories on FOI that were monitored, 5 TV presentations and 21 radio and TV interviews. In 2009, there have been 50 articles recorded. At least three radio programmes were held on the networks of the Ghana Broadcasting Corporation (GBC): on Saturday, 23 January, the project was hosted by "Gems of Our Time", a youth focus magazine programme; on Monday 1 and Monday 8 February, the project was featured on the morning talk show and on Thursday, 11 February, the national radio hosted the project "Worker's Link", a radio programme run for the Ghana Trades Union Congress. In addition, there have been at least 10 newspaper articles/reports on Right to Information published in some key newspapers with extensive circulation.

### Regional Campaigns

Regional Right to Information Coalitions have been initiated in seven of the ten regions in the country. Workshops have already been hosted in the following regions: Central, Western, Ashanti, Brong Ahafo, Eastern and Volta Regions. A national meeting was organised for the regional coordinators on Wednesday, 26 January, 2010, to finalise the regional work plans and to strategise on the most prudent way to use the funds available for their grassroots activities. Chieftaincy Institutions have been playing an active role as participants in RTI workshops both at the national training workshop and in all regional workshops. This opportunity helped promote public understanding on the value of RTI in governance.

### **Progress**

Within the first year, the project has managed to meet at least 80% of its target activities. The following is a list of addressed activities for the year:

1. The Bill was "gazetted" and submitted to Parliament on the 19 January, 2010, the same day that the Attorney General was served notice of the Public March

organised by the Right to Information (RTI) Coalition. It is also the same day that notice of publication of the RTI Bill was given.

2. The Bill has received first reading in Parliament: on Friday, 5 February, the RTI Bill was presented on the floor of Parliament, given its first reading and referred to the relevant Parliamentary committee (Legal and Constitutional Committee).
3. Improved public interest in the RTI debate as a result of the public march and related media activities, as well as the country's hosting of the African Regional Conference on Right of Access to Information. Public interest in Right to Information may be said to have increased. This is demonstrated through the number and nature of media discussions on the subject.
4. Regional Coalition coordinators have had a number of meetings and are geared up for enhanced activities at grassroots levels.
5. Each of the top three political parties in Ghana (NPP, NDC and CPP) made a commitment to pass the Freedom of Information (FOI) Bill once in power.
6. The FOI Bill has been translated into various local languages.

## **Partners**

Ghana National Coalition on the Right to Information  
Media

### *Parliamentary Advocacy*

Advocacy at the Parliament Level will also be undertaken through the following means: text messages, one-on-one meetings, sensitisation meetings with select committees (Communications and Business Committee, Environment), submission of memoranda at the committee level and participating in public hearings on the Bill.

This will focus on strategically engaging Parliament to thoroughly review the content of the Bill in order to bring it in line with non-negotiable basic principles of right to information. This includes issues regarding nature of exempt information, independent monitoring agency, timeliness of access and the inclusion of private organisations, *inter alia*.

### *Grassroots Public Awareness Campaigns*

Public awareness will also focus on using the media and mass organisations such as faith-based groups. Additionally, students will be used to educate the public so that they can make useful contributions to Parliament during the review process.

Additionally, the Coalition will continue to translate the Bill into different languages to promote understanding to all people and also publish a guide to the implementation of the RTI Bill.

## **Conclusion**

The Right to Information Project is on course. Significant gains, such as the presentation of the Bill to Parliament, the motivation of public awareness and improved media interest have

been made. It is quite clear that presently the discourse on right to information is gaining national attention. There is a critical need to take advantage of the current momentum.

## **9. INSTITUTIONAL**

### **9.1. Governing Bodies**

#### **International Advisory Commission**

**Sam Okudzeto** is Chair of CHRI's International Advisory Commission and a member of the Commonwealth Lawyers Association. He is a member of the Board of International Bar Association and also a member of the Bank of Ghana Board and Chairman of the University of Ghana College of Health Sciences Council. He has also been a member of the Prisons Service Council, General Legal Council and the Judicial Council, Chairman of the Public Accounts and Judicial Sub Committee of the Parliament of Ghana, and President of the Ghana Bar Association.

**B.G. Verghese** is Chair of CHRI India's Executive Committee and formerly associated with the Commonwealth Journalist Association (CJA). A columnist and author, he is a former Information Advisor to the Prime Minister of India, former editor of Hindustan Times and Indian Express, Member of several official commissions and committees on water, security, the media, the Northeast and served on the boards of a number of public sector enterprises.

**Neville Linton** is Chair of CHRI's Executive Committee, United Kingdom, is a consultant on political affairs, specialises in democratisation and human rights issues in transition societies. Previously he was a political scientist at the University of the West Indies before serving as a senior official at the Commonwealth Secretariat. Currently he is a Senior Adviser with Transparency International and works on corruption issues in Africa and the Caribbean.

**Eunice Brookman-Amissah** is a former Minister of Health in Ghana and former Ambassador to the Netherlands. She has been associated with the Commonwealth Medical Association in her capacity as Vice-President of the Ghana Medical Association. She has been active in women's rights for many years and is currently Vice-President of IPAS in Africa.

**Murray Burt** is past president of the Commonwealth Journalists Association. He is a former City and National Editor of The Globe and Mail in Toronto, and a former Managing Editor of the Winnipeg Free Press. He is on the Board of Governors of the National Newspaper Awards in Canada and a past president and life member of the Canadian Association of Newspaper Editors.

**Yashpal Ghai** is a scholar in constitutional law. He is the head of the Constitution Advisory Support Unit of the United Nations Development Programme in Nepal and a Special Representative of the UN Secretary General in Cambodia on human rights. He has been a Fellow of the British Academy since 2005. He was the Chairman of the Constitution of Kenya Review Commission (which attempted to write a modern constitution for Kenya) from 2000 to 2004. Ghai has written several books on law in Africa, the Pacific islands, and elsewhere.

**Alison Duxbury** is a Senior Lecturer at the Law School of the University of Melbourne where she teaches International Humanitarian Law and Constitutional and Administrative Law. She is a member of the Advisory Board of the Melbourne Journal of International Law;



the International Humanitarian Law Advisory Committee, Australian Red Cross (Vic); the Asia Pacific Centre for Military Law; and the Australian and New Zealand Society of International Law.

**Zohra Yusuf** is a writer and editor on media and human rights issues. She has been a Council Member of the Human Rights Commission of Pakistan since 1990, was Vice-Chairperson (Sindh Chapter) from 1990-1993 and Secretary-General for two terms. She is also a Collective Member of Shirkatgah Women's Resource Center, a founding member of Women's Action Forum and a member of the Steering Committee of Aga Khan Foundation's NGO Resource Centre.

**Maja Daruwala** is Director of CHRI and is a barrister actively advocating for human rights. She is on the board of Civicus, Open Society Justice Initiative, International Women's Health Coalition, South Asians for Human Rights, Voluntary Action Network of India and Chairperson, Multiple Action Research Group.

### **Executive Committees**

**Executive Committee (India):** B.G. Verghese – Chairperson. Members: Anu Aga, B.K.Chandrashekar, Bhagwan Das, Nitin Desai, K.S. Dhillon, Harivansh, Sanjoy Hazarika, Poonam Muttreja, Ruma Pal, R.V. Pillai, Kamal Kumar and Maja Daruwala – Director.

**Executive Committee (Ghana):** Sam Okudzeto – Chairperson. Members: Anna Bossman, Neville Linton, Emile Short, B.G. Verghese, and Maja Daruwala - Director.

**Executive Committee (United Kingdom):** Neville Linton – Chairperson; Lindsay Ross – Deputy Chairperson. Members: Austin Davis, Meenakshi Dhar, Derek Ingram, Claire Martin, Syed Sharfuddin and Elizabeth Smith.

## 9.2. Staff Profile

### HEADQUARTERS, INDIA

**Mr. Mohan Sundaram:** *Secretary to the Director* has a Bachelor of Arts qualification and worked in both government and non-government organizations. Mohan assists the Director and the programmes and liaisons with the Governing Bodies.

**Ms. Vinu Sampath:** *Coordinator, Planning*, has a Doctorate in International Politics from Jawaharlal Nehru University, New Delhi. She has worked for twelve years in the development sector. She coordinates between CHRI offices and works on institutional matters, funding, planning, reporting to governing bodies and funders, and recruitment.

### HUMAN RIGHTS ADVOCACY PROGRAMME

**Mr. R. Iniyan Ilango:** *Consultant* has an LL.M degree from the National Law School of India University, Bangalore. Iniyan coordinates the Commonwealth Human Rights Network and developed CHRI's research and advocacy work related to UN Human Rights Council.

### MEDIA AND COMMUNICATION

**Ms. Aditi Datta:** *Media, Communications & Outreach Officer* holds an M.Phil degree in Political Science, and has previously worked as a journalist in India Abroad News Service, Indo-Asian News Service, Katha Publishing House and Centre for Science and Environment. Our bridge to the world of communiqué, her current assignments involve communicating CHRI's advocacy concerns into the mass media across the Commonwealth, and catalyzing journalists to write frequently on issues of human rights concerns on the newswires and list serves. She has been working for CHRI since 2003.

### ACCESS TO INFORMATION PROGRAMME

**Mr. Venkatesh Nayak:** *Programme Coordinator*, is presently a key public training resource on Right to Information across South Asia, Africa & the Caribbean. He has trained more than 6000 officers of government and more than 600 executives of public sector enterprises for implementing India's new transparency law. Previously a Doctoral Research Fellow in History, he has authored research and public education documents on the right to information, the basic structure of the Indian Constitution, issues of social justice, electoral reforms, efficacy of public audit mechanisms and fact-finding mission reports on human rights violations.

**Ms. Sohini Paul:** *Senior Project Officer*, has a Masters Degree in Geography and another in Regional Planning. She is an experienced trainer and has worked with PRIA previously. Her present tasks include conducting capacity building for civil society organizations on Right to Information and researching access to information issues as they relate to local governance. She has written and published books on the Panchayati Raj laws and the right to information for different states, some of which have been translated into Hindi as well.

**Mr. Saurabh Dhawan:** *Project Officer*, has a BA, LL.B. from Army Institute of Law, Mohali, and an LL.M from The National Law School of India University, Bangalore. Before joining CHRI, he worked for a year as an advocate at the Delhi High Court. Saurabh has also interned with the Central Information Commission, National Human Rights Commission and United Nations High Commissioner for Refugees (UNHCR), New Delhi. At CHRI, he works on the RTI India Programme, and additionally researches and analyses Freedom of information laws in Commonwealth African countries.

**Ms. Sanchita Bakshi:** *Project Officer*, has a Masters in Development Studies from Tata Institute of Social Sciences, Mumbai. She has been an exchange scholar to Sciences Po, Paris where she studied International Public Affairs. Prior to joining CHRI, Sanchita has researched to document gross human rights violations in Chattisgarh, India. At CHRI, she does research and advocacy work on access to information in South Asian Commonwealth countries.

**Ms. Vrinda Choraria:** *Senior Project Assistant*, has a BA (Hons.) in Political Science from the University of Delhi, and an MA in Global Affairs from the University of Buckingham, England. Vrinda works on the India programme, and in addition does research and analysis on RTI in Commonwealth countries of the Pacific and the Caribbean.

**Ms. Michelle Gurung:** *Administrative Assistant*, has a Bachelor of Arts degree in Sociology, from St. Xavier's College, Kolkata and a Post Graduate Diploma in Human Rights from the Indian Institute of Human Rights, New Delhi. She has previously interned with the media unit.

**Mr. Y. G. Muralidharan:** *External Collaborator, Karnataka, India*, is a Commerce Graduate with a Post Graduate Diploma in Journalism. He has worked for the Bharat Heavy Electricals Limited for 20 years. He has established the Consumer Rights Education and Awareness Trust (CREAT), and is actively engaged in holding workshops, seminars, training and capacity building Programmes for consumers, women groups, and lobbying with the local government for the implementation of RTI Act. He also writes weekly columns in many daily newspapers and conducted talks regularly on All India Radio.

**Dr. Rakesh Ranjan:** *External Collaborator, Madhya Pradesh, India* is an experienced journalist and runs an NGO called Sandhan. He is also the convenor of the Madhya Pradesh Suchana Adhikar Abhiyan a network of CSOs and activists working to spread awareness about the RTI law in that state. He conducts sensitization and awareness building workshops for government officers, CSO and media representatives.

**Dr. Muzaffar Bhatt:** *External Collaborator, Jammu and Kashmir, India*, is a dentist by profession. Dr. Bhatt has been advocating with the state government for proper implementation of the State RTI Act.

**Mr. Ajay Balajee:** *External Collaborator, Bihar, India*, is from an organization called Janadesh, in Madhubani, Bihar, and has successfully brought together a group of RTI activists in Madhubani working in extremely difficult conditions.

## **ACCESS TO JUSTICE PROGRAMME**

### **Police Reforms**

**Ms. Navaz Kotwal:** *Programme Coordinator*, holds a Masters in Microbiology. Ms. Kotwal has taken over coordination of the police reforms programme at the Delhi office. She has

been with CHRI since 2000, has developed the Gujarat project after the communal violence in Gujarat, to include, besides legal assistance with cases of victims of the communal violence, paralegal and lawyers trainings, and right to information. She also coordinates the judicial colloquium programme of CHRI. Navaz has authored several CHRI publications on policing. She was honoured with the Nani Palkiwala Civil Liberties award, awarded a fellowship to the Bellagio study centre and was nominated to the Yale University human rights fellowship in 2008, in recognition of her untiring efforts and work in Gujarat.

**Mr. Sanjay Patil:** *Programme Officer*, has earned a Bachelor of Environmental Studies and Bachelor of Laws from York University (Toronto, Canada). He was called to the Bar in 2003, has travelled extensively throughout the world and has a deep commitment to the protection of human rights. He has experience working with Human Rights Watch (Canada) and the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar. He is presently working on police reform issues across South Asia.

**Dr. Pushkar Raj:** *Programme Officer*, has a Ph.D. in Political Science, after having completed his M.A. and M. Phil. also in the same subject. He was in Army for a short while and later taught Political Science in Delhi University for six years. He has been associated with the social sector being the National Secretary of PUCL and Delhi State Coordinator of *Lokniti* at CSDS. He works closely with the Coordinator on police reforms matters in India.

**Ms. Ebba Martensson:** *Programme Officer*, has a Masters of Law. She worked in India with Lok Satta in the field of police and justice reforms prior to her joining CHRI. She has also worked on a short term contract with the International Criminal Court (ICC) and volunteered with the Swedish Section of International Commission of Jurist (ICJ-S). Ebba is a part of the Police Reforms Team (India) at CHRI.

**Ms. Aditi Diya Nag:** *Research Officer*, has a Juris Doctor from Syracuse University in New York. She did her undergraduate degree in Human Rights and Sociology, from Colombia University. She is a member of the New York Bar. Before joining CHRI, Diya completed a fellowship as a Junior Associate at The Asia Foundation in San Francisco. At CHRI, Diya is a part of the Police Reforms Team (India).

**Mr. Sumant Balakrishnan:** *Consultant*, has a Bachelor of Laws degree from Pune University. He is working in the Police Reform South Asia Programme, particularly managing the Network for Improved Policing (NIPSA) and contributing to research being done towards programme publications. He is also a guitarist for a leading New Delhi rock band.

**Mr. Parantap Das:** *Programme Officer*, is pursuing a doctorate in Criminology from Lok Nayak Jai Prakash Narayan National Institute of Criminology and Forensic Science, New Delhi. He has a post graduate degree in Criminology from Banaras Hindu University (BHU), and has done a certificate course in Human Rights from Indira Gandhi National Open University (IGNOU). He has previously worked as a faculty in National Institute of Social Defence, Ministry of Social Justice and Empowerment. Parantap is a part of the Police Reforms Team (India).

**Ms. Tennille Duffy:** *Programme Officer*, has a Bachelor of Arts, majoring in Sociology, and Bachelor of Laws (Hons), with a Diploma in Legal Practice, from the University of Newcastle. She has worked as a Tipstaff in the Supreme Court of NSW, Common Law Division, for one year. She has practiced as a solicitor-advocate in Sydney, specialising in criminal defence. She is working on police reform in East Africa at CHRI.

**Mr. Sherfudeen:** *External Collaborator, Kerala, India*, is a social worker based in Thellichery, Kannur district of Kerala and is with an organization called Mass Initiative for Non-violence and Democracy (MIND).

## **Prison Reforms**

**Ms. Puja Pascal:** *Programme Officer*, was a Consultant at the International Committee of the Red Cross working on armed conflicts and humanitarian law prior to joining CHRI. In addition to having a Masters in International Peace Studies from the UN University for Peace in Costa Rica, she has an M.A. in International Relations and an M.Phil in Disarmament Studies from Jawaharlal Nehru University, New Delhi.

**Ms. Paiker Nasir:** *Programme Officer*, has a Bachelors degree in law from the National Law Institute University (NLIU), Bhopal in 2006. Before Joining CHRI, she worked with the National Judicial Academy of India, Bhopal as a faculty member and was involved in a multitude of activities like programme coordination, policy research, strategic planning and development related to Prison Reform, Criminal Law, Effective Court Management, Dispute Settlements, Civil, Commercial and Economic Laws etc. She has also worked with Indlaw as a Legal editor, where she wrote articles and reviewed case laws.

**Mr. Currun Singh:** *Assistant Programme Officer*, graduated from Harvard University in 2007 and has worked on social development projects in Namibia, France, Morocco and India. He organized support cells for youth detainees in Casablanca with the Moroccan Prisons Observatory and also conducted community outreach for the South Asia Center, University of Chicago.

**Ms. Madhurima:** *Consultant, External Collaborator, West Bengal*, is a law graduate and has a postgraduate degree of LLM in Criminal Justice from the University of Nottingham, UK. She has practised criminal law in the High Court of Madhya Pradesh. She has studied prisons in detail during her post-graduate course, which prompted her to join CHRI and work on prison reforms.

**Ms. Priti Bhardwaj:** *Consultant*, has a Bachelor of Science degree with a major in Computing Science and Criminology from University of Vancouver, Canada. She has worked with the Royal Canadian Mounted Police in their Major Crime Section as well as with the Department of Criminology. She presently works in our prison reforms unit and assists our Consultant.

**Mr. R.K. Saxena:** *Honorary Consultant*, is a retired Inspector General of Prisons. He has been a Director in the All India Committee on Prison Reforms (1980 – 83) and is at present, the Vice President of Peoples Union for Civil Liberties (PUCL). He has completed a full study on Prison Conditions and the Prison Visiting System in Rajasthan.

## **ADMINISTRATION, FINANCE & ACCOUNTS**

**Mr. Anand Kumar:** *General Manager (Operations)*, has a BA (Hons.) in Economics, MA in Economics, Post graduate Diploma in Personnel Management and Industrial Relations and an MBA in Human Resources. He has over 20 years of experience with corporate and International Development sector in the field of office Administration. His team of Facilities management staff was awarded best team award twice in DFID India. He is the overall in-charge of all operations at CHRI.



**Mr. K S Rautela:** *Manager-Accounts*, has over 10 years experience of keeping accounts in the commercial sector and is responsible for designing and implementing systems for maintaining of accounts keeping in view the statutory/donors and individual project requirements. He oversees the audits and the day-to-day flow of finances into the programmes.

**Mr. Swayam Cheta Mohanty:** *Manager –IT*, has a Master Degree in Computer Application. Best Worker Awardee for his noteworthy work as a System Executive at Deepalaya, an NGO, he looks after setting up workstations; hardware maintenance and software procurement and management; website maintenance; trouble-shooting and response to users; maintenance of server and group wise E-mail system of the office.

**Mr. Radhey Shyam Mandal:** *Executive Assistant, Human Resources*, has a BA (Hons.) in History, PG Diploma in Journalism, and is pursuing an MBA in Human Resources from Sikkim Manipal University. He has four years of work experience, and is a member of All India Management Association.

**Mr. Chenthil Kumar Paramasivam:** *Administrative Assistant* worked with CHRI previously and has recently rejoined us. He has a Diploma in Electronics and is assisting the organization in its publications work and also assists the police reforms team as administrative assistant.

**Mr. P. Prasad:** *Senior Accounts Assistant*, has a B.Com degree from Kerala University. Prasad has 13 years experience in accounts.

**Mr. Bruce Lee:** *Accounts Assistant*, has an M.Com degree from Kerala University. Bruce has 2 years experience in accounts.

**Mr. Subhash Kumar Patra:** *Office Assistant*, renders his priceless help to all office staff in routine works. He mainly handles the photocopy section of the office.

**Ms. P. Ajay Babu:** *Office Assistant*, renders his invaluable help to all office staff in all routine works. He mainly handles postage and courier department of the office.

**Ms. R. Rajeshwari:** *Office Help*, who looks after hygiene and cleanliness of the office and ensures good hospitality to the visitors.

#### **UNITED KINGDOM OFFICE, LONDON**

**Ms. Uttara Shahani:** *Liaison officer*, Barrister of the Inner Temple, with a BA (hons) in Political Science from Delhi University, BA (hons) in Law from University of Cambridge and an MA in Migration and Law, from University of London. She was Pupil Barrister, 6 Kings Bench Walk, Chambers of Sibghat Kadri QC (2004-2005) and was London Liaison Officer CHRI (2007-2008). Uttara is a freelance writer.

**Mr. Frederick Cowell:** *Legal and Research Officer*, is currently studying for a PhD in International Human Rights Law, specialising in rule of law theory, regional human rights institutions and African post conflict law. He trained as a barrister and has previously worked as law teacher and has published in the area of African Human Rights law. Formerly the Liaison Officer, Fred is now responsible for research, studies and advocacy on the legal aspects of the London offices programme work; he also leads on the general advocacy project re monitoring Rwanda.

**Ms. Alix Langronat** (Intern), provides legal research support for the London office. She is currently completing her training as a solicitor and previously was a paralegal working in human rights and social welfare. Prior to training as a lawyer she studied politics at the University of Sheffield.

**Ms. Catherine Fischl** (Intern), is working on the London Offices Journalists and Media Freedom project and is currently a student at the College of Law. She studied English Literature at Cambridge University, and worked in publishing and media law before starting her legal studies.

#### **AFRICA OFFICE, ACCRA**

**Ms. Caroline Nalule:** *Regional Coordinator*, is an advocate of the High Court of Uganda. She holds a Masters Degree in International Human Rights from Lund University and the Raoul Wallenberg Institute for Human Rights and Humanitarian Law. She also holds a Post-Graduate Diploma in Legal Practice from the Law Development Centre, Kampala; and a Bachelor of Laws Degree from Makerere University, Kampala. She has worked as a legal researcher for private legal practitioners as well as in the Court of Appeal of Uganda. She also worked as the head of the legal department of an investment and legal consultancy firm before she joined the Uganda Human Rights Commission, where she was Director Complaints, Investigations and Legal Services.

**Mr. Joseph Kingham Ochill:** *Administrative Officer and Accounts Assistant*, holds a Bachelors Degree in Psychology from the University of Ghana. Joseph is in charge of the general administration of the office and also helps in keeping accounts. He also provides research assistance in the Africa office.

**Ms. Mina Mensah:** *Project Officer* for the Police Accountability Project, also co-ordinates the Justice Centres Project. She holds an MSC in Development Studies from the London South Bank University, England and has a background in Public Relations.

**Mr. Stephen Okai Aboagye:** Stephen holds a Bachelor of Arts Degree in Political Science from the University of Ghana-Legon. He serves as a Project Assistant on Police Accountability and Justice Centres Project at the CHRI, Africa Office.

**Ms. Anastacia Karimu:** Anastacia has a BSc in Constitutional Law and Political Science from the University of Mohammed V in Rabat, Morocco. She is a Project Assistant on Right to Information at the CHRI Africa Office.

**Mr. Isaac Pwazagah:** Isaac is a high school graduate. He serves as the Administrative Assistant, and assists in general administration of the Africa Office.

**Mr. Freduah Agyeman Osborn:** Osborn is a service personnel with a Degree in Law (LLB) from the Kwame Nkrumah University of Science and Technology. He assists with the Police Accountability and Justice Centres Project.

**Ms. Jade Cooper:** Jade is currently completing a Bachelor of Laws, Bachelor of International Studies and a Diploma of Languages (Japanese) Degrees at the University of Adelaide, Australia. Jade is working on the Police Accountability and Justice Centres Projects as a CHRI intern.

**Ms. Julie Ghostlaw:** Julie is currently completing a Bachelor of Arts in African Studies and Political Science at the University of Ghana-Legon and Mount Holyoke College, United States.



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- Information Bill will Affirm the Sovereignty of the People- April 3, 2009
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- Group Speaks On Freedom Of Information Bill- November 2, 2009

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# COMMONWEALTH HUMAN RIGHTS INITIATIVE



## BALANCE SHEET AS ON MARCH 31, 2010 (CONSOLIDATED ACCOUNT)

LIABILITIES				ASSETS			
As at 31.03.2009 (Amount Rs.)	Particulars	As at 31.03.2010 (Amount Rs.)		As at 31.03.2009 (Amount Rs.)	Particulars	As at 31.03.2010 (Amount Rs.)	
32,072,196	<b>General Fund</b>			4,319,384	<b>Fixed Assets</b> (As per Schedule-1)		4,625,039
	As per last accounts	32,072,195					
	Add: Fixed Assets purchased during the year	349,655					
	Add: Excess of Income over Expenditure	4,671,690	37,093,540		<b>Current Assets</b>		
					<b>a) Fixed Deposits</b>		
				5,207,055	- Bank of India	5,615,496	
				2,628,907	- State Bank of India	2,827,051	
				12,195,296	- ICICI Bank Ltd	13,282,554	21,725,101
500,000	<b>SPECIAL PROJECT FUND</b> (u/s 11(2) of the Income Tax Act, 1961)	500,000			<b>b) Investment in Mutual Funds</b>		
				3,500,000	(As per Schedule-3)	2,996,658	2,996,658
					<b>c) Bank Balances</b> In accounts with :		
				1,783,898	- State Bank of India	2,018,991	
				1,094,345	- Bank of India	910,979	
				6,534	Bank of India -UNDP SAJI-1	-	
				1,318,884	- Bank of India - SDTT	3,691,781	
				440,750	- HDFC Bank	610,049	
							7,231,800
<b>32,572,196</b>	<b>Total c/f</b>		<b>37,593,540</b>	<b>32,495,053</b>	<b>Total c/f</b>		<b>36,578,598</b>



LIABILITIES				ASSETS			
As at 31.03.2009 ( Amount Rs.)	Particulars		As at 31.03.2010 ( Amount Rs.)	As at 31.03.2009 ( Amount Rs.)	Particulars		As at 31.03.2010 ( Amount Rs.)
32,572,196	Total b/f		37,593,540	32,495,053	Total b/f		36,578,598
	<b><u>Current Liabilities :</u></b>				<b><u>d) Cash Balances</u></b>		
1,809,831	Sundry creditors for expenses		1,139,506	183,974	- Cash in hand	117,668	
				148,719	- Foreign Currency in hand	20,498	138,166
				241,814	<b>e) Tax Deducted at Source</b>		387,981
				1,312,467	<b>f) Sundry Debtors</b> ( Considered good, receivable in cash or in kind )		1,628,301
34,382,027	<b>Total</b>		38,733,046	34,382,027	<b>Total</b>		38,733,046

As per our report of even date

For Awatar & Co  
Chartered Accountants

*Sanjay Agrawal*

(Sanjay Agrawal)

Partner M. N. 087786



For and on behalf of Commonwealth Human Rights Initiative

*Chairperson & Treasurer*

Chairperson & Treasurer

*Director*

Director

Place : New Delhi

Date : 20/09/2010



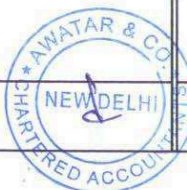
# COMMONWEALTH HUMAN RIGHTS INITIATIVE



## INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED MARCH 31, 2010

### (CONSOLIDATED ACCOUNT)

2008-2009 (Amount Rs.)	Expenditure	2009-2010 (Amount Rs.)	2008-2009 (Amount Rs.)	Income	2009-2010 (Amount Rs.)
	<b>Grantwise Expenses - As per Schedule -2</b>			<b>Grant Receipts</b>	
838,265	Action Aid-Developing Capacity & Resource on Right to Information	7,310	296,065	Action Aid-Developing Capacity & Resource on Right to Information	-
3,652,176	British High Commission-Access to Justice Gujarat	-	3,677,320	British High Commission - Effective Implementation of RTI Laws in India	-
2,287,663	British High Commission-Promoting equality before the law for disadvantaged groups	4,931,592	3,679,183	British High Commission - Access to Justice - Gujarat	1,105,903
9,660	Commonwealth Foundation- CHRF Meeting	-	1,655,917	British High Commission-Promoting equality before the law for disadvantaged groups	4,916,321
1,240,497	Friedrich Naumann Stiftung - Promoting RTI and Police Reforms in South Asia	2,930,759	2,223,571	Canadian International Development Agency-CHRF Meeting	-
2,947,993	Ford Foundation- New York - Institutional Grant	2,522,239	1,209,837	Friedrich Naumann Stiftung - Promoting RTI and Police Reforms in South Asia	2,696,179
1,634,273	NZ Agency for International Development-Right to Information Programme- Pacific	135,013	3,164,859	Ford Foundation- New York - Institutional Grant	3,618,427
3,014,081	Open Society Institute - Institutional Grant.	2,874,012	-	NZ Agency for International Development-Right to Information Programme- Pacific	264,168
1,193,031	Swiss Agency for Development & Cooperation-Police Reforms- Chattisgarh	-	5,464,490	Open Society Institute - Institutional Grant.	-
-	Democracy Coalition Project ( DCP) USA-Travel support for Human Rights Council Advocacy Mission-	440,335	2,003,207	Swiss Agency for Development & Cooperation-Police Reforms- Chattisgarh	233,031
-	Netherland Minister for Development Cooperation-Access to Justice for Marginalised Communities with a Special Focus on Religious Minorities	2,361,232	-	Democracy Coalition Project ( DCP) USA-Travel support for Human Rights Council Advocacy Mission-	479,534
<b>16,817,639</b>	<b>Total c/f</b>	<b>16,202,492</b>	<b>23,374,449</b>	<b>Total c/f</b>	<b>13,313,563</b>





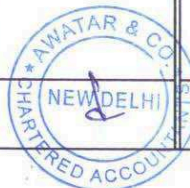
# COMMONWEALTH HUMAN RIGHTS INITIATIVE



## INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED MARCH 31, 2010

### (CONSOLIDATED ACCOUNT)

2008-2009 (Amount Rs.)	Expenditure	2009-2010 (Amount Rs.)	2008-2009 (Amount Rs.)	Income	2009-2010 (Amount Rs.)
	<b>Grantwise Expenses - As per Schedule -2</b>			<b>Grant Receipts</b>	
838,265	Action Aid-Developing Capacity & Resource on Right to Information	7,310	296,065	Action Aid-Developing Capacity & Resource on Right to Information	-
3,652,176	British High Commission-Access to Justice Gujarat	-	3,677,320	British High Commission - Effective Implementation of RTI Laws in India	-
2,287,663	British High Commission-Promoting equality before the law for disadvantaged groups	4,931,592	3,679,183	British High Commission - Access to Justice - Gujarat	1,105,903
9,660	Commonwealth Foundation- CHRF Meeting	-	1,655,917	British High Commission-Promoting equality before the law for disadvantaged groups	4,916,321
1,240,497	Friedrich Naumann Stiftung - Promoting RTI and Police Reforms in South Asia	2,930,759	2,223,571	Canadian International Development Agency-CHRF Meeting	-
2,947,993	Ford Foundation- New York - Institutional Grant	2,522,239	1,209,837	Friedrich Naumann Stiftung - Promoting RTI and Police Reforms in South Asia	2,696,179
1,634,273	NZ Agency for International Development-Right to Information Programme- Pacific	135,013	3,164,859	Ford Foundation- New York - Institutional Grant	3,618,427
3,014,081	Open Society Institute - Institutional Grant.	2,874,012	-	NZ Agency for International Development-Right to Information Programme- Pacific	264,168
1,193,031	Swiss Agency for Development & Cooperation-Police Reforms- Chattisgarh	-	5,464,490	Open Society Institute - Institutional Grant.	-
-	Democracy Coalition Project ( DCP) USA-Travel support for Human Rights Council Advocacy Mission-	440,335	2,003,207	Swiss Agency for Development & Cooperation-Police Reforms- Chattisgarh	233,031
-	Netherland Minister for Development Cooperation-Access to Justice for Marginalised Communities with a Special Focus on Religious Minorities	2,361,232	-	Democracy Coalition Project ( DCP) USA-Travel support for Human Rights Council Advocacy Mission-	479,534
<b>16,817,639</b>	<b>Total c/f</b>	<b>16,202,492</b>	<b>23,374,449</b>	<b>Total c/f</b>	<b>13,313,563</b>



# COMMONWEALTH HUMAN RIGHTS INITIATIVE



## RECEIPTS & PAYMENTS ACCOUNT FOR THE YEAR ENDED MARCH 31, 2010

### (CONSOLIDATED ACCOUNT)

2008-2009 ( Amount Rs.)	Receipts	2009-2010 ( Amount Rs.)	2008-2009 ( Amount Rs.)	Payments	2009-2010 ( Amount Rs.)
	<b>Opening Balance :</b>		875	Audit Expenses	1,180
2,992,559	State Bank of India	1,783,898	1,092,649	Advertisement Expenses	758,035
153,604	Bank of India	1,094,346	71,312	Bank Charges	79,487
2,475	Bank of India-UNDP-SAJI-1	6,534	2,606,125	Boarding & Lodging Expenses	2,698,090
3,088,170	Bank of India-SDTT	1,318,884	57,919	Books & Periodicals	84,119
286,041	HDFC Bank	440,750	3,823,610	Consultancy Charges	4,067,924
113,300	Cash in hand	183,975	898,238	Conveyance Expenses	947,437
177,754	Foreign Currency in hand	148,719	439,091	Electricity & Water Charges	402,932
11,846,694	Fixed Deposits	20,031,258	53,788	Equipment Hire Charges	127,520
3,500,000	Investment in Mutual Funds	3,500,000	-	Fee & Subscription	63,465
<b>22,160,597</b>		<b>28,508,364</b>	503,596	Honorarium	291,173
	<b>Grants Received :</b>		8,296	Insurance Expenses-Office	8,282
3,679,183	British High Commission - Access to Justice - Gujarat	1,105,903	130,933	Insurance Expenses-Staff	131,376
3,677,320	British High Commission - Effective Implementation of RTI Laws in India	-	399,928	Internet Expenses	387,684
1,655,917	British High Commission-Promoting equality before the law for disadvantaged groups	4,916,321	117,123	Leave Encashment	8,817
296,065	Action Aid-Developing Capacity & Resource on Right to Information	-	559,269	Legal & Professional Charges	144,791
2,223,571	Canadian International Development Agency -- CHRF Meeting	-	33,950	Miscellaneous Expenses	57,727
-	Democracy Coalition Project ( DCP) USA- Travel support for Human Rights Council Advocacy Mission-	479,534	1,600	Medical Expenses	-
10,700,000	Sir Dorabji Tata Trust - Institutional Grant	14,700,000	-	Meeting Expenses	184,863
<b>44,392,653</b>		<b>49,710,122</b>	<b>10,798,302</b>		<b>10,444,902</b>
<b>44,392,653</b>	Total c/f	<b>49,710,122</b>	<b>10,798,302</b>	Total c/f	<b>10,444,902</b>





2008-2009 ( Amount Rs.)	Receipts	2009-2010 ( Amount Rs.)	2008-2009 ( Amount Rs.)	Payments	2009-2010 ( Amount Rs.)
44,392,653	Total b/f	49,710,122	10,798,302	Total b/f	10,444,902
1,209,837	Friedrich Naumann Stiftung - Building awareness on RTI	2,696,179	366,122	Office Expenses	279,860
3,164,859	Ford Foundation -New York -Institutional Grant	3,618,427	601,966	Postage & Telegrams	468,840
1,174,449	Open Society Institute-RTI - Promoting effective access to information regimes in countries of South Asia	-	598,332	Per-diem Expenses	639,416
5,464,490	Open Society Institute - Institutional Grant	-	3,242,436	Printing & Publications	2,837,722
2,003,207	Swiss Agency for Develop. & Cooperation - Police Reforms - Chattisgarh	233,031	1,912,782	Rent,Rates & Taxes	1,764,367
-	NZ Agency for International Development - Right to Information programme-Pacific	264,168	2,000	Recruitment Expenses	14,667
-	Open Society Institute-Bangkok - Capacity building training to Sri Lankan Civil Society	1,433,240	512,566	Repair & Maintenance	552,260
89,881	CHRI Ghana - AC Meeting and CHOGM Expenses Reimbursement	-	7,061,397	Salary & Benefits	7,868,174
-	Netherland Minister for Development Cooperation-Access to Justice for Marginalised Communities with a Special Focus on Religious Minorities	3,634,623	13,480	Staff Training Expenses	-
	<b>Other Receipts</b>		21,158	Software Expenses	5,150
	Interest :		123,996	Security Expenses	87,276
	Interest on Fixed Deposits	1,837,461	483,294	Telephone Expenses	480,591
159,639	Interest on Savings Bank Accounts	259,164	4,556,841	Travelling Expenses	3,789,571
213,164	Miscellaneous Receipts	582,302	78,065	Visa Expenses	143,929
232,049	Sale of Books	16,099	156,566	Venue Charges	249,542
100,699	Sale of Assets	12,000	518,376	Computer and Printers	59,250
29,500	Donation Received	-	111,655	Furniture & Fixture	2,360
100,538	Dividends	317,755	8,400	Fridge Account	-
			-	Fax Account	6,100
59,862,777		64,614,571	31,167,734		29,693,977
59,862,777	Total c/f	64,614,571	31,167,734	Total c/f	29,693,977



2008-2009 ( Amount Rs.)	Receipts	2009-2010 ( Amount Rs.)	2008-2009 ( Amount Rs.)	Payments	2009-2010 ( Amount Rs.)
59,862,777	Total b/f	64,614,571	31,167,734	Total b/f	29,693,977
			9,400	Home Appliances	-
260,816	Increase/Decrease in Sundry Debtors	-	17,247	Office Equipment	82,425
654	Increase/Decrease in Sundry Creditors	-	76,000	Printer	-
			14,750	Software	20,320
			325,128	UPS & Invertor	179,200
			-	Loss on Sale of Mutual Funds	501,095
			-	Increase/Decrease - Sundry Debtors	462,002
			-	Increase/Decrease - Sundry Creditors	670,326
			5,625	Refund of Grant	913,500
				<b>Closing Balance :</b>	
			1,783,898	State Bank of India	2,018,991
			1,094,346	Bank of India	910,979
			6,534	Bank of India - UNDP	-
			1,318,884	Bank of India - SDTT	3,691,781
			440,750	HDFC Bank	610,050
			183,975	Cash in hand	117,668
			148,719	Foreign currency in hand	20,498
			20,031,258	Fixed Deposits	21,725,101
			3,500,000	Investment in Mutul Funds	2,996,658
60,124,247	<b>Total</b>	64,614,571	60,124,247	<b>Total</b>	64,614,571

As per our report of even date

For Awatar & Co.,  
Chartered Accountants

*Sanjay Agrawal*

(Sanjay Agrawal)

Partner M. N. 087786



For and on behalf of Commonwealth Human Rights Initiative

*[Signature]*  
Chairperson & Treasurer

*[Signature]*  
Director

Place : New Delhi

Date : 28/09/2010