

WELFARE BEHIND BARS: RECENT DEVELOPMENTS

Report on Proceedings



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Background & Context

The *Prison Reforms Programme* of Commonwealth Human Rights Initiative (CHRI) organised a one-day workshop on 18th December at Floatel, Kolkata, West Bengal on ‘***Welfare Behind Bars: Recent Developments***’. The workshop brought together 27 Welfare Officers, Controllers, Assistant Controllers and Superintendents appointed to the various Central & District Correctional Homes in West Bengal.

The workshop was designed to encourage prison officers to share the barriers experienced while working to ensure access to legal aid services, the quality of legal aid services delivered, working of the Undertrial Review Committee’s (UTRCs) and dealing with vulnerable categories of prisoners in Correctional Homes. It also gave them an opportunity to discuss their role, the challenges they face each day, what actions they can take in different scenarios and last but not least what good practices they can adopt in order to remedy issues they face. By engaging with the Welfare Officers this workshop focused on bringing to the fore good practices, share experiences and find solutions to problems faced by prison officers.

INAUGURAL SESSION

Madhurima Dhanuka, (Coordinator, Prison Reforms Programme of CHRI) set the tone of the meeting and informed the participants about the purpose of the having the workshop. She encouraged participants to be interactive so that the workshop could act as a forum where the prison officers may raise important issues that they face while performing their duties. These issues include ensuring access to legal aid services, the working of the Undertrial Review Committee’s (UTRCs) and dealing with vulnerable categories of prisoners (women, the mentally challenged, persons aged 18-21 years, foreign nationals and asylum seekers in Correctional Homes). She then went through the agenda and contents of the kit that had been given to all participants.

She then called upon Mr. Biplab K. Dasgupta (Additional Inspector General, Directorate of Correctional Services, West Bengal) to deliver his inaugural address. In his address Mr Dasgupta emphasised on the various steps being taken by the correctional services department for the welfare of prisoners. He emphasised upon the importance of skill development amongst prisoners. He said ‘Skill development is the basic key of correctional management system’. Mr. Dasgupta discussed at length the various initiatives that the correctional services department has undertaken to develop skills amongst the prisoners. He spoke of the collaboration between *Tantuja* and the correctional services department wherein products made by the inmates will be available at all *Tantuja* outlets. Mr. Dasgupta talked about the success of the correctional department in starting a

bakery at Alipore Correctional Home, Mustard Oil Mill at Jalpaiguri and Presidency Correctional Home. He added that a puffed rice mill was also developed at one of the Correctional Home's at a meagre amount of Rs. 62,000. Mr. Dasgupta stressed on the need for collaborations to develop skillset among the inmates as collaborations with JangalMahal Utsav, Saras Mela and Kolkata book fair have added to the welfare of the prisoners. In the Question and Answer session after the address, a prison officer raised the issue of aftercare of prisoners to which Ms. Dhanuka suggested that this area lacks much directed effort, and best practices from other states such as having placement cells in correctional homes, inviting corporates and employers should be thought of by the department.

SESSION I: LEGAL AID SERVICES IN PRISONS & UNDERTRIAL REVIEW COMMITTEES

Ms. Amrita Paul, Programme Officer, CHRI started this session by sharing the findings of a joint study conducted by Department of Correctional Administration and CHRI in 2015/16¹ with the participants. She presented an evaluation of the data which gave an insight into the status of legal aid services and undertrial review committees in correctional homes in West Bengal.

According to the study done in 39 correctional homes, only 32 had permanent legal aid clinics out of which only 24 had Para-legal Volunteers. In only 29 correctional homes panel lawyers had appointed by the legal services authorities. The findings showed evidence that both PLVs and panel lawyers are visiting, but such visits are neither structured, nor properly documented thus making them ineffective.

Ms. Paul then discussed the National Legal Services Authority's Standard Operating Procedure (SOP) for Representation of Persons in Custody 2016. She explained that the rationale behind the SOP was to promote uniformity across the country in providing representation to those in custody and to strengthen the system of interaction with inmates in correctional homes. She stressed on the need of proper reporting and documenting of cases as well as grievances of inmates by the prison officers in correctional homes and forwarding them to DLSA Secretaries. A copy of the SOP in Bengali was also provided to the participants which was requested to be placed in the legal aid clinics in their respective Correctional Homes.

¹<http://www.humanrightsinitiative.org/publication/legal-aid-services-in-correctional-homes-of-west-bengal-2015>

Ms. Paul also discussed the findings of another joint study by Department of Correctional Administration and CHRI on Undertrial Review Committees in West Bengal, 2015², which revealed that out of the 58 correctional homes that participated in the study only 11 reported that the Undertrial Review Committees had been formed. (UTRC)

The Correctional Homes had reported that though 63 people were eligible for release u/s 436(A) only 8 were released. 44 out of 58 Correctional Homes reported no eligible person u/s 436(A), while 81 undertrials were detained due to their inability to pay the surety.

Ms Paul then discussed the guiding note prepared by CHRI on the revised mandate of UTRC after the recent orders³ in the In Re Inhuman Conditions in 1382 Prisons. She then summarised the findings of the CHRI's recent study on functioning of the legal aid clinics⁴. She emphasised on a proper nexus between the convict PLVs, community PLVs and JVLs/panel lawyers to ensure that proper legal aid is being provided to the undertrials so that they are aware of their right to legal aid.

The next speaker was Mr Arijit Mukhopadhyay (Secretary, District Legal Services Authority, South 24 Parganas) who discussed the importance of NALSA's SOP which helps the prison officers in performing their duties in an effective manner to deal with the inmates and providing support to legal aid services representatives to carry out their tasks. He stressed on the necessity of interaction between all the stakeholders to ensure better prison management and implementation of SOP. Mr. Mukhopadhyay also showed his gratitude towards CHRI for conducting periodic studies on legal aid in the state and also for preparing a precis of the NALSA SOP.

He accepted that prisons are overburdened and this problem cannot be solved completely but the situation can improve if effective implication of SOP is done at the correctional homes which will reduce the trend and ensure the rights of the prisoners. Mr. Mukhopadhyay discussed the role of correctional homes in ensuring the rights of prisoners and how correctional methods used there helps the inmates in contributing to the society after their release.

This was followed by an interactive session, wherein the participants raised a number of issues before Mr. Mukhopadhyay. Some of these have been discussed below:

²<http://www.humanrightsinitiative.org/publication/undertrial-review-committees-setup-and-functioning-in-west-bengal-joint-study-by-chri-directorate-of-correctional-services-wb>

³ 24th April 2015, 7th Aug 2015, 5th Feb 2016, 6th May 2016, 20th Sep 2016, 17th Feb 2017, 2nd May 2017, 15th Sep 2017, 10th Oct 2017, 30th Oct 2017 and 12th Dec 2017.

⁴<http://www.humanrightsinitiative.org/publication/prison-legal-aid-clinics-in-west-bengal-bringing-justice-closer>

1. **Applications u/s 436 (a) are being sent by the welfare officers, but bail is granted rarely. No reasons for rejection as given.** Mr. Mukhopadhyay highlighted that a judge may exercise his discretion and not grant bail which is the reality in most of the cases. However, he admitted that sometimes the panel lawyers do not move the applications u/s 436(A) properly. To improve this, better coordination is required between the prison officers and DLSA. The prison officers should also send a list of the 436(A) applications to the DLSA.
2. **The Court grants bail but the prisoner cannot furnish the bail bond due to various reasons.** Mr. Mukhopadhyay said that the DLSA's role is limited here and it has no scope to furnish bond. Upon application by the prison officer, the DLSA can only move application before the concerned Judge to release the prisoner on PR bond as bail order is issued to grant curtailed liberty and if the judge is already inclined to give bail, he can be asked to reconsider.
3. **Non-communication of details of lawyers in intimation of their appointment to prison authorities.** Mr. Mukhopadhyay responded that whenever an appointment is done, a letter is given to the judge and the superintendent which contains the name and contact number of the appointed lawyer. However, Mr. Mukhopadhyay promised action if any discrepancy is found in this system.
4. **Panel Lawyers do not physically interact with the undertrials.** Mr. Mukhopadhyay agreed but pointed out the logistical problems which make it impractical for panel lawyers to interact with the undertrials. He suggested the best solution would be to keep in touch with the lawyer via phone.
5. **Lack of physical production of prisoners** was another issue that cropped up during discussion. Mr. Mukhopadhyay suggested that the prison officers should write on behalf of the undertrial to the judge regarding his/her non production. To this Ms Paul informed the participants that a sample prison petition raising this issue had been provided to the participants in their kit and pen drive. They may use it in future to send complaints on behalf of inmates.
6. **Issue of legal aid service in Sealdah Court:** Mr Mukhopadhyay stated that Sealdah is not designated as a sub-divisional court, as such an SDLSC cannot be established there in the absence of an administrative or judicial order making it a sub-divisional court. It was suggested that a community paralegal may be appointed from Sealdah to resolve the issue of legal aid for prisoners. He agreed to consider the request.

SESSION II: VULNERABLE CATEGORIES OF PRISONERS

a) *Juveniles in detention:* The first segment of the second session titled ‘Vulnerable Categories of Prisoners’ was conducted by Dr. Bipasha Roy, a child rights activist and former member Juvenile Justice Board, Kolkata. Dr. Roy began by analysing the recent developments in criminal law especially the Juvenile Justice Act, 2015 (JJ Act).

She emphasised on the new nomenclature under the JJ Act wherein ‘Children in Conflict with Law’ (CCL) has replaced the term ‘Juvenile’. She discussed three categories of offences under the JJ Act, 2015 namely petty offence, serious offence and heinous offence. Under the new Act, the JJ Board can sentence a CCL who is above the age of 16 years and has committed a heinous offense as an adult upon preliminary assessment.

She expressed her reservation against this provision and explained the safeguards present in the act before the decision of trying a CCL as an adult is taken. If JJB’s assessment is in favour of a CCL being tried as an adult, an appeal can be filed against the decision of the JJB before the Children’s Court. Every possible effort is made to retain the child in the juvenile justice system. A CCL is sent to a correctional home only after he attains the age of 21 years. The children’s Court is supposed to design an ‘Individual Care Plan’ for the CCL and a yearly round up to check his/her progress. The CCL has the power to release the CCL on certain conditions.

Dr. Roy explained the prison officers about the provisions regarding non-retention of a child at a Correctional Home. She stressed that it is the duty of all the stakeholders to ensure that a child is always sent to a juvenile home after his identification, which may happen at any stage after his/her arrest. Dr. Roy cited a Delhi High Court Judgement wherein the Hon’ble Court opined that the arrest memo should contain the age of the person and if the accused appears to be a juvenile and the police officer believes so, then he should be produced before the JJB. She also raised concern over rising number of cases where trafficked women and children were being prosecuted as perpetrators despite an advisory issued by the Ministry of Home Affairs stating that they should be placed in shelter homes.⁵

This was followed by an interactive discussion; some recommendations that came forth are as follows:

- Sensitisation of communities and police officers is required with regards to the Juvenile Justice Act.

⁵ Ministry of Home Affairs Advisory dated 01.05.2012 No.14051/14/2011-FVI.

- Often, foreign nationals are separated as the parents stay in CH and their children stay at Homes under JJ Act. Dr. Roy raised the issue that no proper mechanism is available for these people to get in touch with one another. She suggested that video conferencing facilities should be arranged to resolve this problem.
- If repatriation of the parents is coordinated through proper channels, then their children could be repatriated with the parents in order to ensure their safety as well as prevent dissolution of families on account of procedural deficits. It was brought to light by Dr. Roy that it takes a minimum of 21 weeks to process a juvenile for repatriation. Some policy level works needs to be initiated in this regard.
- Further, Dr. Roy also discussed why some foreign nationals could not be repatriated, as they are the witness in some case. If a video conferencing mechanism can be put in place, this problem can be solved as well.

b) ***Disability rights & prisoners:*** The second segment was on United Nations Convention on Rights of Persons with Disabilities (UNCRPD), Mental Health Act, 2017 (MHC Act), Rights of Persons with Disabilities Act, 2016 (RPD Act) and Rights of the Prisoners. Ms. Shampa Sengupta, who is associated with Sruti Disability Centre and is the Joint Secretary of National Platform for the Rights of the Disabled(NPRD, took this session. She stated that reforming prisons should include making them disabled friendly. Ms. Shampa Sengupta emphasised that like every other institution, C.H should also be disabled friendly.

India signed and ratified UNCRPD in 2007 but there is a need to bring all the domestic laws at par with the terms stated in the UNCRPD. The government in this regards has taken some right steps namely the passage of RPD Act, 2016 and MHC Act, 2017. RPD Act of 2016 recognizes 21 disabilities as against the 7 recognized by the 1995 Act but it does not mention the rights of prisoners with disabilities. However, it talks about rights of disabled people like protection from cruelty and inhuman treatment.

Ms. Sengupta then discussed the MHC Act, 2017 which contains specific provisions for prisoners with mental illness. The Act mandates the government to train medical officers in prisons and correctional homes to provide basic mental healthcare. During the discussion, it became known that the prison officers have no proper mechanism to identify the mentally disabled person which was the initial challenged faced by them.

Ms. Sengupta discussed the case of G.N. Saibaba, a person with 90% disability who is in solitary confinement in the infamous Anda cell at the Nagpur Central Jail. The permission to shift him to

a hospital has been denied on multiple occasions as his medical condition deteriorates. Ms. Sengupta also raised the issue of wandering people being locked up in Correctional Homes even though law prohibits detention of non-criminal lunatics.

The two major issues that were highlighted in the session were firstly, identification of mental illnesses in prisoners is one of the problems faced by the welfare officers. Upon discussion, it was found that most of the prisoners need some kind of counselling and interaction that helps them in coping up. Secondly, only 3 correctional homes have clinical psychologists, and few have only visiting psychiatrists. One of the ideas discussed as a probable solution was to garner support from students of psychology from local colleges/universities can intern at CH or set up camps to help prisoners on similar lines as that of legal aid clinics by law universities.

c) Foreign National Prisoners: The third segment of the session was conducted by Ms. Madhurima Dhanuka on Foreign National Prisoners wherein she discussed CHRI's latest publication – Frequently Asked Questions by Foreign Nationals in Indian Prisons. The publication answers basic questions related to people who must be given the knowledge of detention of a foreign national, the modus operandi of establishing contact with his/her family, the repatriation process and details of embassies in India. Discussions ensued on cases where repatriation was taking time even though the sentence had been completed by the prisoners. CHRI promised to take these cases up at the earliest.

d) Asylum Seekers: The final segment of the second session was conducted by Ms. Ragini Trakroo Zutshi (Officer, United Nations High Commissioner for Refugees (UNHCR)) on asylum seekers. Ms. Zutshi started by clarifying that India has no codified Law for refugees but it does have various policies like visa form for refugees and standard operating procedures for legalising the stay of refugees. Ms. Zutshi also clarified the difference between a refugee, a migrant and an infiltrator for the purpose of further discussion. Ms. Zutshi declared the principle of *Non-Refoulement* as the most important right of an asylum seeker that states that a country is forbidden from returning asylum seekers to the country where they fear persecution.

Ms. Zutshi explained the role of government in determining and declaring refugees. The Indian government has granted refugee status to various asylum seekers from time to time. UNHCR also issues a refugee card after due diligence of an asylum seeker is completed. One of the prison officers wanted to know the legal status of the refugee card provided by the UNHCR to which Ms. Zutshi replied that till date, the card has been used to issue visas to the refugees. She also stated that judicial precedents are readily available where Courts have decided on the basis these cards.

The session concluded with a discussion on the conditions of Rohingyas in West Bengal Correctional Homes, some of the important excerpts are:

- No proper mechanism is available to identify *Rohingya* refugees. The welfare officers take help of prisoners who are Bangladeshi nationals to differentiate between them.
- There are many misgivings about the Rohingyas among the prisoners. People believe that this influx started as Rohingyas were involved in terrorist activities. Ms. Zutshi clarified that this conflict is very old in which Rohingyas have been the victims. She added that we should always remember that no society is ideal and not all members of a community can be held responsible for any illegal activity.
- Prison officers pointed out that all the Rohingyas were transferred from different Correctional Homes in the state to Dumdum Correctional home. At present, the Dumdum correctional home had about 50 Rohingyas (men and women). It is to be noted that there was a lack of clarity about the data being shared by the prison officers.
- Ms. Zutshi raised concern over families being separated as they are processed differently. She asked the correctional officers to identify asylum seekers and inform her about him/her so that proper legal representation can be provided to such person by the UNHCR.

SESSION III & IV: FEEDBACK ON LEGAL AID SERVICES IN PRISONS AND AVAILING SERVICES OF THE HIGH COURT LEGAL SERVICES COMMITTEES

Session I had included an interactive with Mr Mukhopadhyay, Secretary, DLSA South 24 Parganas wherein the participants shared their concerns on legal aid services. In light of this the final two sessions were combined and feedback on legal aid services in appellate cases was discussed in great detail. This session was conducted by Ms. Amrita Paul and Mr. Deepan Sarkar of CHRI. Mr. Sarkar started by explaining the statutory procedure for getting legal representation at appellate stage. He then moved onto the order passed by the Calcutta High Court in *Malati Sardar vs State of West Bengal* in CRA 36 Of 2011. The High Court observed that right to appeal is a basic human right available to every convict. The court has laid down the procedure to be followed after conviction, which is as follows:

- The trial judge while pronouncing the order of conviction or sentencing shall inform the convict of his right to appeal in a language understandable to him. He should record the desire of the convict in the body of the judgement and if the convict wishes to appeal the

order with the help of legal aid then the copy of the judgement should be sent to the secretary of the concerned legal services authority. Necessary amendments may be made to Chapter X of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985 so that such a duty is imposed on the trial Judge at the time of delivery of the judgment.

- Superintendent of the Correctional Home where the convict is taken after conviction shall repeat the same rights to the convict and record his willingness, if any, to get legal aid. If the desire to appeal with legal aid is shown by the convict, then the superintendent shall remit all the necessary papers to the secretary of the concerned legal services authority. The secretary of the LSA shall appoint a panel lawyer within 7 days on the receipt of any such desire. The lawyer so appointed shall, if required, interview the convict and file necessary pleading in accordance with law. The lawyer shall also submit quarterly reports to the secretary of the concerned LSA with regards to the status of the appeal.

Mr. Sarkar also discussed the order passed in CRA 130 OF 2013 by the Division Bench of the Acting Chief Justice of the Calcutta High Court. The Hon'ble Court opined that if any counsel is engaged by an order of the court, even if he is a panel lawyer and the panel changes, he is still duty bound to represent the convict as long as he is not discharged by an order of the court.

After a detailed discussion on the aforementioned orders, some issues were raised by welfare officers listed below:

- After the order, only few correctional homes are receiving judgment copies of sentenced convicts while others have to write to the judge for a copy of the judgment.
- In cases where a person has been sentenced for 5 years or less, often it is seen that the appeals come up late- on some instances it was found that the convict had already served the sentence by the time the appeal had come up for hearing.
- At times, a fine is attached which the convicts cannot give. In Presidency CH, two Foreign National prisoners had faced the same issue.
- Welfare officers never get any reply on cases sent to Supreme Court through HCLSC. Midnapore CH alone has not received a reply in 18 of the cases sent via HCLSC and the two cases that it had sent directly to the SCLSC were returned, asking them to be sent via HCLSC. When Jalpaigudi CH had sent in cases directly to SCLSC, they were asked to send all the translated copies of relevant documents.
- Ex-Judges used to visit Alipore and Presidency CH from HCLSC for legal aid but the visits have stopped since March.

At the end of the workshop, a demonstration of *EPIC-Evaluation of Prisoner Information and Cases* was done by Ms. Paul. This tool was provided to the prison officers in a pen drive provided along with the kit distributed by CHRI. The tool can be used by the prison officers to prepare a list of eligible prisoners who can be released on bail.

Conclusion & Next Steps

This workshop was an enriching opportunity provided to all the stakeholders where they were able to discuss and debate the problems they face in performing their duties and the best practices that can be put to use to reduce such problems. In order to redress the issues deliberated follow up action may be taken. Some steps that need to be taken up are listed below:-

1. Prison officers must be encouraged to bring problems, with regard to delivery of legal aid services, including lack of visits by paralegals or jail visiting lawyers, non-receipt of intimation letters for appointment of lawyer from DLSAs and issues concerning quality of legal aid services delivered, to the attention of the DLSA & SLSA through letters and regular meetings.
2. In order to streamline filing of appeals through the High Court Legal Services Committee, prison officers should comply with the directions issued in *Malati Sardar* case. CHRI agreed to seek information from the department on all such pending cases and submit the same to the HCLSC with a copy of the SLSA. It also agreed to compile feedback received from prison officers and submit to concerned authorities.
3. On issues regarding filing of appeals through Supreme Court Legal Services Committee, CHRI agreed to prepare a document and submit to concerned authority at SCLSC. Details of cases from the correctional homes was sought by CHRI, so that it could write to SCLSC seeking updates on pending cases.
4. On the issue of juveniles in correctional homes, stricter scrutiny needs to be undertaken by prison officers, and cases where prisoners appear or claim to be juveniles must be immediately brought to the notice of the concerned court and representative of legal services authority.
5. On the issue of mental health, till adequate numbers of health professionals are not appointed, alternatives such as liaising with students of psychology may be explored. Mental health clinics may be conducted in similar manner to legal aid clinics in order to ensure that counselling can be provided to inmates.

6. On foreign national prisoners, there is need to ensure consular access and explore means to ensure family contact. Lack of family contact leads to delays in repatriation after completion of sentence. CHRI agreed to take steps in this regard.
7. On asylum seekers, it was discussed that the influx of rohingya muslims continues and steps may be taken to ensure they get an opportunity to seek asylum from the appropriate authority.

ANNEXURE – I

ONE DAY WORKSHOP FOR WELFARE OFFICERS ON

WELFARE BEHIND BARS: RECENT DEVELOPMENTS

Venue: Floatel, 9/10, Kolkata Jetty, Strand Road, Opp. SBI HQ, Kolkata, West Bengal 700001

18 December 2017, Monday

AGENDA

REGISTRATION	9.30 – 9.50
Introductions: Ms. Madhurima Dhanuka (CHRI)	9.50 - 10.00
Inaugural Address: Mr B Dasgupta, AIG Correctional Services, WB	10.00 – 10.20
SESSION I: LEGAL AID SERVICES IN PRISONS & UNDERTRIAL REVIEW COMMITTEES	10.20 - 11.30
Aim: To discuss the recent NALSA orders on setup of prison legal aid clinics and NALSA SOP on Representation of Persons in Custody. Also to discuss the Supreme Court directives in the Re Inhuman Conditions in 1382 prisons in particular on the setup of under trial review committees in each district. To demonstrate the analytical tool EPIC – Evaluation of Prisoner Information & Cases which can be used by the prison officers to prepare lists of eligible prisoners. This will be followed by an interactive session on the ground realities regarding functioning of UTRCs.	
Panel: Mr. Arijit Mukhopadhyay, Secretary, DLSA South 24 Parganas & Ms. Amrita Paul, CHRI	
SESSION II: VULNERABLE CATEGORIES OF PRISONERS	11.45 – 13.00
Aim: To discuss procedures for dealing with mentally ill, urgent cases, released prisoners and asylum seekers. This will be followed by an interactive discussion on actual cases, sharing of best practices in dealing with such cases, seeking help from other organisations who can assist in the tasks. There will be a five minute discussion after every presentation as well as time for further questions and answers the end of the session.	
Panel:	
Mental Health Act 2017 & UNCRPD: Ms. Shampa Sengupta, Sruti Disability Centre	11.45 -12.00
Juveniles in prison: Dr Bipasha Roy	12.00 – 12.15
Foreign National Prisoners: Ms Madhurima Dhanuka	12.15 -12.30
Asylum Seekers: Ms Ragini Trakroo Zutshi, UNHCR, New Delhi	12.30 - 12.40
Discussion:	12.40 – 13.00
LUNCH	13.00-14.00
SESSION III: FEEDBACK ON LEGAL AID SERVICES IN PRISONS	14.00 – 15.00
Aim: This will be an interactive discussion on issues faced regarding securing appointment & quality of legal aid services at both trial & appellate stage.	
Panel: Ms. Madhurima Dhanuka, CHRI & Ms Amrita Paul, CHRI	
SESSION IV: AVAILING SERVICES OF THE HIGH COURT LEGAL SERVICES COMMITTEES	15.00 – 17.00
Aim: To discuss the recent judgments of the Calcutta High Court on jail appeals. To understand the functioning and processes, as well as document feedback on the issues in legal aid delivery by the High Court Legal Services Committee.	
Facilitator: Ms. Amrita Paul, CHRI & Mr Deepan Sarkar, CHRI	

ABOUT CHRI

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential if human rights, genuine democracy and development are to become a reality in people's lives. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does so through research, publications, workshops, information dissemination and advocacy. It has three principal programmes:

1. Access to Justice

Police Reforms: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

2. Access to Information

CHRI is acknowledged as one of the main organisations working to promote Access to Information across the Commonwealth. It encourages countries to pass and implement effective Right to Information laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh and Ghana. In the latter CHRI's is the Secretariat for the RTI civil society coalition. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. Its experience of working in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance it has been promoting knowledge about the value of Access to Information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law.

3. International Advocacy and Programming

CHRI monitors commonwealth member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: advocating for and monitoring the Commonwealth's reform; reviewing Commonwealth countries' human rights promises at the UN Human Rights Council, the Universal Periodic Review; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.