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INDIA: Serious concerns raised at UN human rights review

Serious concerns raised at UN rights review

Member States seek protection of minority rights, free speech, peaceful assembly

Human Rights Watch (18.11.2022) – <https://bit.ly/30st80S> – The Indian government should promptly adopt and act on the recommendations that United Nations member states made at the UN Human Rights Council's Universal Periodic Review process on

November 10, 2022, six international human rights groups said today. The recommendations cover a range of key concerns including the protection of minority communities and vulnerable groups, tackling gender-based violence, upholding civil society freedoms, protecting human rights defenders, and ending torture in custody.

The groups are the International Federation for Human Rights (FIDH), World Organisation Against Torture (OMCT), CSW, International Dalit Solidarity Network, Amnesty International, and Human Rights Watch.

All UN member states participate in the Universal Periodic Review (UPR) process, which examines their human rights record and proposes action to improve the human rights situations in their countries. In its report submitted to the UN ahead of its review, the Indian government claimed "it is firmly committed to the promotion and protection of human rights." However, in the past UPR cycles, India has ignored important recommendations, including to address increasing violence against religious minorities, ensure accountability of its security forces, and protect freedom of expression and peaceful assembly.

During the periodic review, India's fourth, 130 member states made 339 recommendations highlighting some of the most urgent human rights concerns in the country.

Since its last review in 2017, India has undergone a serious regression in human rights under the Hindu nationalist Bharatiya Janata Party (BJP)-led government of Prime Minister

Narendra Modi. The government has escalated its crackdown on independent and democratic institutions, and is using draconian counterterrorism and national security laws to prosecute and harass human rights activists, journalists, students, government critics, and peaceful protesters. Attacks, discrimination, and incitement against religious minorities are increasing. The traditionally marginalized Dalit and Adivasi communities have been denied justice and equitable protection.

At least 21 countries urged India to improve its protection of freedom of religion and rights of religious minorities, with several raising concerns over increasing violence and hate speech and the government's adoption of discriminatory policies such as "anti-conversion" laws.

Since Modi's BJP came to power in 2014, it has taken various legislative and other actions that have made it lawful to discriminate against religious minorities, particularly Muslims, and enabled violent Hindu majoritarianism, the groups said.

The government passed a citizenship law in December 2019 that discriminates against Muslims, for the first time making religion the basis for citizenship. In August 2019, the government revoked the constitutional autonomy granted to the only Muslim-majority state, Jammu and Kashmir, and continues to restrict free expression, peaceful assembly, and other basic rights in the region. Since October 2018, Indian authorities have deported at least 13 Rohingya Muslim refugees to Myanmar despite the risks to their lives and security.

Indian states have used laws against cow slaughter to prosecute Muslim cattle traders even as BJP-affiliated groups attack Muslims and Dalits on rumors that they killed or traded cows for beef. At least 10 Indian states forbid forced religious conversion, but they misuse the laws to target Christians. States also enforce these laws to harass and arrest Muslim men in relationships with Hindu women. Throughout 2022, authorities in several BJP-ruled states demolished Muslim homes and properties without legal authorization or due process, either as summary or collective punishment, holding them responsible for the violence during the communal clashes.

Twenty countries said that India should improve protection of freedom of expression and assembly, and create an enabling environment for civil society groups, human rights defenders, and media to do their work. Some of these countries expressed concerns over the use of the counterterrorism law, the Unlawful Activities Prevention Act (UAPA), against activists, journalists, and members of religious minority communities. Over the years, rights groups and several UN human rights experts have raised concerns over the use of this law, which is widely criticized for failing to conform to international human rights standards, to detain activists and others for exercising their basic rights of freedom of expression and peaceful assembly.

A number of countries raised concerns over the Foreign Contribution Regulation Act (FCRA), the law used to regulate foreign funding for nongovernmental organizations, and asked the government to review or amend the law to bring it line with international human rights standards.

The Indian authorities have used the law to shut down foreign funding for thousands of civil society groups, particularly those that work on human rights or the rights of vulnerable communities. Several UN bodies have warned that the law is being used to silence dissent. In October 2020, then-UN High Commissioner for Human Rights Michelle Bachelet said that the act is “indeed actually being used to deter or punish NGOs for human rights reporting and advocacy that the authorities perceive as critical in nature.”

Nineteen countries said that India should ratify the UN Convention against Torture, a treaty it signed in 1997 but never ratified. India said in both 2012 and 2017 UPR cycles that it remained committed to ratifying the treaty. But it hasn't taken steps to fulfill its commitment even as torture and other ill-treatment continue to be used routinely by police and other security forces to gather information or coerce confessions.

Countries also urged India to address caste-based discrimination; strengthen efforts aimed at alleviating poverty, improving access to health care, safe drinking water, and sanitation, and providing access to free and quality education for all children; ensure a clean, healthy, and sustainable environment; and strengthen protections for children, women, and persons with disabilities.

The Indian government has said that the “UPR is an important mechanism that India fully supports” and “as the world's largest democracy, India is committed to the highest standards of human rights.”

The Indian government needs to follow up on the concerns

raised by other member states at the UPR, which are shared widely by rights groups and several UN bodies, and take immediate steps to correct course and protect the rights and dignity of all people, the groups said.

Photo: Delegates attend the opening day of the 50th session of the United Nations Human Rights Council, in Geneva, June 13, 2022. © 2022 Keystone/Valentin Flauraud

Further reading about FORB in India on HRWF website

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