



- Posted: Wed, May 23 2012. 1:00 AM IST

India's human rights record to face scrutiny

India could face questions at UNHRC on issues ranging from AIDS stigma to religious freedom

Elizabeth Roche

India's human rights record will be scrutinized this week with UN member countries expected to quiz the world's largest democracy on issues including the award of the death penalty, discrimination against minorities, action taken against bonded labour and manual scavenging, at the United Nations Human Rights Council (UNHRC) in Geneva.

The once in four years' scrutiny of India's human rights record will take place on Thursday. The last examination of India's rights record under the process known as "Universal Periodic Review" (UPR) took place in 2008.

Other countries whose human rights records will also be up for scrutiny include Algeria, Bahrain Brazil, Indonesia, Britain and South Africa. The review, which started on Monday, will be done by the 47 members of the UNHRC, which includes India's neighbours Bangladesh, China and the Maldives besides Austria, Norway and the US.

India will be represented by a multi-ministerial delegation headed by attorney general G.E. Vahanvati, said a person familiar with the development.

According to preliminary information, Pakistan is not yet listed among the speakers at India's review. The Indian government does not anticipate any uncomfortable questions over alleged human rights abuses in Kashmir, the subject of friction between the South Asian neighbours. India and Pakistan have started on a slow process of mending ties after the 2008 Mumbai terror attacks.

"India is confident about its rights' record. We don't have anything to hide or defend," said the person cited above.

"The report is only recommendatory in nature. It is not binding. There is no voting involved and no resolution that India will have to accept," said the person, adding that the recommendations made in the 2008 review were not fully accepted by the Indian government either.

Still, India could face a number of uncomfortable questions—from steps taken to prevent torture and stigma against HIV/AIDS infected people to ensuring religious freedom, according to a list of queries from countries including Germany and Britain that has been emailed to Mint by the Working Group on Human Rights (WGHR), a group of voluntary and non-governmental organizations that has prepared its own report on rights issues in India.

The WGHR report will be one of the three looked into by the UNHRC members, the others being those presented by the Indian government and the National Human Rights Commission. Other queries that India could face include steps to prevent discrimination against religious minorities, communal violence, declining sex ratio and protection of children's rights.

"This kind of a review is unacceptable given that we are a democracy and we have been recognized the world over for our credentials," said former foreign secretary Kanwal Sibal. "That India needs to explain itself on human rights is unnecessary given that we have an open system of functioning, a very active civil society and a wide consensus on how to deal with issues."

In its report, the government has listed laws and legislation passed by Parliament to protect women's and children's rights, efforts to bring transparency in governance and protect human rights—especially in insurgency affected areas. On repealing controversial laws that empower the country's security forces with special powers to combat insurgency, the government report said that these measures were necessary to deal with security challenges. Repealing the Armed Forces (Special Powers) Act has been a contentious issue in India with the armed forces opposed to it—specially in dealing with insurgency in Kashmir and Manipur.

Junior home minister Jitendra Singh told Parliament on Tuesday in a written reply that 344 people have been killed because of communal violence in India since 2009.

"We are an open book. In a democracy, little can be hidden," said the person cited above.

But adverse observations by the WGHR and the NHRC could make the going tough for India in Geneva.

The government report "lacks critical analysis of the actual realization of rights and implementation of laws and schemes in India," said Enakshi Ganguly Thukral, whose group HAQ is part of the WGHR and looks into child rights' violations. A WGHR statement said that background documents prepared for the review "point towards serious failures of the state in promoting and protecting human rights."

Forced acquisition of land for industrialization had displaced and dispossessed a large number of India's tribals, the statement said, adding that "economic growth is taking place by destroying livelihoods and further impoverishing the most marginalized groups."

Lawyer Vrinda Grover, member of the WGHR, expressed concern over excessive powers to security personnel in India's insurgency affected areas like Kashmir and the North-East, holding it responsible for human rights violations and deterring any political dialogue in the "disturbed areas". Concerns have also been expressed about the rights of Dalits. Though India has an affirmative action programme to empower Dalits, the government has failed to implement the policy, the WGHR release said.

Some of these concerns were also reflected in the NHRC report that also spoke of others—overcrowded prisons, complaints against India's police forces and bureaucracy for abuse of power and abysmal child and maternal care.

“Given the enormous human rights challenges faced by India, the second UPR offers a major opportunity for India to admit its shortcomings, move from a defensive to a constructive engagement with the UN,” said Miloon Kothari, who heads the WGHR. “It is our hope that the recommendations emanating from this (second) UPR will assist India in moving in the urgently required new direction.”

Copyright © 2007 HT Media All Rights Reserved