

[News](#) » [National](#)

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India 'reluctant' to speak out on rights issues, says Amnesty

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India has not done enough to protect human rights either at home or globally, according to Amnesty International's "The State of the World's Human Rights 2012 Report" released here on Wednesday.

In a scathing criticism, the report accused India of "complicity" with "opportunistic alliances" in ignoring human rights violations in the region and elsewhere.

"The emerging powerhouses of India, Brazil and South Africa have too often been complicit through their silence," it said, lamenting that India preferred to focus on its economic growth "at the cost of protecting and promoting human rights within the country and abroad."

The report said that despite its growing international clout as reflected in its election to the U.N. Security Council and the U.N. Human Rights Council, India was "reluctant to speak out" on human rights violations.

"India was silent on violations committed during the dramatic changes in the Middle East [West Asia] and North Africa, as well as on those committed by neighbouring Myanmar. It failed to support demands for Sri Lanka to be held accountable for the violations committed at the end of that country's [civil] war in 2009," it said.

The report, which documents the state of human rights in 155 countries over the past year, said that rights activists in India faced the "ire of both state and non-state agencies, with sedition and other politically motivated charges levelled against them."

Institutional mechanisms to protect human rights "remained weak" in India and judicial processes were "slow" in ensuring justice for victims of rights violations, it said, accusing Indian security forces of using "excessive force" to deal with protests by marginalised local communities such as small farmers, Adivasis and Dalits.

"People defending the rights of Adivasis and other marginalised communities, and those using recent legislation to obtain information to protect their rights, were targeted by state and non-state agencies," the report said. Globally, it said the courage shown by pro-democracy protesters in various countries the past 12 months was "matched by a failure of leadership."

"Failed leadership has gone global in the last year, with politicians responding to protests with brutality or indifference. Governments must show legitimate leadership and reject injustice by protecting the powerless and restraining the powerful. It is time to put people before corporations and rights before profits," said Salil Shetty, Amnesty International Secretary General.

Faces serious questioning

Sandeep Dikshit writes from New Delhi:

India comes under the spotlight of the U.N. Human Rights Council during its second Universal Periodic Review (UPR) on Thursday evening. In the run-up to India's second review after the first held in 2008, the government and several civil society organisations are ranged on opposite sides.

The government had submitted a voluminous report in which it has asserted that it has done all that it could to address 18 lacunae pointed out by the first UPR four years back.

But civil society bodies are not convinced. They say India is yet to take effective steps to address some domestic human rights concerns such as the Armed Forces Special Powers Act (AFSPA) and protecting the rights of vulnerable communities such as Dalits, tribal groups and religious minorities.

During the first UPR, India had said its "approach towards protection and promotion of human rights has been characterised by a holistic, multi-pronged effort" and cited the Indian Constitution and numerous government policies to demonstrate its commitment to the protection of rights.

However, Human Rights Watch (HRW) claims India is yet to introduce adequate laws and properly implement existing policies to protect marginalised communities, particularly Dalits, tribal groups, religious minorities, women, and children.

It also feels there is an urgent need for the state to address human rights violations, including all forms of sexual assault against women, communal violence, enforced disappearances in conflict areas, extrajudicial killings, the persistent use of torture, and increasing attacks against human rights defenders. Tying many of these issues together is the widespread lack of accountability for human rights abuses, and the corresponding problems of access to justice and adequate compensation.

Another civil society body taking an active interest is the Working Group on Human Rights in India and the UN (WGHR). It also says the report submitted by the government is disappointing, as it lacks critical analysis of the actual realisation of rights and implementation of laws and schemes in India. Background documents prepared for the UPR by the UN and submissions by the National Human Rights Commission (NHRC) and civil society point towards serious failures of the state in promoting and protecting human rights. It therefore expects India to face some serious questioning by other U.N. member states during the HRC session. Eighty-seven countries are scheduled to speak during India's UPR.

In a statement, WGHR Convenor and former U.N. Special Rapporteur Miloon Kothari, pointed out that while average growth rate in India between 2007 and 2011 was 8.2 per cent, poverty declined by only 0.8 per cent. India still ranks 134 out of 187 countries on the UN human development index.

“What makes matters worse is that India's standards for measuring poverty are not consistent with global standards and do not follow a human rights approach. As pointed out by numerous authoritative and independent sources, if global standards such as those used by the Human Development Report 2011 were used, India's poverty rate would be close to 55 per cent of the population.”

Although the Indian government claims that it has internal systems of inquiry and punishment to tackle violations by security forces, details of any prosecutions or convictions through such measures are seldom available, says HRW. Using the Right to Information Act, Kashmiri activists discovered in September last year that in 50 cases where the government sought permission to prosecute, 26 were refused, while a response is awaited in 16 others.

While civil society has welcomed the openness demonstrated by the government during the visit of the U.N. Special Rapporteur, HRW noted that some crucial mandate holders such as the rapporteurs on torture or the Working Group on arbitrary detention have made numerous requests for country visits and have not yet received a response.

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