

Indian NGOs slam India's human rights situation & shrinking democratic space in UN evaluation

A number of non-governmental organizations have criticized the Indian government for its poor record with regard to critical issues such as harassment of civil rights activists, shrinking democratic space, discrimination against minorities, and condition of women, children, Dalits and tribal people in the country.

These and many more issues have been highlighted in **The Joint Stakeholder's Report on India's overall human rights situation released by The Working Group on Human Rights (WGHR) in India and UN on 12th January 2017, at New Delhi**. The report was submitted to the UN Human Rights Council for the upcoming third Universal Periodic Review of India due to take place at Geneva in May 2017, under which India's human rights record, obligations and commitments will be evaluated by 193 member states of the UN at the UNHRC. More than a thousand NGOs, lawyers and activists from almost all states in the country have endorsed the report.

The speakers at the event were **Mr. Henri Tiphagne, convenor of WGHR**, who spoke at length about the shrinking democratic space in India for civil society. He said various UN bodies and several governments have expressed concerns on severe restrictions and actions by the Indian Government. He said that the report endorsed by more than 1000 organizations in the country, echoes the need for the Indian Government to call for an open dialogue with the civil society before the UPR plenary session is held in May 2017. He also pointed out "as India claims to move ahead with developmental agenda, no development can be at the cost of crushing of fundamental rights of dissent and protest which are the basic elements of our democracy."

Ms. Enakshi Ganguly, the Co-director of HAQ: Centre for Child Rights, pointed out that India spends merely 4% of the national budget on children. She said that it is sad that in a country that claims to have become a global leader in last three years, the status and condition of children have not seen any meaningful improvement since UPR 2. She strongly criticised the new Juvenile Justice (Care and Protection) Act 2015 which includes a "regressive provision of waiver of 16-18 year olds into the adult criminal justice system for serious offences & has led to the lowering of standards for dealing with children in conflict with the law."

Ms. Vrinda Grover, senior human rights lawyer, expressed concern over the failure of the Indian state to honour its pledges at the earlier UPRs and highlighted that despite assurances to the Human Rights Council, India had still not ratified the Convention Against Torture, and no law against torture has been passed by the Indian Parliament to date. Terming this a damning blot on India's human rights record she urged the Parliament to pass the Prevention of Torture law in compliance with CAT. Vrinda also said that the impunity for human rights violations by security forces in zones of conflict continue and further, no heed is being paid to recommendations by HRC member States, UN Treaty bodies and

Special Rapporteurs to repeal AFSPA. The reports from Chhattisgarh are very disturbing where adivasi women were being sexually assaulted and men killed in extra judicial killings by police and security forces; and lawyers, journalists, activists and academics highlighting these egregious violations are being targeted by the police and administration; She also emphasized that sexual violence against women remained widespread and systematic and the basic citizenship rights of half the population were infringed. The government must as a matter of highest priority ensure conditions where women enjoy their freedoms and live without fear.

She pointed out that “The climate of fear and hate being systematically promoted through vigilante mobs on the streets and online trolls against dissent, difference and diversity poses a grave threat to democracy. The palpable strangulation of fundamental freedoms of thought, food habits, religious practice, sexualities was a cause of serious worry, particularly when the same received approval from political leaders. “

Other speakers included **Mr. Miloon Kothari**, former UN rapporteur who spoke on housing and land rights; **Mr. Paul Divakar**, General Secretary of National Campaign for Dalit Human Rights and **Ms Maja Daruwala**, senior Advisor CHRI. The WGHR Joint Stake Holders report deals with critical issues like social inequality, homelessness, cancellation of FCRA of NGOs, harassment of civil rights activists, shrinking of democracy in India as well as Dalit and tribal issues.

Some startling facts highlighted in the report are: India tops world hunger list with 194.6 million undernourished; has the world’s largest number of homeless and landless persons; the world’s highest number of malnourished and hungry children; 56% rural households are landless; 30% of world’s poorest people and 10.2 million working children between 5-14 years. 68% prisoners are in pre-trial detention; Every third sanctioned post in the higher judiciary and every fourth in the lower courts is vacant; 5,650 Indian farmers committed suicide in 2014 i.e. 15 farmers a day; Between 2005 and 2015 more than 40 RTI activists are reportedly murdered and more than 250 others have been physically assaulted or harassed; India voted against a UN General Assembly resolution calling for moratorium on death penalty; India refused to adopt UN General Assembly resolution on human rights defenders in November 2015; India’s longest overdue report to the UN is to the Human Rights Committee last submitted in 1995.

Some of the recommendations in the report are: India needs to promulgate a national Right to Housing law, which commits to ending homelessness and evictions and segregation and ghettoisation; Promulgate a National Land Reform Act, ensuring land to the landless, especially SC/ST and women; Enact legislation to protect RTI activists from harassment and attacks; Withdraw retrograde amendments to the whistle-blower protection law and expand it to protect RTI users; Increase public health budget to 5% of GDP. Ratify ILO Convention 189, and ensure minimum wages, fair work conditions, and protection from all forms of abuse for domestic workers; prevent bio piracy of traditional knowledge and traditional resources; Ratify the Convention against Torture; Ratify the Convention against Enforced Disappearances; Review the current Juvenile Justice

Act to bring in line with the principles of Constitution of India, UNCRC.

Furthermore the Indian government should enact a law, for the protection of human rights defenders and ensure that Focal Point on HRDs be made a full member of the Commission with powers as recommended by the UN Special Rapporteur on HRDs. Enact the Prevention of Communal and Targeted Violence Bill approved by the Indian Cabinet in December 2013 and formulate a national policy for Dignified Reparation of all individuals acquitted in terror related cases. Repeal the Habitual Offenders' Act, 1952 and the Prevention of Begging Act 1959 for de-criminalization of the notified and DE notified tribes and amend or repeal the provisions of FCRA that restrict freedom of association in violation of India's international human rights obligations.