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PRESS RELEASE

Civil Society urges Indian government to adopt constructive approach & accept UPR III recommendations

India's third Universal Periodic Review (UPRIII) was held by the UN Human Rights Council on May 4, 2017. During the UPR evaluation, 112 countries in the Human Rights Council made 250 recommendations to the Indian government on far ranging topics of civil, political, social, economic and cultural rights. In its official response yesterday, the Indian government has put all the recommendations on pending.

A press conference on the issues was held on 10th May 2017 by the Working group on Human Rights in India and the UN in Delhi. This was addressed by a panel of civil society members and human rights experts. The panelists at the press meet were **Mr. Miloon Kothari: former Special Rapporteur to the UN; Ms. Shivani Choudhry: Executive Director Housing and Land Rights Network; Mr. Paul Divakar: National Campaign On Dalit Human Rights; Ms. Enakshi Ganguly: Co-Director, HAQ Centre for Child Rights.**

Mr. Henri Tiphagne, the Convenor of WGHR, said that "Though it is a surprise to Indian civil society that contrary to its earlier practice followed in UPR I & II [2008 & 2012] India has postponed the decision making on the recommendations, WGHR feels that this would still serve as an opportunity for the Government for better and enhanced consultations with civil society as well as an opportunity to discuss the same in Parliament and with all National Human Rights Institutions as we as the different Ministries and thus come out with a full-fledged response that involves a process with more consultations with different stake holders.'

Mr. Miloon Kothari, the former UN Special Rapporteur spoke on India having the largest homeless population in the world and the abysmal condition of housing and land rights. He welcomed the attention given in the UPR recommendations to the rights to health, housing and education but regretted that more recommendations were not made on economic, social and cultural rights, violations of which affect the highest number of people in India.

Convenor Henri Tiphagne, Lawyer, Human Rights Defender and Trainer, Executive Director People's Watch and Former Chairperson, FORUM-ASIA

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Members Citizens for Justice and Peace | Commonwealth Human Rights Initiative | FIAN India | HAQ: Centre for Child Rights | Housing and Land Rights Network | Human Rights Alert | India Alliance for Child Rights | Lawyers Collective | Multiple Action Research Group | National Campaign on Dalit Human Rights | Partners for Law in Development | People's Watch

Independent Experts Vrinda Grover, Lawyer | Dr. Rajkumar, Advisor to human rights organisations | Miloon Kothari, Former UN Special Rapporteur on adequate housing

Mr. Kothari also referred to India's performance at the UN, during its UPR review, as a failure of diplomacy given its defensive and ill-prepared statements that did not respond adequately to the concrete recommendations from UN member states. *Mr. Kothari* urged the government to fundamentally change its attitude with the UN and constructively engage in the UPR process by accepting all recommendations by September 2017.

About 11 recommendations on the Abolishment or moratorium on Death Penalty (*Mozambique, Greece, Namibia, Rwanda, Italy, Lithuania, Belgium, Spain, Australia, France*) comes at a time when the Supreme Court of India has just pronounced death sentence in the case of the offenders in the Nirbhaya rape and murder case. Some predominant themes in the recommendations include more than 18 recommendations on ratification of the Convention Against Torture, (*Greece Guatemala Italy Lebanon Montenegro Mozambique South Africa, Sweden, Turkey, Ukraine, United States of America*); to Criminalize marital rape (*Portugal Sweden*) and Repeal /Amendment of Section 377 (*Iceland, Norway, Israel*). Other recommendations included justice to victims of religious violence, a law to protect human rights defenders, water and sanitation and to amend or repeal the FCRA for the civil society.

Mr. Paul Divakar from NCDHR said that "the fact that about 10 countries raised the issue of caste based discrimination to the Indian government brings out the criticality of the issue and this is no longer a closeted subject also this issue has reached such levels of global visibility. Extreme violence against Dalits specially against Dalit women continue unabated, public finance and the government budgets continue to discriminate and these can no longer be ignored both by the state, central governments and wider society. We demand greater accountability of the government to Dalits and Adivasis".

It is significant that at least 6 countries (*Australia, Slovenia, Belgium, Iceland, Namibia and France*) have asked India to consider marital rape as an offence – an issue that has been hotly debated within the country too.

27 countries have made recommendations on children related issues ranging from health and mortality, child labour, child marriage and even juvenile justice. While they have noted the progress made they have also voiced their concerns. *Ms. Enakshi Ganguly* said this increased interest in human rights of children is a very positive sign and she hopes that the government will also take it as such, and accept the recommendations without being defensive about them.

Over 10 countries have voiced their concerns about the clampdown on civil society and human rights defenders, and the shrinking spaces for voicing dissent. This is a sign that the world is watching what is happening, and we hope that the Government of India too takes cognizance of this. Some of them have specifically mentioned the changes and clamping down on NGOs using the Foreign Contribution Regulation Act (FCRA). **Germany** recommended India Amend the Foreign Contribution Regulation Act to ensure the right to freedom of association, which includes the ability of civil society organizations to access foreign funding and protect human rights defenders effectively against harassment and intimidation; To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. **Republic of Lithuania** recommended independent investigations in all cases of attacks against journalists and to enact a law for the protection of human rights defenders.

The complete list of the recommendations for India is being attached with this Press Release for your perusal.

By Working Group On Human Rights (WGHR).

10th May 2017