



File photo of Attorney General Mukul Rohatgi (left) with the BJP leader and lawyer Nalin Kohli. Attorney General Mukul Rohatgi led India's delegation to UNHRC

## UNHRC recommendations stonewalled by India

India, for the first time, has kept all 250 recommendations made by 112 countries at UNHRC's review at Geneva 'pending'. It can decide what to accept or even ignore all of them by September



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May 11th 2017, 03.07 PM

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The decision to keep all the recommendations pending is not the usual practice. At the last two reviews in 2008 and 2012, some recommendations were immediately accepted. But all recommendations made to India at Geneva last week have been kept in the pending list. This is in sync with the Indian Government's position that there are no major or institutional violation of human rights in the country.

Members of the working group on Human Rights in India and the UN in Delhi are, however, hoping that this would give civil society an opportunity to discuss the recommendations with the National Human Rights Commission and Parliament and prepare a final report on the Human Rights situation in India.

"Our Attorney General stated at the review that human rights in India are a 'work in progress'. How can the AG of a country, which has a strong Constitution which speaks about all our rights, pass a statement such as this! We are not a newly-formed nation," said Enakshi Ganguly, co-director of Haq: Centre for Child Rights, in exasperation at a meeting in Delhi to apprise of the recommendations made at the third Universal Public Review of Indian's Human Rights record at the UN Human Rights Council.

This led former UN Special Rapporteur Miloon Kothari to quip, “Mukul Rohatgi himself is a work in progress. We have seen what his statements in the Supreme Court have been on human rights and privacy. Thankfully, now the review is no longer in his hands.”

UPR has moved away from a naming and shaming practice to ensure a cooperative process, added Kothari. “Usually, there is a ‘I scratch your back, you scratch my back’ practice followed, but this time there has been a wave of suggestions. Of the 250 suggestions, 35 recommendations were on ratifying the convention against torture. At least 11 countries have spoken about the discrimination based on caste and religion,” said N Paul Divakar, convener of National Campaign on Dalit Human Rights.

The most number of recommendations were requests to amend the Foreign Contribution Regulation Act, AFSPA, death penalty and protection of religious minorities. More than 30 countries have asked for the ratification of the convention for prevention of torture, 12 countries have asked for criminalisation of marital rape and the removal of the exception related to marital rape from the definition of rape in the Indian Penal Code and 11 countries raised the issue of Dalit rights.

There were 73 recommendations on women’s issues ranging from sexual violence to honour killing. “Countries including China, Argentina, Canada, Japan and Kyrgyztan have suggested special measures through legislation to ensure protection of women and children,” pointed out Ganguly.

“India’s performance at the UN, during its UPR review, is a failure of diplomacy given its defensive and ill-prepared statements, which did not respond adequately to the concrete recommendations from UN member states. The delegation read out prepared statements irrespective of the recommendations,” quipped Kothari.

Given the hostile stand of the Government of India (GoI) to those who raise human rights violations in the country, members of the working group did not appear very hopeful. “If anyone highlights problems of this country, the government looks at you as if you are shaming the country abroad. This attitude is worrisome. There is a need for legitimate spaces,” said Ganguly.

“The Indian government is in a state of denial. The Attorney General stated that ‘the concept of torture is completely alien to our culture and it has no place in the governance of the nation’. There were three recommendations on the right of housing, but not much on the right of food,” said Shivani Chaudhry, executive director of Housing and Land Rights Network.

“There is a need for dialogue with each other, maybe set up a ministerial committee to look into these recommendations. The Ministry of External Affairs and the Home Ministry need openness. These recommendations show that the entire world is watching our country on these issues,” said Kothari.

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AFSPA China Attorney General Parliament Mukul Rohatgi Indian Penal Code Home Ministry Ministry of External Affairs human rights Geneva  
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 Foreign Contribution Regulation Act Argentina Kyrgyztan Housing and Land Rights Network