

INDIA UPR REVIEW A CHARADE

Civil society coalition deplors half-truths and lies by Indian government

The People's Forum for the UPR, a coalition of over 150 Indian civil society groups and human rights defenders today expressed its disappointment at the half-truths and obfuscations in the responses of the Government of India to critical comments and questions from members and observers of the Human Rights Council. Rather than an honest appraisal of reality on the ground, the Government of India sought to highlight constitutional provisions and progressive legislative measures as a screen to hide serious gaps in implementation and systemic failure to tackle entrenched discrimination against women, Dalits, tribal communities and religious, ethnic and sexual minorities. “Bigger is better” seemed to be the theme of the presentation, which repeatedly harped on the size of India's population and the scale of development interventions, using numbers both as an excuse for non-performance as well as the sole indicator of success.

Contesting the government's claim that the report was prepared after “broad consultation” with civil society groups, representatives of the People's Forum pointed out that their platform became necessary because of the Indian government's long-standing antagonism towards civil society groups working on human rights, and the proprietary and secretive attitude to reporting on the human rights situation in the country. It is noteworthy that the issues highlighted in the People's Forum submission to the committee did not find a single mention in the official report. The People's Forum appreciated the fact that many of these critical issues were in fact picked up by as many as 26 members and observer states for pointed comments and queries.

India's responses to the concerns and questions raised by several countries followed the now well-established strategy of sidestepping uncomfortable issues by categorising them as “internal”. In contrast, the report of the People's Forum highlighted the pervasive issues of lack of accountability for implementation of commitments under international agreements, and the institutionalised impunity for state actors involved in violations of human rights. Several countries echoed the concern raised by the People's Forum at the delay in ratifying international conventions like the Convention Against Torture, ratification of which is still pending 11 years after it was signed. Vrinda Grover, senior human rights lawyer and leader of the People's Forum delegation, emphasised that “India has once again demonstrated an unwelcome degree of denial and non-compliance in reporting to the UN human rights system, undermining their claims of being committed to human rights.”

The issue of continuing discrimination against Dalit communities was repeatedly raised, with members demanding detailed information on the impacts of existing laws against discrimination. The gaps in implementation of laws on gender equality also attracted strong comment, with several countries expressing concern at reports of increasing violence against women. The failure to set up mechanisms for protection of women from sexual violence during outbreaks of communal violence came in for special criticism, as did the failure to eliminate child labour despite more than two decades of targeted programmes.

The People's Forum deplored the deliberate misrepresentation of facts in the response of the Indian delegation to questions on the Armed Forces Special Powers Act, a draconian legislation that has been an instrument for violation of the basic human rights of communities in the North East for the last half-century and has not been repealed despite being labelled “an instrument of discrimination and high-handedness” by a government appointed committee. Similarly, questions on India's position on the Convention Against Forced Disappearances were deflected with the assertion – completely unwarranted – that this issue was covered under domestic laws. Tall claims were also made on the autonomy and effectiveness of human rights institutions like the National Human Rights Commission, which has been reduced to doling out compensation to a few victims rather

than ensuring prosecution of violators.

The People's Forum pointed out the irony of the Indian government patting itself on the back for India's landmark legislation on the right to information, while violating the letter and spirit of this legislation in the reporting process. The group also expressed its concern at the closed process adopted by the Human Rights Council for the UPR, with little or no space for civil society actors to highlight legitimate concerns. On the other hand, it appeared that the official delegation was free to deploy its growing economic clout to mobilise support – possibly on a *quid pro quo* basis - from other developing countries whose own reports are in the pipeline for review.

Forum-Asia and Peoples Forum on UPR in India made a strong appeal to the Indian Government to stop downplaying the scale and seriousness of human rights violations like caste-based discrimination, child labour and violence against women, and move towards constructive solutions with the assistance of the international community. Dr. Prasad of the National Campaign on Dalit Human Rights called for the adoption of the draft UN Principles and Guidelines for the elimination of discrimination based on work and descent, to address caste-based discrimination that affects an estimated 260 million people worldwide.

The People's Forum expressed serious reservations at the present design and conduct of the UPR process by the Human Rights Council. There is a real apprehension that a process that so completely excludes civil society actors will lose legitimacy in the eyes of the global human rights community. While official delegations are free to indulge in back-room parleys and bargaining, civil society activists are left on the sidelines. The foregrounding of the state report and the comparatively low importance accorded to the summary of civil society submissions is an indicator of this distorted process.

For further information contact:

Vrinda Grover, People's Forum on UPR in India, <vrindagrover@gmail.com>

Giyoun Kim, FORUM-ASIA, giyoun@forum-asia.org, Mobile: 079-595-7931