

South Asia Human Right Documentation Centre

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Submission to the 27th UPR Working Group session on India

Honorable Member States for the UPR on India,

The South Asia Human Rights Documentation Centre (SAHRDC) works for the protection and promotion of human rights by collecting, verifying and disseminating information on civil and political rights in the South Asian region. It is independent of any government, political ideology, economic interest or religious creed.

SAHRDC, in association with its sister organisations, played a key role at the UN Commission on Human Rights (CHR), where it brought out a special series of *Human Rights Features* focusing on CHR-specific issues. *HRF* in Geneva was the only publication of its kind at the CHR, reporting on the developments at the CHR session, analysing the issues on the CHR's agenda and providing focused recommendations. All issues are available at: <http://www.hrdc.net/sahrdc/hrfeatures.htm>.

We are happy to learn that India will be up for its third periodic review next year. We trust that this review will be beneficial for India and strengthen existing institutional mechanisms for the protection and enhancement of Human Rights in India.

We are aware that many of you will be take this opportunity to address some of the concerns that go to the heart of common democratic ideals that all member states of the United Nations cherish.

Patterns of domestic human rights abuses in India are relatively well documented thanks to a brave, but increasingly beleaguered civil society. Here are eight examples, amongst numerous issues, that are most relevant and important. With the exception of the issues of the Armed Forces Special Powers Act (AFSPA) and the issue of the Freedom to convert, the other issues have not figured in previous cycles of the UPR on India. We

Issue 1- Anti Conversion Laws,

Strengthen the Federal Government's efforts to guarantee freedom of religion to everyone in this world's largest democracy. (Holy See) A/HRC/21/10/Add.1

138.124. Abolish anti-conversion laws in relation to religion and grant access to justice to victims of religious violence and discrimination (Italy); A/HRC/21/10

138.125. Strengthen the Federal Government's effort to guarantee freedom of religion to everyone in this world largest democracy (Holy See); A/HRC/21/10

138.49. Reconsider laws and bills on religious conversion in several Indian states in the light of freedom of religion or belief in order to avoid the use of vague or broad terminology and discriminatory provisions (Germany); A/HRC/21/10

138.50. Reconsider current local legislation on freedom of religion, that uses vague or broad terminology and discriminatory provisions, and impedes the possibility for conversion of faith for those who wish to do so (Netherlands); A/HRC/21/10

Issue 2- Ending Police Immunity

Issue 3- The Unlawful Use of Pellet Guns –

Issue 4- The Right to Compensation

Issue 5- Judicial Delay

-138.117. Continue to carry out policies aimed at improving its judicial system, reforming the law enforcement bodies and reducing the level of crime and corruption (Russian Federation); (A/HRC/21/10 General Assembly Distr.: General 9 July 2012)

Issue 6- The Need to Repeal the Armed Forces Special Powers Act (AFSPA)

- **See** - 138.35. Review the law on the special powers of the armed forces to align it with its obligations under the International Convention on Civil and Political Rights (Switzerland); (A/HRC/21/10 General Assembly Distr.: General 9 July 2012)
- 138.44. Repeal the Armed Forces Special Powers Act or adopt the negotiated amendments to it that would address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance to international standards (Slovakia); (A/HRC/21/10 General Assembly Distr.: General 9 July 2012)
- 138.45. Carry out an annual review of the 1958 Armed Forces Special Powers Act aiming to gradually reduce its geographic scope (France); (A/HRC/21/10 General Assembly Distr.: General 9 July 2012)

- Issue 7- Democratic Accountability and Intelligence Agencies

- Issue 8- Refusal to facilitate visit of OHCHR delegation to study the human rights situation in Kashmir.

In September 2016, the government of India has denied permission to an OHCHR delegation to visit Kashmir to study the human rights situation there. Many thematic procedures are yet to be given permission to visit India

- See- *Continue cooperating with Special Procedures and accept, in particular, requests for visits from Special Rapporteurs. (Belgium) A/HRC/21/10/Add.1*

We have for reasons of brevity chosen to highlight only eight key concerns for your consideration. Many issues like the Foreign Contribution Regulation Act (FCRA) are being raised by others.

In addition to the Annexures, we would be happy to furnish detailed notes on any of the subjects mentioned above. We could also furnish notes on other major violations on civil and political rights in India on request.

We do hope you will be able to take up these and other related issues with the honorable delegation of the Government of India during their upcoming Universal Periodic Review.

Thanking you for your consideration,

With respectful regards.

Sincerely,



Ravi Nair

SAHRDC

Annexures: As above