



Asian Forum for Human Rights and Development
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Working Group on Human Rights
in India and the UN

36th Regular Session of the UN Human Rights Council Item 6: Adoption of the UPR Outcomes - India

Oral Statement Delivered by Henri Tiphagne on behalf of Asian Forum for Human Rights and Development (FORUM-ASIA)

Thursday, 21 September 2017

- 1. Forum Asia and the Working Group on Human Rights in India and the UN (WGHR), welcome the Indian government's decision to accept 152 of the 250 recommendations made by 112 states at its 3rd UPR. These include several important commitments to the realisation of social and economic rights, environment, and sustainable development, poverty eradication and realizing the SDGs. We are also happy to note that of 73 recommendations made on Child Rights, the Government of India has accepted 59. However, we remain deeply apprehensive at the pattern of ambivalence that emerges from only noting the recommendations that firmly secure the future of our people's civil and political rights. In light of the prevalence of torture and impunity in India, we are deeply disturbed that of 21 recommendations to ratify CAT, only 13 have been accepted. India has accepted the recommendation to ratify this vital Convention since UPR I, but has throughout failed to act on it.**
- 2. Despite strong evidence of deliberate killings and excessive use of force with impunity by security forces, for the third consecutive time, India has just noted the recommendations related to AFSPA. In the light of increasing hate speech, targeted lynching of minorities and a growing atmosphere of unchecked intolerance, it is surprising and regrettable that India has chosen to note 9 of 16 recommendations on hate speech, repeal of discriminatory laws, and protecting rights of religious minorities.**



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3. **It is distressing that all 11 recommendations on the rights and freedoms of human rights defenders have merely been noted. There has been no commitment to safeguard defenders against persecutions, limit misuse of the Foreign Contribution Regulation Act, and no commitment in response to overwhelming international concerns on the attacks on citizens, groups, and civil society organisations.**
4. Similarly the Government of India has only noted recommendations on the crucial issue of surveillance even when after the Indian Supreme Court, on August 24, 2017, gave a resounding nine-judge bench verdict upholding the Right to Privacy as a fundamental right.
5. **We regret also the absence of India's unequivocal commitment to strengthening the justice delivery system and guaranteeing the independence of the judiciary.** This is vital to effectuating our constitutional rights and is also a commitment India must fulfill under the SDGs. **Particularly in light of the frailties of the justice delivery system; we regret that 16 recommendations related to ending the death penalty have been noted.**
6. **However, we are disheartened that several recommendations on violence against women, including ending honour crimes, dowry death, and marital rape have been noted. We would also like to point out the criminalization of the poor through laws that penalize begging goes against India's human rights commitments.**
7. **While we welcome India's commitment to combat the practice of child marriage, we cannot help but note that it has not accepted to end this practice, nor has it accepted the recommendations to address sex selective abortion and infanticide. It has also not agreed to change the provision in the child labour**



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- law that allows children to work in family based occupations, which will only perpetuate caste in the country.**
8. Finally, like all of us here, we would like to join our government in commending the democracy-affirming UPR process. In keeping with its inclusive spirit, the Working Group on Human Rights has, since 2009, anchored a nation-wide process of consultation in which thousands of people now take part. Over 1,000 people from endorsed the civil society submission to UPR III. India's May 17th review before the Human Rights Council was telecast live to more than 50 locations, viewed by over 5,000 people. Even as I speak, Indians, from New Delhi to Tamil Nadu, to villages in Himalayas are listening eagerly to their government's acceptance of your human rights recommendations. In keeping with the spirit of the UN's UPR process we urge the government of India to carefully consider and implement all the recommendations that are noted.
 9. **Civil society looks forward to working in close partnership with the Indian government and the international community to making the UPR recommendations a reality at home.**
 10. **Finally, FORUM-ASIA calls upon the government of India to publicly set out a comprehensive, measurable and time-bound action plan for the implementation of UPR recommendations, in cooperation and consultation with civil society**

Thank you Mr. President