

19th Regular Session of the UN Human Rights Council
Item 3: Interactive Dialogue with the Special Rapporteur on the Situation of
Human Rights Defenders, Ms. Margaret Sekaggya

Oral Statement Delivered by Mr. Henri Tiphagne on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA), Asian Centre for Human Rights,
Commonwealth Human Rights Initiative, and Habitat International Coalition

Monday, 5 March 2012

Thank you, Madam President. FORUM-ASIA makes this statement jointly with the Asian Centre for Human Rights, the Commonwealth Human Rights Initiative and the Habitat International Coalition - members of the Working Group on Human Rights in India and the UN (WGHR)¹.

Madam Sekaggya, we appreciate your report following the visit to India (A/HRC/19/55/Add.1), in particular, the emphasis made on the defenders working for marginalized groups such as Dalits, Adivasis, indigenous peoples and religious minorities in addition to women human rights defenders and the defenders working on economic, social and cultural rights, special security laws, and the right to information. The report highlights the context in which human rights defenders in India conduct their legitimate work where they and their families face surveillance, threats, intimidation, arbitrary arrest and detention, and not infrequently, even death - all of which occur within an atmosphere of widespread impunity. As such, we strongly support the Special Rapporteur's recommendation that a specific legislation on the protection of human rights defenders be adopted and fully implemented.²

Madam Sekaggya, we concur with your concern that the amended Foreign Contribution Regulation Act 2010, with its wide discretions and punitive sanctions, poses increasing restrictions against defenders. In recent weeks, NGOs in Tamil Nadu have been targeted on the allegation of opposing the Koodankulam nuclear power plant, presenting an example of the abuse of this law without any due process being adhered to. Furthermore, the persistent misuse of special security laws against defenders working in conflict areas is another worrying trend. As per your recommendations, the Indian government should repeal the Armed Forces Special Powers Act, the Unlawful Activities Act, the Jammu & Kashmir Public Safety Act, and the Chhattisgarh Public Security Act.

Madam Sekaggya, at least two of the defenders who engaged with your mandate during the country visit, Abhay Sahoo from Odisha and Lingaram Kodopi from Chhattisgarh, are currently detained and face trumped up charges. Their cases will be further detailed during the parallel event entitled "Situation of Human Rights Defenders in India" to be held on Wednesday 7 March at 2pm in room 21. We invite all delegations to this event.

Finally, Madam Sekaggya, FORUM-ASIA shares your concern over the violent attacks and criminalization of defenders working on land rights and environmental issues, signifying the disturbing trend in Asia. We draw your particular attention to the ongoing aggression including the use of live ammunition by the Cambodian military and police against local protesters opposing land-grabbing, reflective of the government's collusion with private actors who are awarded the forcibly acquired lands.³ We regret the absence of responses by the Cambodian government to your previous communications (A/HRC/19/55/Add.2), and urge the government to undertake independent and thorough investigations into all communicated cases immediately. Thank you, Madam President.

¹ WGHR is a national coalition of 14 organizations and independent experts from India, <http://www.wghr.org>

² WGHR, Press Release, "WGHR Reaffirms UN's Call for Urgent Attention to the State of Human Rights Defenders in India", 25 January 2011, http://www.peopleswatch.org/dm-documents/HRDA/WGHR_PR_25.01.11%20FINAL.pdf

³ LICADHO, Press Release, "Five Shooting Incidents at Land Dispute Protests in the Past Two Months Show Alarming Increase in Use of Lethal Force, 26 January 2012, <http://www.licadho-cambodia.org/pressrelease.php?perm=269>