



FIDH – International Federation for Human Rights
and its member organizations in India
People’s Watch
and
Commonwealth Human Rights Initiative (CHRI)

Joint press release

India: Government fails to address key human rights concerns
during UN review

Geneva, New Delhi, Paris, 21 September 2017: The Indian government has not addressed serious human rights concerns during India’s third Universal Periodic Review (UPR), FIDH and its member organizations People’s Watch and Commonwealth Human Rights Initiative (CHRI) said today.

“Given the scale of human rights challenges that India faces, it is extremely disappointing to see that the government has not decided to make commitments on critical issues. The Indian government must begin addressing key human rights issues that have been neglected for too long,” said FIDH President Dimitris Christopoulos.

India’s third UPR was held on 4 May 2017 in Geneva, Switzerland. The outcome of the UPR was adopted today during the 36th session of the United Nations (UN) Human Rights Council. While India accepted more than half (152 of 250) of the recommendations it received from UN member states, the Indian government failed to accept all recommendations related to the rights to freedom of expression (seven) and association (six). The government also refused to accept key recommendations on the death penalty, the use of force by law enforcement officials, and the rights of women, children, minorities, migrants and refugees.

Regrettably, India did not accept all six recommendations that called for the amendment of the Foreign Contribution (Regulation) Act (FCRA) to bring it in line with the right

to freedom of association, as recognized in Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party. In October 2016, India's Ministry of Home Affairs [refused to renew the license of People's Watch](#) to receive foreign funding under the FCRA. Despite India's National Human Rights Commission finding that the license non-renewal was neither legal nor objective in November 2016, the Ministry of Home Affairs has yet to reverse its decision, which would allow People's Watch to receive foreign funding. These severe and ongoing restrictions on People's Watch's ability to operate violate India's international obligations under the ICCPR.

“The Indian government’s serious legal restrictions on funding for human rights organizations are unbecoming of a democratic and open society and must be immediately lifted,” said People's Watch Executive Director Henri Tiphagne.

With regard to the death penalty, the government failed to accept all 16 recommendations that called for abolition, a moratorium on capital punishment, and the ratification of the Second Optional Protocol to the ICCPR (ICCPR-OP2).

The government also refused to accept specific recommendations on the use of force by law enforcement officials, including those that called for a revision of the Armed Forces Special Powers Act and the enactment of the Prevention of Communal and Targeted Violence Bill. India failed to accept similar recommendations during its second UPR in 2012.

With regard to women's rights, the government did not accept recommendations to criminalize marital rape, to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), and to ensure the participation of women in legislative roles.

Regarding child rights, the government did not accept recommendations on prohibiting child labor in family enterprises. On a positive note, it committed to consider becoming a state party to the International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor and ILO Convention 138 on Minimum Wage.

India also refused to accept recommendations that called on the authorities to “take effective measures to combat rising instances of religious intolerance, violence and discrimination” and to decriminalize same-sex relations. India declined to accept four recommendations to repeal Article 377 of the Criminal Code to ensure that same-sex relations are not criminalized.

With regard to the ratification of international human rights instruments, the Indian government refused all recommendations to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), and the Rome Statute of the International Criminal Court.

FIDH, People’s Watch, and CHRI call on the government to reconsider its position vis-à-vis non-accepted recommendations whose implementation is necessary for India to be in compliance with its international human rights obligations.

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