

36th session of the Human Rights Council (11-29 September 2017)

Item 6: UPR outcomes – India

Statement delivered by the World Organisation Against Torture (OMCT), People's Watch, the Working Group on Human Rights in India and the UN, and Human Rights Defenders' Alert-India

Thank you Mr. President.

The OMCT, People's Watch, the Working Group on Human Rights in India and the UN, and Human Rights Defenders' Alert welcome the report of the working group on the UPR of India and appreciate that out of the 250 recommendations made, 41 addressed torture.

We believe that it remains crucial for India to ratify the Convention Against Torture and its Optional Protocol, to ensure that domestic legislation defines torture in line with international standards and to extend an invitation to the Special Rapporteur on torture for an official visit to the country.

However, we regret that no States made recommendations to the government with respect to pressing issues such as the lack of prompt and thorough investigations into allegations of torture and the continuing impunity of perpetrators.

We deeply regret Mr. Mukul Rohatgi's comment stating that *“the concept of torture is completely alien to our culture and it has no place in the governance of the nation.”*

Torture is endemic in the country and has been increasingly used as a tool of intimidation against minorities, dalits, adivasis and the poor and marginalized, as well as a tool to curb political dissent, both by the police and non-state actors. Moreover, police being bound by *“ties of brotherhood”* seldom register cases of torture and often intimidate witnesses and victims in the absence of a protective legal framework.

Finally, we regret the failure of the National Human Rights Commission to reiterate in its last report to the UPR its call for the adoption of a strengthened anti-torture law, a draft of which is pending since 2010. We also remain concerned about the lack of political will - at a time when urgent calls are being made on the shrinking democratic space in India

- to move forward with the criminalization of torture, which reflects India's lack of commitment towards its international obligations.

Thank you.