

India should stop abusing foreign funding law to silence civil society:

Amnesty International

ByNews Desk

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'End harassment against people's watch, other rights groups'

The Indian government should immediately stop harassing the Centre for Promotion of Social Concerns and its program unit People's Watch, ten human rights groups said on Tuesday.

The government should stop using the Foreign Contribution Regulation Act and other abusive laws to silence civil society in India, Amnesty International said in a statement.

The groups are Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA), Christian Solidarity Worldwide (CSW), FIDH, within the framework of the Observatory for the Protection of Human Rights Defenders, Front Line Defenders, Human Rights Watch, International Commission of Jurists (ICJ), International Dalit Solidarity Network (IDSN), International Service for Human Rights (ISHR), World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders.

On January 8, 2022, India's national investigative agency, the Central Bureau of Investigation (CBI) searched the offices of the non-governmental organization Centre for Promotion of Social Concerns (CPSC) in Madurai, Tamil Nadu state. Officers from the CBI entered the group's premises and seized several documents. The CBI officers informed the Centre for Promotion of Social Concerns that they were investigating allegations of fraud and financial irregularities under the Foreign Contribution Regulation Act, a law that regulates foreign funding for Indian nongovernmental organizations, it said.

The Centre for Promotion of Social Concerns, a prominent human rights organization better known by its program unit People's Watch, monitors human rights abuses, works with socially and economically marginalized victims of abuses, including by police, and conducts human rights education and training.

In 2016, the Ministry of Home Affairs India rejected the group's application for renewal under the Foreign Contribution Regulation Act. They said it was "on the basis of a field agency report," which civil society leaders widely believe refer to reports of intelligence agencies or law enforcement personnel, the statement said.

The report said when the Centre for Promotion of Social Concerns challenged the government's decision in the Delhi High Court, the Home Affairs Ministry told the court that the group used foreign funding to share information with United Nations special rapporteurs and foreign embassies, "portraying India's human rights record in negative light...to the detriment of India's image." The government characterized this as "undesirable activities detrimental to the national interest."

The government's response in court is evidence that it is violating India's international obligations by targeting a group for promoting respect for international human rights instruments and cooperating with UN human rights mechanisms. The government also alleged financial irregularities even though the Delhi High Court had previously cleared the group of those charges in 2014 after the organisation challenged similar suspensions in 2012 and 2013. The case is still pending, it said.

The government of India appears to have routinely disregarded court rulings in favor of civil society organisations and their constitutional rights to freedom of expression and association. The courts have repeatedly reminded the government that in a democracy, peaceful dissent is protected and may not be muzzled, the statement said.

The ongoing harassment of the Centre for Promotion of Social Concerns and People's Watch violates their right to freedom of association and access to funding and appears to be aimed at punishing the organisation for its human rights activities and at intimidating its staff.

"This crackdown is part of wider repression of civil society in India, including through the use of draconian laws such as sedition and terrorism. Since 2016, the authorities have revoked, suspended, refused to renew the FCRA license of hundreds of civil society groups, or accused them of evading the law and frozen their bank accounts. These include the Indian Social Action Forum, Lawyers Collective, Sabrang Trust, Navsarjan Trust, Anhad, Oxfam India, Greenpeace and Amnesty International India. Groups working on rights of India's most vulnerable populations such as Dalits, religious minorities, and Adivasis are particularly vulnerable," it said.

Over the years, a number of United Nations bodies have expressed concerns over the use of the Foreign Contribution Regulation Act to silence dissenting voices.

In 2016, three UN human rights experts urged the government to repeal the law, stating that it was being used to “obstruct” access to foreign funding and that it “fails to comply with international human rights standards.”

In October 2020, the High Commissioner for Human Rights Michelle Bachelet said in a statement that the overbroad and vaguely formulated FCRA provisions are “open to abuse” and that the Act is “indeed actually being used to deter or punish NGOs for human rights reporting and advocacy that the authorities perceive as critical in nature.”

Yet, in 2020, the Indian parliament passed amendments to the law, adding intrusive governmental oversight, additional regulations and certification processes, and operational requirements, which have further adversely affected civil society groups’ access to foreign funding and their ability to carry out human rights work.

India’s National Human Rights Commission should promptly investigate the government’s refusal to renew the registration of the Centre for Promotion of Social Concerns under the law and take all appropriate and necessary actions to protect human rights defenders and organisations, including their right to freedom of association and access to funding.

“The Indian authorities should immediately put an end to all acts of harassment against the Centre for Promotion of Social Concerns and People’s Watch, drop all complaints against them and renew their registration under the Foreign Contribution Regulation Act, to allow them to resume their human rights work. The government should also amend the Foreign Contribution Regulation Act to bring it in line with international law and human rights standards and stop using it to target defenders and others exercising their basic human rights. It should further ensure that all human rights defenders and organizations are able to carry out their activities without any hindrance or fear of reprisals,” the statement ends.

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