



**21st Regular Session of the UN Human Rights Council
Item 6: Universal Periodic Review (UPR) Plenary on India**

**Oral Statement Delivered by Ms. Pooja Patel on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)**

Thursday, 20 September 2012

Thank you Madam President, FORUM-ASIA makes this statement in association with the Working Group on Human Rights in India and the UN (WGHR), a national coalition of human rights organizations and independent experts in India.¹ It is deeply regrettable that since the 2nd UPR Working Group session in May, the government of India has conducted no consultations with civil society, independent institutions or the Parliament and at the last moment hastily produced to this Council only the list of 67 accepted recommendations out of 169. We note that many recommendations from the 2nd cycle have been repeated from the 1st cycle, indicating a poor implementation status. While we welcome the government's continued commitment to ratifying the Convention Against Torture (CAT) and hope that it will be complete within a year, we feel remorse that the accepted recommendation from the 1st cycle to ratify the Convention for the Protection of All Persons from Enforced Disappearances (CPED), which was reiterated in May (138.1, 5, 9, 11, 13, 20 and 24), has been dropped.

Madam President, we highlight the recommendation to adopt legal measures in dealing with situations of targeted and communal violence (138.48). The recent incidents in the North eastern state of Assam, which have left 91 people dead and displaced over 400,000 persons into 300 relief camps, require immediate attention, particularly for adequate food, healthcare, drinking water and sanitation. This once again exemplifies the gaps in national standards as well as the lack of institutional responsibility in providing reparations for those affected by internal conflicts.

In addition, the recommendation to repeal the Armed Forces (Special Powers) Act is key as the government continues to camouflage the systematic impunity enjoyed by the armed forces in the Northeast and Kashmir (138.44).² Furthermore, considering the increase in the number of death sentences, we echo the call by a number of States on the need to impose a moratorium on the death penalty (138.91-100). We are very disturbed that both these recommendations have not been accepted by the government and urge this Council to remain seized of these.

Madam President, given the systematic limitations on the realization of socio-economic rights in India, we regret that there were very few recommendations in this regard by the UPR Working Group. While many States commended India on its food security policies, we remain concerned that the Public Distribution System operates on the basis of an unrealistic poverty line and, due to targeting errors, corruption, inefficiency and discrimination; poor households in genuine need have been excluded. In this context, we note the fact that India has accepted almost all the recommendations pertaining to economic, social and cultural rights. Many of these recommendations, however, are worded in a general

¹ 13th Session of the UPR Working Group, WGHR Joint Submission to Stakeholder's Report, 28 November 2011; WGHR Press Release, "Constructive Engagement Still Elusive at India's Second UPR at the UN", 29 May 2012, <http://www.wghr.org/pdf/Post-UPR%20Press%20Release.pdf>

² WGHR Press Statement, "Armed Forces (Special Powers) Act", 27 August 2012, <http://www.wghr.org/pdf/WGHR%20Statement%20AFSPA.pdf>



manner and India will have to specify goals and targets to meet these obligations.

Finally, we welcome some positive developments in India since the UPR Working Group session in May such as the enactment of the Protection of Children from Sexual Offences Act and the ban on employment of children aged below 14, which is a step towards addressing exploitation of children as recommended by several States (138.40, 103 and 140). The progress towards passing the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill is also noteworthy. It is encouraging to see, in this context, that India has accepted most of the recommendations on the elimination of gender and child based violence. We look forward to further progress towards reviewing and implementing the UPR recommendations from both cycles, and urge the government to engage in genuine dialogue with all stakeholders in such processes, including by conducting mid-term reviews and sensitising the public on India's human rights obligations. Thank you, Madam President.