

The struggle for Human Rights

In a country basking in the glory of development and progress, alarming statistics revealed by WGHR highlight the Government's lack of interest in solving human rights issues

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The 'Human Rights in India – Status Report 2012' (Updated and Revised) is not something to be read by the weak hearted, for such are the truths it reveals to the reader. The report, put together by the Working Group on Human Rights (WGHR) in India and the UN, paints a grim picture in terms of human rights situations in India.

The report was released in a press conference in Delhi on Friday, marking International Human Rights Day, which falls on December 8.

The report includes updates on human rights situations in India since May 2012, when the second universal periodic review (UPR) of India was held. "The new report from WGHR outlines steps that the government of India needs to urgently take to ensure the respect, protection and fulfilment of the human rights of people and communities in the country," said Miloon Kothari, WGHR convenor and former UN special rapporteur.

The WGHR report discusses the human rights situations in India under three broad areas –

- Economic, social and cultural rights and right to development,
- Militarisation and security laws/ apparatus,
- Access to justice

Highlighting the urgency with which the drop in GDP was being addressed by the Indian government via emergency ministerial meetings and new reforms, Shivani Chaudhry, associate director, housing and land rights network said, "India has the highest infant mortality rate. There are six doctors for every 10,000 persons. But these figures don't seem to be addressed with urgency by the government. This says something about their priorities."

Further adding strength to discussions, Madhu Mehra, director, partners for law in development said, "Only general recommendations by the UPR have been accepted. Every concrete recommendation has been rejected and this is not acceptable." The WGHR revealed that of the 186 recommendations given to the government, it has accepted only 67.

Expressing dissatisfaction over the same, Srivella Prasad from the national campaign for dalit human rights said, "There were nine recommendations for ensuring human rights to SC/ ST communities. But only two have been accepted." He added that the government's tendency of accepting generic recommendations and leaving out concrete ones would never ensure the protection and security of dalits in the country. "Given the growing nature and extent of discrimination and violence, we urge the government to address the dalit, adivasi and other marginalised communities' issues more strongly and take appropriate policy and legislative changes," he said.

The panellists also revealed to those present about the ignorance of the parliament to the UPR “This shows that the government is not consulting anyone on which recommendations to accept and which to reject,” said Miloon. A reason for rejecting is also not provided to any of the stakeholders, he further explained.

“We urge the government to engage in a genuine dialogue with all stakeholders and adopt an inclusive and participatory process regarding the monitoring of the implementation of all the UPR recommendations,” said Kothari. He also expressed the WGHR’s next step of getting the government to hold a mid-term review of the UPR in 2014.

Stand on AFSPA and death penalty

On the controversial Armed Forces Special Powers Act (AFSPA), the WGHR report highlights that various UN human rights bodies and government committees have repeatedly called for the repeal of the Act. The report reveals that the recommendations submitted by the UPR on AFSPA have not been accepted by the Indian government. “Are we letting the army call the shots when it should be fully democratically made,” questioned Vrinda Grover, lawyer and activist. “Conflict is no longer confined to Kashmir and states in the North East, but also many parts of Central India. In all these areas, human rights violations are overlooked and even condoned,” she said, adding later, “If approach to every dissent is through the military, then we need to question what space there is for human rights in democratic India.” Grover also stressed on the need for a law to ensure prevention of torture and expressed displeasure over such a bill not being ratified.

The panel also expressed firm opposition to the death penalty that exists as per the law. Suhas Chakma, director of the Asian Centre for Human Rights (ACHR) said, “No civilised society can have death penalty even if evidence is caught in camera as in the case of Kasab.” He added, “Unless the GoI brings an end to this, the plight of the people given this sentence will never be known.”

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