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**UN Human Rights Council
21st session, 10-28 September 2012**

**Item 6:
Consideration of UPR reports**

INDIA

Madame President,

Amnesty International regrets the apparent lack of support by India of recommendations to hold security forces to account for human rights violations.¹ We are particularly concerned about the continued application of the Armed Forces Special Powers Act (AFSPA) in parts of India. This law gives security forces wide-ranging powers, including effectively the power to “shoot to kill” in certain situations. We are also concerned about the need for prior governmental sanction for prosecuting security personnel charged with committing grave human rights violations like rape and murder, in areas where the AFSPA is in force. We urge India to repeal the AFSPA.

While we welcome India’s acceptance of a recommendation to continue to cooperate with the UN Special Procedures;² we deeply regret its rejection of recommendations to allow the visit by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; this visit has been pending since 1993, for over 18 years.³ We welcome India’s acceptance of recommendations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;⁴ however, we note that India signed this 15 years ago in October 1997.

Madame President,

Amnesty International has documented instances in which members of *adivasi* and other indigenous groups are denied their right to free, prior and informed consent when their land is acquired by the Indian government. We welcome India’s support of a

¹ A/HRC/21/10, paragraphs 138.35 (Switzerland); 138.44 (Slovakia); and 138.45 (France).

² A/HRC/21/10, paragraph 138.66 (Belgium).

³ A/HRC/21/10 paragraphs 138.32 (Switzerland); and 138.69 (Hungary).

⁴ A/HRC/21/10, paragraphs 138.1 (Spain); 138.4 (United States of America); 138.5 (Iraq); 138.7 (Italy); 138.8 (Maldives); 138.10 (Uruguay); 138.13 (Austria); 138.15 (Botswana); 138.16 (Brazil); 138.17 (Czech Republic); 138.18 (Portugal); 138.29 (Indonesia); and 138.36 (Timor-Leste).

recommendation to protecting the rights of scheduled castes, tribes and minorities,⁵ but regret its apparent lack of support of recommendations to adopt ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.⁶

Madam President,

We are greatly concerned that human rights defenders have been arrested on politically motivated charges in India and sincerely regret India's apparent rejection of recommendations to enact a law to protect human rights defenders.⁷

Finally, we encourage India to set specific timeframes and to establish a monitoring mechanism for the implementation of the recommendations accepted in this review. We ask that the government keep civil society and the Council regularly informed of its progress in implementing its commitments and accepted recommendations.

Thank you, Madam President.

⁵ A/HRC/21/10, paragraph 138.75 (Ghana).

⁶ A/HRC/21/10, paragraphs 138.5 (Iraq) and 138.26 (Ghana).

⁷ A/HRC/21/10, paragraph 138.43 (Czech Republic).