



**Human Rights Watch Statement
Adoption of the Outcome of the UPR of India
20 September 2012**

We welcome the adoption of the outcome of the second Universal Periodic Review of India, which reflects a large number of important recommendations.

We are encouraged by recent positive steps on human rights by the Indian government. These include efforts promoting governmental transparency; measures addressing rural poverty; passage of legislation to protect women in the workplace and end domestic violence; the absolute ban on the employment of children under 14; attempts to provide universal access to primary education; and steps to protect children from sexual abuse. The Indian government's decision to support the decriminalization of homosexuality is a very significant development that should have impact throughout the region and beyond. The extension of invitations to Special Procedures and the recent visits of several Special Rapporteurs to India indicates a new willingness to engage with the international community on important human rights issues.

However, we regret that India has failed to comprehensively address recommendations calling for an end to impunity and repeal of laws that have led to widespread human rights violations. At the same time, enacting laws, while an important step, will not be effective in light of consistent failures in implementation that have led to continued rights abuses.

Despite repeated pledges to "zero tolerance" for human rights violations, the government has not amended laws that effectively provide immunity to military and paramilitary personnel implicated in serious abuses. India claims that all allegations are investigated and action taken through internal mechanisms, but instead, what we find are routine denials that violations occurred at all. Without an impartial and transparent process, such abuses will continue and remain unpunished.

The government has also failed to accept recommendations to review the Armed Forces Special Powers Act. The law provides the armed forces with widespread powers in internal conflict situations, facilitating severe human rights violations while protecting personnel from criminal prosecution. Even the National Human Rights Commission cannot independently investigate allegations of abuse against members of the armed forces. The government said that the Act was upheld by the Supreme Court, but failed to note that measures outlined by the courts to prevent abuses are routinely ignored.

The government has also not addressed concerns about limitations on the right to freedom of expression, including on the internet. In light of recent misuse of the sedition law to prosecute critics and peaceful protesters, we believe that the parliament should repeal the law. The intimidation of civil society activists remains of concern, particularly in light of recent comments that protests are instigated by foreign-funded NGOs, and increased scrutiny under the Foreign Contribution Regulation Act (FCRA). The Special Rapporteur on human rights defenders has made important recommendations to safeguard the right of genuine NGOs to operate without excessive restrictions.

Constitutional protections are not enough to end caste and other forms of discrimination in India. We hope the government will act on recommendations to institute a national action plan to

eradicate all forms of discrimination and enforce training and sensitization to address caste, ethnic, religious or sectarian discriminatory practices of law enforcement officials.

The government should take steps to monitor measures to reduce the high level of maternal and child mortality. Despite its commitment, the Indian government has not done enough to ensure the protection of women, children, LGBT people and the disabled.

The government should prioritize the enactment of the prevention of torture law, ratify the Convention against Torture, and invite the Special Rapporteur on torture to visit India. And finally we are disappointed that the government has resisted the trend of UN member states and failed to adopt the recommendations to institute an official moratorium on capital punishment.

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