



21 September 2017

**UN Human Rights Council  
Thirty-sixth session, 11-29 September 2017**

**Item 6:  
Consideration of UPR reports**

**INDIA**

Mr. President,

Amnesty International welcomes India's support of recommendations to improve access to health,<sup>1</sup> education,<sup>2</sup> and housing,<sup>3</sup> and to reduce poverty.<sup>4</sup> However, we regret that India rejected several important specific recommendations related to reducing discrimination and violence against marginalized groups, respecting the freedom to dissent, and reducing impunity for human rights violations.

It is unfortunate that India has rejected specific recommendations to recognize marital rape as a criminal offence,<sup>5</sup> to decriminalize same-sex relations,<sup>6</sup> and to establish a plan to combat hate crimes against people of African descent.<sup>7</sup> India has also done far too little to tackle incidents of

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<sup>1</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – India, A/HRC/36/10, 17 July 2017, recommendations 161.176-161.177 (Colombia, Zimbabwe) and A/HRC/36/10/Add.1, page 7.

<sup>2</sup> A/HRC/36/10, recommendations 161.181-161.189 (Iraq, Lao PDR, Myanmar, Qatar, Viet Nam, Brunei Darussalam, Mexico, Kyrgyzstan, Holy See) and A/HRC/36/10/Add.1, page 7-8.

<sup>3</sup> A/HRC/36/10, recommendations 161.155-161.157 (Germany, South Africa, Algeria) and A/HRC/36/10/Add.1, page 7-8.

<sup>4</sup> A/HRC/36/10, recommendations 161.161 (Haiti), 161.166 (Uzbekistan) and A/HRC/36/10/Add.1, page 7

<sup>5</sup> A/HRC/36/10, recommendations 161.51-161.58 (Sweden, Australia, Slovenia, Belgium, Iceland, Namibia, France, Zambia, Lithuania), 161.71 (Ireland), 161.196 (Canada), 161.209 (Honduras) and A/HRC/36/10/Add.1, page 3,4 & 8.

<sup>6</sup> A/HRC/36/10, recommendations 161.71 (Ireland), 161.76-161.79 (Iceland, Israel, Norway, Canada) and A/HRC/36/10/Add.1, page 4.

<sup>7</sup> A/HRC/36/10, recommendations 161.84 (Haiti) and A/HRC/36/10/Add.1, page 4.

mob violence against Muslims<sup>8</sup> and widespread discrimination against Dalit and Adivasi communities.<sup>9</sup>

The freedom to dissent is increasingly under threat in India. The government's rejection of recommendations to amend the NGO foreign funding law,<sup>10</sup> to align communications surveillance and restrictions on online expression with international human rights standards,<sup>11</sup> and to independently investigate attacks on journalists,<sup>12</sup> raises troubling questions about its commitment to protecting the rights to freedom of expression and association.

We also regret India's rejection of recommendations to repeal the Armed Forces Special Powers Act,<sup>13</sup> which has contributed to a culture of impunity for human rights violations by the security forces, to ban inherently inaccurate pellet-firing shotguns that have blinded and killed hundreds,<sup>14</sup> and to enact a law to address communal violence<sup>15</sup>.

These rejections, unfortunately, paint a grim picture of India's commitment to upholding human rights and respecting its international obligations.

By taking steps recently to forcibly return all Rohingya refugees and asylum-seekers in India to Myanmar, where they may face serious human rights violations, India risks failing its moral and legal obligations.<sup>16</sup> We urge India to drop these measures, which are unbecoming of a country that has a tradition of providing refuge to people fleeing persecution.

Amnesty International welcomes India's support of recommendations to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>17</sup>, which it signed in 1997. We urge it to also ratify other outstanding human rights treaties.

Thank you, Mr. President,

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<sup>8</sup> Amnesty International India: *India: Hate crimes against Muslims and rising Islamophobia must be condemned* 28 June 2017, See <https://www.amnesty.org.in/show/news/government-must-condemn-hate-crimes-against-muslims-rising-islamophobia/>

<sup>9</sup> Page 13, India: Impunity, Discrimination and Repression of Dissent. AI Submission to the UN Universal Periodic Review, May 2017. Available at: <https://www.amnesty.org/en/documents/asa20/5206/2016/en/>

<sup>10</sup> A/HRC/36/10, recommendations 161.135-161.140 (Germany, Norway, Republic of Korea, USA, Czechia, Switzerland), 161.143 (Canada) and A/HRC/36/10/Add.1, page 6.

<sup>11</sup> A/HRC/36/10, recommendations 161.145 (Liechtenstein) and A/HRC/36/10/Add.1, page 6.

<sup>12</sup> A/HRC/36/10, recommendations 161.141 (Lithuania) and A/HRC/36/10/Add.1, page 6.

<sup>13</sup> A/HRC/36/10, recommendations 161.97 (Switzerland), 161.248 (Pakistan) and A/HRC/36/10/Add.1, page 5 & 9.

<sup>14</sup> Amnesty International India, *Losing Sight in Kashmir: Impact of Pellet-Firing Shotguns*, September 2017, A/HRC/36/10, recommendations 161.249 (Pakistan) and A/HRC/36/10/Add.1, page 9.

<sup>15</sup> A/HRC/36/10, recommendations 161.49 (UK) and A/HRC/36/10/Add.1, page 3.

<sup>16</sup> Amnesty International India: *India: Rohingya fleeing persecution need support, not threats of arbitrary expulsion* 16 August 2017, See: <https://www.amnesty.org.in/show/entry/india-rohingya-fleeing-persecution-need-support-not-threats-of-arbitrary-ex>

<sup>17</sup> A/HRC/36/10, recommendations 161.5-161.10 (Botswana, Norway, Czechia, Bulgaria, Greece, Guatemala, Italy, Lebanon, Montenegro, Mozambique, South Africa, Sweden, Turkey, Ukraine, United States of America), 161.11 (Australia), 161.16-161.22 (Republic of Korea, Israel, Chile, Burkina Faso, Russia, Denmark, Indonesia), and A/HRC/36/10/Add.1, page 2.

