

INDIA

Open letter from Amnesty International to political parties on the occasion of the April/May 1996 General Elections

As the dates of the general elections draw near, I am writing to you as Secretary General of Amnesty International, an international movement for the promotion and protection of human rights. At this important juncture, I urge you to commit yourself and your party publicly to strengthening human rights protection in India and to promoting human rights internationally.

Since 1992, when my predecessor wrote to all members of the *Lok Sabha* about the incidence of custodial violence in India, there has been a greater acknowledgement within India of the need to take positive steps for the prevention of such violence. Despite this, we feel we must continue to raise the question of human rights protection in India as abuses of human rights are still being reported. In doing so we are motivated solely by the desire to promote those human values and standards which are universally recognised as applying to all people at all times.

Today the promotion and protection of human rights has become a global issue. Governments have recognized their importance by ratifying international human rights treaties, participating in international human rights monitoring and raising human rights concerns in international fora. Seeking to ensure that human rights are fully protected by all governments, Amnesty International's work worldwide covers all countries of the world from Brazil to Australia and from China to the United States of America.

India is the largest democracy in the world and one of the strongest and most dynamic political forces in the Asia-Pacific region. It sets an example to other nations with its vibrant press and long-established legal system. Indian governments have often stated their commitment to human rights, and recent positive initiatives include the establishment of a National Human Rights Commission. As India assumes a greater role on the world stage, Amnesty International urges it to take a lead by taking forceful steps to advance respect for human rights domestically and internationally.

I enclose for your use and information our most recently published document on India, *Amnesty International and India* (March 1996), which is an introduction to our organization and its concerns in India. Part II of the report summarizes the human rights violations that Amnesty International has documented in India over several decades. Amnesty International believes that its concerns can and should be resolved through the political process, and hopes that these concerns will be at the forefront of the policies of the new government in India.

Human rights violations affect most sections of Indian society, with people from some groups, particularly the socially or economically disadvantaged, being especially vulnerable. In a complex society of approximately 920 million people, speaking dozens of languages and dialects,

living in 25 states and seven union territories, not everyone has equal access to justice or an equal chance to be allowed to live in safety and with dignity.

Amnesty International believes that provisions in India's legislative framework that do not conform to international standards and permit human rights violations need to be amended. Amnesty International promotes the rights enshrined in the 1948 Universal Declaration of Human Rights and other international human rights instruments¹, which India has also promised to uphold. We therefore urge the new government in India to withdraw limiting declarations made when ratifying the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Cultural and Social Rights, specifically those made with regard to Article 22 of the Constitution of India which allow for preventive detention in India. Amnesty International also calls for a review of the laws which derogate from international standards, as detailed in the enclosed document.

In addition, Amnesty International urges the new government to consider a review of the functioning of the legal system. In particular, Amnesty International urges a review of legal proceedings and the inherent problems of accessing law for those experiencing political, social and economic disadvantage, as these problems increase the suffering of those whose rights have been violated. We also urge India to ratify the First Optional Protocol to the ICCPR which allows for a victim to take a complaint regarding the violation of a right guaranteed by the ICCPR to the United Nations Human Rights Committee, after all available domestic remedies have been exhausted.

Amnesty International continues to call for the eradication of torture, including rape, and deaths of prisoners in custody. Some methods used by the police, army and paramilitary forces in the course of law enforcement activities are of concern to Amnesty International as they have led to torture, including rape, and other forms of cruel, inhuman and degrading treatment, as well as to extra judicial killings and "disappearances". We urge the new government to review the mechanisms that monitor the forces of law and order, and to strengthen initiatives aimed at ensuring that the forces of law and order are made fully cognizant of human rights concerns and are provided with human rights training.

Existing legal safeguards for detainees should be meticulously adhered to and further strengthened to prevent custodial abuse. Amnesty International calls for clear lines of command to be maintained and full accountability to be ensured at all levels in order to guard against abuse of the powers vested in the police and security forces. Amnesty International also urges the new government to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby honouring an intention expressed by previous Indian governments.

¹International Human Rights Standards are available from the United Nations Information Centre, 55 Lodi Estate, New Delhi 110 003.

All past human rights violations and abuses should be investigated as a matter of urgency, in a thorough and impartial manner. Anyone found guilty of perpetrating human rights violations should be brought to justice promptly, giving a clear message that human rights cannot be violated with impunity. This accountability would foster a climate in which all people in India could enjoy the full protection of their human rights.

Amnesty International is urging the Indian Government to join the growing number of countries that have abolished the death penalty in law, having recognized that the arguments in favour of abolition are compelling. The death penalty is a violation of the right to life and the ultimate form of cruel and inhuman treatment. It has no unique deterrent effect. It may be inflicted on the innocent, and the weak in society are especially vulnerable.

A first step could be the commutation of all death sentences and a public commitment to carry out no further executions. Amnesty International hopes that the new government would place high on its agenda the ratification of the Second Optional Protocol to the ICCPR, which aims at the abolition of the death penalty.

Amnesty International urges the new government to continue to seek to ensure that the rights of vulnerable groups of people are protected through the implementation of the standards it has ratified. These include the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. Amnesty International also calls on the new government to ratify the 1951 Geneva Convention relating to the Status of Refugees.

We consider it to be of the utmost importance for you and your political party to enter into full and open discussions with non-governmental human rights bodies within India, including groups committed to the protection of the rights of vulnerable groups. In addition, we urge you to enter into a sincere dialogue with international organizations that work to protect and promote human rights, including Amnesty International, and to grant them unhindered access to India. This would ensure that all those concerned with the protection and promotion of human rights could work together, in a spirit of openness, towards their shared goals.

I hope that all politicians elected to the *Lok Sabha* in the forthcoming general elections will give priority to the concerns expressed in this letter and enclosed document, and will actively support policies which protect and promote human rights.

Yours sincerely,

Pierre Sané
Secretary General