

AMNESTY INTERNATIONAL

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India: Amnesty International urges India to promptly ratify the Convention against Torture and invite the Special Rapporteur on torture to visit India

Human Rights Council adopts Universal Periodic Review outcome on India

Amnesty International regrets the apparent lack of support by India of recommendations to hold security forces to account for human rights violations.¹ The organisation is 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. It is similarly concerned about the need for prior governmental sanction to prosecute security personnel charged with committing grave human rights violations, such as rape and murder, in areas where the AFSPA is in force. Amnesty International urges India to repeal the AFSPA.

While Amnesty International welcomes India’s acceptance of a recommendation to continue to cooperate with the UN Special Procedures;² it deeply regrets the government’s 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 Amnesty International also welcomes 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 but notes that India signed this 15 years ago in October 1997.

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. While the organisation welcomes India’s support of a recommendation to protect the rights of scheduled castes, tribes and minorities,⁵ it regrets the apparent lack of support of recommendations to adopt ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.⁶

Amnesty International is greatly concerned that human rights defenders have been arrested on politically motivated charges in India and sincerely regret the government’s apparent rejection of recommendations to enact a law to protect human rights defenders.⁷

Finally, Amnesty International encourages India to set specific timeframes and to establish a monitoring mechanism for the implementation of the recommendations accepted in this review. It asks that the government keep civil society and the Human Rights Council regularly informed of progress in implementing its commitments and accepted recommendations.

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).

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).

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of India on 20 September 2012 during its 21st session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in India:
<http://www.amnesty.org/en/library/info/ASA20/048/2011/en>

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org
