

PRESS RELEASE**WGHR reaffirms UN's call for urgent attention to the state of human rights defenders in India**

New Delhi, 25 January 2011 – The Working Group on Human Rights in India and the UN (WGHR) commends the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, for the successful completion of her fact-finding mission to India, which took place from 10 to 21 January 2011. WGHR welcomes the Special Rapporteur's recently released statement which summarises her main interim findings concerning the alarming situation of human rights defenders in India, and gives preliminary recommendations to relevant stakeholders.

WGHR echoes the Special Rapporteur's statement and commends the Government of India for inviting the Special Rapporteur to India, and allowing her to travel and hold regional consultations with a broad range of civil society representatives in five states (Orissa, West Bengal, Assam, Gujarat and Jammu & Kashmir) and in the capital, New Delhi. These consultations were very significant for human rights defenders, as expressed by Babloo Loitongbam, Director, Human Rights Alert: *"This is the first ever visit of a UN Special Rapporteur to the North East. Ms. Sekaggya's empathetic listening to the struggles of the human rights defenders of this isolated region has generated a lot of hope"*.

The Special Rapporteur's statement brings to light the severe assault on human rights defenders, by both state and private actors, in India today. During her 12-day mission in India, Ms. Sekaggya heard testimonies from defenders of killings, torture, ill-treatment, enforced disappearances, threats, arbitrary arrests and detention, filing of false charges against defenders, surveillance, forcible displacement, raiding of defenders' offices and stealing of documents and files, and illegitimate restrictions on freedom of peaceful assembly.

While Ms. Sekaggya notes that India is home to a comprehensive and progressive rights-based legal framework, and welcomes the existence of numerous human rights institutions, she points to "widespread deficiencies" in implementation of laws and failings in institutional responses with serious adverse impact on the safety and security of human rights defenders.

The Special Rapporteur expresses serious concern over the plight of defenders working on a range of issues, including:

- Defenders engaged in denouncing development projects that threaten or destroy the land, natural resources and livelihoods of communities
- Defenders working for the rights of marginalized people (Dalits, adivasis), religious minorities and sexual minorities
- Right to Information activists
- Defenders working on women's and child rights, particularly women human rights defenders
- Defenders fighting impunity for human rights violations
- Defenders seeking accountability for communal pogroms
- Defenders upholding the rights of political prisoners, journalists, lawyers, labour activists, humanitarian workers, and church workers
- Defenders working in insurgency and conflict affected areas
- Defenders working in rural India (who according to the Special Rapporteur are "often more vulnerable")

Henri Tiphagne, Convenor of Human Rights Defenders Alert – India, observes: *"Pervasive human rights violations, compounded by the non-accountability of state actors and institutions, have also triggered the emergence of new groups of defenders, made up of ordinary citizens and grassroots communities, fighting for their rights"*.

Ms. Sekaggya points to the “arbitrary application” of security laws, particularly in conflict affected areas of the country such as Jammu & Kashmir and the North East states. These laws are used to target and brand human rights defenders (including journalists) as anti-national, terrorists, Naxalites, and other perceived enemies of the state. The Special Rapporteur recommends the repeal of the Armed Forces Special Powers Act and the Jammu & Kashmir Public Safety Act, and also calls for a review of other security laws in force. Based on her observations at the Special Rapporteur’s consultation with civil society in Kashmir, Advocate Vrinda Grover states: *“Parents of victims, human rights activists, the Srinagar Bar Association and journalists all underscored the rampant violations of human rights and the impunity enjoyed by the security forces in Kashmir. Moved by the accounts of young persons killed and detained under draconian laws, the Special Rapporteur observed that Kashmir should be understood through the human rights violations suffered by the people”*.

WGHR expresses deep concern for the safety and security of human rights defenders under severe assault across the country, and calls on the Central and state governments to consider and implement the Special Rapporteur’s preliminary recommendations without delay.

WGHR also calls attention to what the Special Rapporteur’s findings reveal about the larger situation of human rights protection in India, which is seriously and alarmingly lacking. The deliberate and often violent targeting of human rights defenders is facilitated by failing institutional responses, particularly of the National and state human rights commissions. The Special Rapporteur clearly identified the systemic problems in the performance of human rights commissions, which have led defenders to lose all faith in these institutions. This was reaffirmed at a roundtable meeting hosted by the National Human Rights Commission for civil society representatives and the Special Rapporteur, at which speaker after speaker identified the need for a strong, independent, effective and transparent Commission. WGHR urges central and state governments, and the commissions themselves, to urgently take steps to rectify these failings.

“We hope this mission signifies that the Government of India will now regularly invite Special Procedures mandate holders to the country. We trust this step indicates a new era of collaboration with the UN human rights programme and demonstrates India’s firm resolve to respect its international human rights commitments, including timely implementation of Special Rapporteur and UN treaty body recommendations”, says Miloon Kothari, Convenor of WGHR. ■

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- **The Statement of the UN Special Rapporteur on the situation of human rights defenders is available at:** www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10660&LangID=E

The Working Group on Human Rights in India and the UN – a national coalition of fourteen human rights organisations and independent experts – works towards the realisation of all civil, cultural, economic, political and social human rights in India and towards holding the Indian government accountable to its national and international human rights obligations. For information on WGHR, please visit: www.wghr.org