

Flygtningenævnets baggrundsmateriale

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- Insist that the International Pandemic Treaty (or other international instrument) currently under discussion at the World Health Organization has human rights at its core and is developed in a fully transparent and inclusive process.

Technology and Human Rights

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Ensure that domestic legislation on intelligence surveillance imposes effective safeguards against human rights violations and abuses and that accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy are sufficient and transparent.

International Justice

- Remove statutes of limitations for the crime of torture and all war crimes, as well as any other legislative obstacles to the effective investigation and prosecution of crimes under international law.
- Criminalize the recruitment of child soldiers during peacetime.

Ratification of Treaties

- Ratify ILO Conventions 169 (the Indigenous and Tribal Peoples Convention 1989) and 190 (the Violence and Harassment Convention of 2019).
- Promptly accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity without making any reservation.

Key Amnesty International Documents on Finland for reference

Finland: Time to Address Remaining Gaps in Human Rights Protection: Amnesty International's submission to the 41st session of the UPR Working Group;

<https://www.amnesty.org/en/documents/eur20/5402/2022/en/>

All documents relating to Finland are available on Amnesty International's website:

<https://www.amnesty.org/en/location/europe/finland/> and Amnesty Finland's website:

<https://www.amnesty.fi/ajankohtaista/>

Recommendations to the government of India

Amnesty International calls on the government of India to:

International treaties

- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which India signed in 1997 and committed to ratify in its 2012 and 2017 reviews, and its Optional Protocol, and ensure that domestic legislation defines torture in line with international standards.

- Ratify the first and second Optional Protocols to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- Ratify ILO Conventions 149 (Nursing Personnel Convention), 155 (Occupational Safety and Health Convention), 169 concerning Indigenous and Tribal Peoples in Independent Countries, 189 (Domestic Workers Convention), and 190 (the Violence and Harassment Convention of 2019).
- Endorse the UN Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent.
- Strengthen cooperation with the UN Special Procedures and respond positively, without further delay, to requests made by the Special Procedures to visit India, particularly from the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteurs on torture, rights of Indigenous Peoples, right to freedom of expression, and rights to freedom of assembly and association.
- Ratify the Rome Statute of the International Criminal Court and implement it into national law.
- Ratify the Agreement on the Privileges and Immunities of the International Criminal Court, without making any reservation or declaration amounting to reservations.
- Ratify the UN Convention relating to the Status of the Refugees and its 1967 Protocol and implement it into national law.
- Promptly accede to and implement the Arms Trade Treaty, with particular attention to Article 6 on Prohibitions and Article 7 on Export and Export Assessment, which prohibit the transfer of arms that could be used to commit or facilitate serious violations of international human rights and humanitarian law.

National human rights framework

- Restrict the imposition of the death penalty to the “most serious crimes”, interpreted as intentional killing, and establish an official moratorium on executions as first steps towards full abolition; ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and vote in favour of the ninth draft resolution on a moratorium on the use of the death penalty, due to be considered by the UN General Assembly in late 2022.
- Amend the Protection of Human Rights Act to expand the authority of the national and state human rights commissions in order to strengthen their work to promote human rights and ensure they are adequately staffed and resourced and independent from political interference.

Freedom of expression and peaceful assembly

- Repeal or revise sections 124A, 295A, 298, 153A and 505 of the Indian Penal Code and provisions of other laws that unduly restrict the right to freedom of expression, including Unlawful Activities (Prevention) Act.
- Ban the use of facial recognition and remote biometric technologies and ensure that use of any other surveillance technology respects the right to privacy and is subject to judicial supervision and review.

- Stop the practice of slowing down or completely shutting down internet connection and access to social media apps, which is an excessive and disproportionate restriction on the right to freedom of expression.
- Cease muzzling of press through intimidation tactics and immediately release journalists arrested for reporting on sensitive issues across the country.
- Retract the 2020 Revised Media Policy and 2021 Film Policy in Jammu and Kashmir.
- Immediately stop the practice of punitively demolishing the houses and businesses of persons suspected of participating in protests and other alleged crimes and ensure they are not subjected to forced evictions.

Human rights defenders

- Immediately and unconditionally release all persons detained solely for peacefully exercising their rights to freedom of expression, peaceful assembly, or association, and drop all charges against them.
- Launch prompt, thorough, independent, and impartial investigations into threats, harassment, intimidation, and attacks against human rights defenders.
- Repeal the Foreign Contribution (Regulation) Act and ensure the right to freedom of association, which includes the ability of civil society organizations to access foreign funding.

Caste-based discrimination and violence

- In collaboration with National and District Legal Services Authority and National and State level Judicial Academy, ensure the effective enforcement of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (SC/ST [POA]) Act, including by providing training to impart knowledge and sensitisation to district-level law enforcement officials, public prosecutors, and judicial officials responsible for the enforcement of the Act.
- Ensure that all complaints of caste-based atrocities are promptly and voluntarily recorded under the SC/ST (POA) Act by law enforcement officials through first information reports; and that law enforcement officials who fail to register FIR, investigate and file chargesheet within stipulated time are subject to legal and disciplinary actions for negligence of duty.
- Prioritize awareness-raising on the rights of women and girls, ensure protection by allocating adequate and timely compensation and inclusive and sustainable rehabilitation to the victims and survivors, including through psycho-social and career counselling.

Right to Health, Access Emergency Support and Rights at Work

- Ensure that all health workers and essential workers are paid fair wages, which reflect the impact of their work on the health and safety of the worker, specific hardships related to the work and the impact on the worker's personal and family life, in line with international human rights law and standards.
- Develop a plan to ensure that the public health system is adequately funded and staffed, including by increasing budgetary allocations to the health sector, a detailed assessment of the amount of public health spending necessary to ensure that all persons can enjoy the right to health, and options to finance increased public health spending.

Religious violence

- Enact a new law to prevent and respond to communal and targeted religious violence, which incorporates international human rights principles of superior and command responsibility, remedy and reparation.
- Take steps to bring to justice, in fair trials and without recourse to the death penalty, all those responsible for human rights abuses - including political leaders, police or government officials - during past incidents of mass violence against members of religious minorities.
- Establish a comprehensive and adequately resourced victim and witness protection programme at the central and state levels, which is independent of state agencies such as the police.
- Hold accountable public officials who advocate religious hatred that constitutes incitement to discrimination, hostility, or violence.
- Repeal the laws in various states that unlawfully criminalize consensual inter-religious marriages.

Gender-Based Violence

- Direct the central government and all state governments to establish standard operating protocols, codes of conduct and accountability mechanisms for police personnel, in line with international standards, for gender-sensitive handling, registering and thorough and impartial investigation of cases of gender-based violence, and ensure that officials who fail to do so are held accountable.
- Remove the exception related to marital rape from the definition of rape in section 375 of the Indian Penal Code.
- Direct the Karnataka state government to prioritize girls' education and safeguard their right to wear headscarves (hijabs) in government-run educational institutions.

Indigenous People's Rights

- Amend existing legislation to provide for the duty to consult Adivasis to obtain their free, prior and informed consent in all decisions that affect them, including by amending the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.
- Investigate and prosecute human rights abuses suffered by communities due to public and private corporate-led projects and ensure that all victims are provided effective remedy and reparation.
- Require public and private mining companies to identify, prevent and mitigate any adverse impact on human rights, including by carrying out human rights impact assessments as part of due diligence processes.

Arbitrary Deprivation of Nationality

- Restore citizenship to people where it can be shown that the deprivation of citizenship constituted a human rights violation.

Climate Crisis and Human Rights

- Fully implement India's Nationally Determined Contribution, update as necessary India's 2030 emissions target to ensure it is fully aligned with the 1.5°C imperative and take necessary action to

rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights

- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that will adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- In the UNFCCC negotiation process, work to:
 - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation will effectively limit global warming to 1.5°C.
 - Ensure the Glasgow Dialogue leads to the speedy provision by wealthy countries of new and additional finance to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
 - Work to ensure human rights references included in the COP26 decisions on carbon markets and other cooperative approaches translate into concrete human rights protection measures and establish a fully independent grievance mechanism to provide redress to victims of human rights violations committed as a result of carbon offsetting projects or other non-market cooperative emission reduction activities.
 - Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

Covid-19/pandemic response

- Put human rights at the core of any response to fight any pandemic, including Covid-19, including by ensuring fair distribution of vaccines, tests, medicines or any other remedies or health tools both in India's national allocation plans and internationally, in conformity with international human rights standards to prevent exclusion and any kind of discrimination.
- Develop a coherent, adequately funded and transparent national pandemic response plan that is consistent with India's human rights obligations.
- Continue to support the extension of the limited WTO TRIPS waiver for Covid-19 vaccines to tests, treatments and other necessary health tools.
- Insist that the International Pandemic Treaty (or other international instrument) currently under discussion at the World Health Organization has human rights at its core and is developed in a fully transparent and inclusive process.

Business and Human Rights

- Enact legislation to ensure that all companies domiciled in India are required to respect human rights and held liable for their negative human rights impacts domestically and extraterritorially, including a legal requirement for these companies to conduct ongoing human rights due diligence in their global operations and supply chains, and the provision of remedies in India for affected communities.

Technology and Human Rights/surveillance

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Conduct a prompt, thorough, independent, transparent, impartial and effective investigation into any cases of unlawful surveillance in India revealed by the Pegasus Project, and where appropriate, pursue legal avenues to provide remedies to victims and hold suspected perpetrators to account, in accordance with international human rights standards.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.

Key Amnesty International Documents on India for reference

India: Persecution of minorities and shrinking space for dissent: Amnesty International's submission to the 41st session of the UPR Working Group;

<https://www.amnesty.org/en/documents/asa20/5491/2022/en/>

All documents relating to India are available on Amnesty International's website:

<https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/>

Recommendations to the government of Indonesia

Amnesty International calls on the government of Indonesia to:

Attacks and Intimidation of HRDs and Civil Society Organizations

- Respect, protect, and fulfil the rights to freedom of expression, peaceful assembly, and association, including by ensuring a safe and enabling environment in which media outlets, journalists, civil society organizations, and human rights defenders are effectively protected and can work safely without fear of reprisal.
- Ensure that all attacks, threats, and intimidations towards civil society organizations and human rights defenders are investigated promptly, independently, impartially, and effectively. The investigation, and any following prosecutions, should not be limited to direct perpetrators, but also investigate any involvement of commanders, irrespective of rank, and where sufficient admissible evidence is found, suspects should be prosecuted before civilian courts in proceedings that meet international fair trial standards and do not impose the death penalty.
- Issue prompt instructions to all branches of law enforcement to end intimidation, harassment, and attacks against human rights defenders, civil society organizations, media outlets, journalists, and lawyers around the country, including unlawful surveillance and other reprisals for their work.
- Adopt a more comprehensive policy for the protection of human rights defenders at risk, including a clear and encompassing definition of Human Rights Defenders, specific provisions regarding Women Human Rights Defenders, and mechanisms for defenders at risk which incorporate preventative, collective and gender-sensitive approaches.