Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**157**
Land:	Indien
Kilde:	Human Rights Watch
Titel:	”World Report 2007 - Country Summary”
Udgivet:	31. januar 2008
Optaget på bag-grundsmaterialet:	5. februar 2008

India

India claims an abiding commitment to human rights, but its record is marred by continuing violations by security forces in counterinsurgency operations and by government failure to rigorously implement laws and policies to protect marginalized communities. A vibrant media and civil society continue to press for improvements, but without tangible signs of success in 2007.

India faces serious insurgencies and armed political movements in several states. Armed groups have been responsible for attacks on civilians, killings, torture, and extortion. In response, however, Indian security forces have repeatedly engaged in abusive tactics. The government has yet to root out the policies responsible for the violations, and continues to grant virtual impunity to perpetrators. Despite signing a new United Nations treaty to combat forced disappearances in February 2007, the Indian government is yet to launch a credible independent investigation into alleged disappearances and fake "encounter killings" throughout the country.

There is continuing failure to protect the rights of women, children, Dalits, tribal groups, religious minorities, and those living with HIV/AIDS. Authorities have introduced significant legal and policy reforms in many of these areas, but implementation has lagged, exacerbating popular discontent over widening economic and social disparities.

Armed Conflicts and Security Force Impunity

India's diverse ethnic and regional identities, coupled with deeply rooted economic and social grievances, have fueled violent insurgencies and armed campaigns. Militants often target civilians and engage in torture and extortion. While a number of regional conflicts pose serious threats, counterinsurgency operations by Indian security forces have led to large-scale violations including arbitrary detention, torture, and extrajudicial killings. Perpetrators are rarely prosecuted and the Indian

government has not acknowledged or addressed institutional shortcomings that foster such impunity.

Conflict in Jammu and Kashmir

While the violence which began in 1989 has abated slightly since talks were initiated between India, Pakistan, and some separatist groups in 2005, abuses by all parties continue.

In February 2007, police investigations into a "missing persons" case in Jammu and Kashmir exposed a problem long alleged by human rights groups: people were being killed in custody by security forces who constructed fake armed encounters, staging executions to look like acts of defense.

In April 2007, a working group on Jammu and Kashmir recommended the repeal of laws sanctioning impunity, such as the Armed Forces Special Powers Act, but the government has failed to act.

Violence in the Northeast

Ethnic separatist tensions in some northeastern states ignited again in 2007. Based on newspaper reports, the South Asia Terrorism Portal recorded 640 deaths in 2006; as of November 2007, 880 people had already died.

In Assam, alleged members of the United Liberation Front of Asom (ULFA), a militant group, attacked and killed scores of Hindi-speaking migrants, most of them from Bihar state. Over 200 civilians had been killed in the violence as of late November.

Manipur remains among the most violent states in the northeast, with militants blamed for widespread extortion and targeted killings and security forces accused of violations such as torture, arbitrary detention, and custodial killings.

Combating Maoist Extremists

An ongoing campaign by leftwing extremists called Maoists or Naxalites has gained momentum in several Indian states. The Maoists find support among the rural poor,

who feel left out by India's modernization process and surging economic growth. Unfortunately, these same vulnerable groups also suffer at the hand of the Maoists because of the latter's illegal taxes and demands for food and shelter. Succumbing to such extortion puts civilians at risk of retaliation by security forces.

According to the Ministry of Home Affairs, 950 people died in 2006 in Maoist-related violence and as of November 2007, according to data gathered by the South Asia Terrorism Portal, more than 550 people had died, including 200 civilians.

Violent attacks, whether perpetuated by the Maoists or security forces, take place in remote areas, making it difficult to independently monitor the situation.

Justice for Past Abuses in Punjab

In 2007 there was still no progress in investigating thousands of secret cremations in the northern state of Punjab. Following a spate of violent attacks by Sikh militants starting in the early 1980s, security forces illegally detained, tortured, executed, or "disappeared" thousands of people during counterinsurgency operations. None of the security officials who bear substantial responsibility for these violations has been brought to justice. The National Human Rights Commission in 2007 prepared for final hearings to determine compensation in a small number of cases, but the government still has not investigated how people died and who was responsible.

Failure of Relocation and Rehabilitation Policies

Tremendous economic growth and plans for industrial development and infrastructure building have uprooted millions of traders, farmers, and landless laborers. Protests by affected groups are ignored and often brutally curbed through excessive use of force.

On March 14, violence in Nandigram in West Bengal state during protests against state-sponsored land acquisition claimed at least 14 lives. In November, the ruling Communist Party of India (Marxist) (CPM) allowed its cadre to forcefully evict the Nandigram protestors. The National Human Rights Commission, political parties, and civil society activists condemned the violence that followed. The state government,

which had advance notice of the evictions, failed to deploy adequate security forces to ensure law and order.

There have also been protests in several other states including Maharashtra, Uttar Pradesh, and Orissa.

Rights of Dalits and Indigenous Tribal Groups

In March 2007, the Committee on the Elimination of Racial Discrimination (CERD) urged the government to take effective measures to protect Dalits and tribal groups. Dalits and indigenous peoples (known as Scheduled Tribes or *adivasis*) continue to face discrimination, exclusion, and acts of communal violence. Laws and policies adopted by the Indian government provide a strong basis for protection, but are not being faithfully implemented by local authorities. Instead of addressing these concerns, the Indian government insists that caste is not the same as race and therefore discrimination based on caste and tribe falls outside the mandate of CERD.

Legacy of Communal Violence

A number of attacks occurred on places of religious worship in 2007, including a bomb blast at the revered Sufi shrine in Ajmer in October. The Indian government succeeded in preventing communal riots following this and other attacks. The Indian government, however, has failed to prosecute most of those who instigate or participate in religious mob violence.

Despite national and international condemnation, the Gujarat state government continues to protect those responsible for the killing of Muslims during the 2002 riots.

After more than a decade of hearings, a special court convicted 100 people for their involvement in the 1993 serial bomb attacks in Mumbai. However, the individuals believed responsible for attacks upon Muslims in January 1993 which preceded the bomb blasts are yet to be prosecuted and punished.

Despite promises made by the prime minister in 2005, there was also no progress in justice for victims of the 1984 anti-Sikh riots.

Death Penalty

There were no executions in 2007 but the death penalty remains on the books. Over 40 people were sentenced to death for the 1993 Mumbai bombings.

Human Rights Defenders

In Chattisgarh state, which experienced more Maoist violence than any other state in 2007, civil society organizations have come under attack in a classic example of "punishing the messenger." Prominent human rights defender Dr. Binayak Sen was detained for his alleged contact with the Maoist groups. Several journalists and other human rights activists said that they had been threatened by government officials.

Failure to Protect Children's Rights

Despite a scheme launched three years ago to provide universal education, millions of children in India still have no access to education and work long hours, many as bonded laborers. Many children continue to be forced into becoming soldiers in areas where there are armed conflicts, or are trafficked for marriage, sex work, or employment. Others languish in substandard orphanages or detention centers. In 2007, the National Children's Commission began operations to ensure protection of children's rights.

Rights of Those Living with HIV/AIDS

New estimates of people living with HIV/AIDS place the number at around 2.5 million, excluding children under age 15. Children and adults living with HIV/AIDS, as well as those whose marginalized status puts them at highest risk—sex workers, injection drug users, and men who have sex with men—face widespread stigmatization and discrimination, including denial of employment, access to education, orphan care, and healthcare. A promised law that would ban discrimination against people living with HIV had still not been presented to parliament at this writing, and sodomy laws have not been repealed. Although the number of people on anti-retroviral treatment

increased, including over 6,000 children, India at this writing still fell short of the 100,000 people that a government minister promised to put on treatment in 2002.

Rights of Women

India has a mixed record on women's rights: despite recent improvements in legal protections, gender-based discrimination and violence remain deeply entrenched. The low status of women and girls is revealed by the skewed sex ratio of 933 females for every 1,000 males and the high rate of preventable maternal deaths, with one woman dying in childbirth every five minutes.

Key International Actors

India claims that its growing economic power should give it more clout in global diplomacy, seeking a permanent seat on the UN Security Council and a leading role in the Commonwealth and the Non Aligned Movement. However, it has yet to show that it can play a serious global role in pushing for greater adherence to international human rights standards.

While India has strong economic and strategic ties with the United States and the European Union, it has refused to engage in constructive dialogue on its own failures in protecting human rights. Governments have been reluctant to challenge India in part because they do not want to risk upsetting relations with an important economic and trade partner.

India's regional policies are often determined by strategic concerns over China's increasing influence in South Asia, and this often contributes to decisions by officials to avoid proactive engagement on human rights issues.

While India has continued peace talks with Pakistan to settle Kashmir and other disputed issues, it has failed to actively promote democracy and human rights in response to crises in Sri Lanka, Burma, Bhutan, and Bangladesh.

India has been engaged in discussions to encourage a political settlement in Sri Lanka and says it has privately expressed concern about human rights abuses by

government forces. However, India has yet to urge the government of Sri Lanka to take positive steps to ensure greater protection of civilians, including agreeing to the deployment of a United Nations human rights monitoring mission.

Over 100,000 Bhutanese remain refugees in Nepal because of the Bhutanese government's discriminatory policies against its citizens of Nepali origin. In 2007, the United States offered to resettle 60,000 of the refugees, a step which many believe will allow Bhutan to continue its policy of exclusion. The Indian government has not publicly encouraged the Bhutanese government to end these discriminatory polices and allow the repatriation of the refugees.

After the Burmese junta's brutal crackdown on pro-democracy activists in September 2007, India simply issued statements calling for a peaceful settlement of the issue. India at this writing had not used its military sales and business dealings with the junta to press for accountability and respect for human rights standards.