

Flygtningenævnets baggrundsmateriale

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UN experts urge corrective action to protect human rights and end attacks against minorities in the lead up to elections in India

Statement by UN Special Rapporteurs, Independent Experts and Working Groups

7 March 2024

Following previous communications and concerns about human rights challenges in India, we call on the State of India to:

- Cooperate fully with the Working Group on Enforced and Involuntary Disappearances (WGEID) to clarify the fate and whereabouts of the persons who are reported to be forcibly disappeared, and implement without delay the measures indicated by the WGEID in its opinions on individual cases;
- Speedily review and provide effective remedies to people in arbitrary custodial detention;
- Prevent the misuse of official agencies such as the Enforcement Directorate against civil society organizations and other figures in Indian society and bring such agencies under proper oversight and control;
- Fulfil its obligations to prohibit any advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence, in line with international norms and soft law instruments developed under the auspices of the United Nations;
- Promote and protect freedom of religion or belief for minorities by repealing anti-conversion and anti-blasphemy laws, preventing vigilante groups from committing intimidation and violence, including forced displacement; ensuring accountability for crimes committed; revoking restrictions on manifestations of their religion or beliefs, and adopting comprehensive anti-discrimination laws with the participation of all disadvantaged groups, including women and men from marginalised caste systems, such as Dalits;
- Take steps to repeal or amend laws with discriminatory impact which produce spatial segregation, and prevent and punish demolitions of homes and arbitrary displacement of minorities in an arbitrary and disproportionate manner;
- Adopt effective measures to prevent gender-based discrimination and violence against women and girls and respond effectively to the needs of survivors of these crimes. Such measures must include bringing perpetrators of violence to justice, ending impunity for crimes, and ensuring that women and girls who have been victims have access to reparations. Women and girls must be consulted and involved in all processes that affect their lives;

- Ensure access to justice, legal aid, and due process, including the right to a speedy and fair trial, for all detained human rights defenders and journalists, with a view to their prompt release;
- Adopt and implement effective measures to prevent arbitrary displacement that are generated by development mega-projects, especially where such displacement impacts Indigenous or minority communities. Where such displacement is unavoidable, ensure the free, prior, and informed consent of affected communities in the project, as well as provide access to remedy, restitution, and durable solutions in line with the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced persons (IDPs). Finally, ensure human rights defenders of communities impacted by such displacement are protected from intimidation, arrest, enforced disappearance, and other human rights violations;
- Provide training to law enforcement personnel, whether civilian or military, and to public officials in general, on how to respect India's international human rights obligations, including the protection of minorities and civil society with appropriate incentives and accountability mechanisms;
- Review rules and procedures relating to arrest, interrogation, detention and managing public protests and assemblies including the weapons, equipment and restraints deployed;
- Ratify all human rights treaties to which it is not yet a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and adopt associated anti-torture legislation, in line with recommendations and commitments made by India during the Universal Periodic Review;
- Refrain from engaging in reprisals and criminalisation of human rights defenders, civil society members, journalists, and media houses, including through the use of overly broad national security and foreign funding legislations that shut down civic space and undermine democracy, and breach the rights to freedom of peaceful assembly and association;
- Ensure that there is an atmosphere conducive to a free and fair election in the lead up to the elections in 2024, including by preventing the misuse of official resources for partisan purposes;
- Accept without delay, in line with the standing invitation issued in 2011, requests received from Special Procedures to carry out country visits in accordance with their mandates;

- Create and promote an enabling environment for civil society to operate, and publicly recognise the important role civil society plays in the betterment of society;
- Take all measures to address the risk of statelessness for groups such as the people of Bengali descent in the State of Assam, including by addressing the underlying and intersecting causes of discrimination against them and reversing the burden of proof on individuals at risk of losing their nationality to prove that they are nationals.

ENDS

Signed:

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