

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	273
Land:	Indien
Kilde:	Amnesty International
Titel:	Annual Report 2015/16. India
Udgivet:	24. februar 2016
Optaget på baggrundsmaterialet:	3. marts 2016

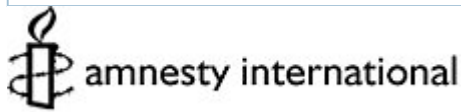
[EN](#) | [DE](#)

- **Source:**
AI - Amnesty International
- **Title:**
Amnesty International Report 2015/16 - The State of the World's Human Rights - India
- **Publication date:**
24 February 2016
- **ecoi.net summary:** Annual report 2015/16 (covering 2015) [ID 319831]
- **Countries:**
India
- **Original link** <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>

Recommended citation:

AI - Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights - India, 24 February 2016 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/local_link/319831/445202_en.html (accessed 04 March 2016)



Amnesty International Report 2015/16 - The State of the World's Human Rights - India

Authorities clamped down on civil society organizations critical of official policies, and increased restrictions on foreign funding. Religious tensions intensified, and gender- and caste-based discrimination and violence remained pervasive. Censorship and attacks on freedom of expression by hardline Hindu groups grew. Scores of artists, writers and scientists returned national honours in protest against what they said was a climate of growing intolerance. Controversial land acquisition measures were dropped following popular opposition. Abuses by armed groups continued to threaten civilians, but a historic peace framework agreement was reached in Nagaland. The criminal justice system remained flawed, violating fair trial rights and failing to ensure justice for abuses. Extrajudicial executions and torture and other ill-treatment persisted.

Abuses by armed groups

In March, three men were tortured and killed in Lohardaga, Jharkhand state, allegedly by Maoist fighters. In May, around 250 villagers were abducted and held hostage for a day in Sukma, Chhattisgarh state, reportedly by Maoist fighters attempting to pressurize the state government to stop work on a bridge. Maoist armed groups were accused of threatening and intimidating Adivasi (Indigenous) people and occupying schools.

In Jammu and Kashmir state, armed groups threatened mobile phone operators and attacked mobile towers and telecom offices in May, June and July, killing two people. In September, unidentified gunmen killed a three-year-old boy and his father in Sopore. The same month, the bodies of four armed group members suspected to have been killed by rival groups were found in the state.

In July, armed group members attacked a police station and bus station in Gurdaspur, Punjab state, killing three civilians.

In August, the government announced a peace agreement with the National Socialist Council of Nagaland (Isak-Muiwah faction) armed group, which civil society groups said could improve the human rights situation in Nagaland state and parts of northeast India.

Arbitrary arrests and detentions

Human rights defenders, journalists and protesters continued to face arbitrary arrests and detentions. Over 3,200 people were being held in January under administrative detention on executive orders without charge or trial. Authorities also continued to use "anti-terror" laws such as the Unlawful Activities (Prevention) Act and other state-specific laws which do not meet international human rights standards.

In April, the state government of Gujarat passed an anti-terror bill containing several provisions which violated international standards. The bill was pending approval by the President in December. Similar laws remained in force in Maharashtra and Karnataka states.

Caste-based discrimination and violence

Incidents of violence against Dalits and Adivasis were reported from states including Uttar Pradesh, Bihar, Karnataka and Tamil Nadu. According to statistics released in August, over 47,000 crimes against members of Scheduled Castes, and over 11,000 crimes against members of Scheduled Tribes, were reported in 2014. In October, two Dalit children were burned to death in an arson attack near Delhi, allegedly by dominant caste men.

In December, Parliament amended the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, recognizing several new offences. The amendments also required that special courts be established to try these offences and that victims and witnesses receive protection.

In July, an official census stated that over 180,000 households were engaged in “manual scavenging” – the practice of cleaning human waste carried out mainly by Dalit people. Activists said the figure was an underestimate.

Dominant castes continued to use sexual violence against Dalit and Adivasi women and girls.

Children’s rights

A legal requirement that private schools reserve 25% of places at the entry level for children from disadvantaged families continued to be poorly enforced. Dalit and Adivasi children continued to face discrimination.

In December, Parliament passed amendments to juvenile justice laws which allowed children aged 16 to 18 to be treated as adults in cases of serious crimes, in violation of India’s international legal obligations.

In May, the cabinet approved amendments to child labour laws which prohibited the employment of children under 14. The amendments made an exception for children working in family enterprises or in the entertainment industry, which activists said would encourage child labour and disproportionately affect children from marginalized groups and girls.

Communal and ethnic violence

Authorities failed to prevent hundreds of incidents of communal violence across the country. Some politicians contributed to religious tensions by making speeches justifying discrimination and violence. At least four Muslim men were killed in attacks by mobs which suspected them of stealing, smuggling or slaughtering cows.

In September, a commission investigating communal violence in Muzaffarnagar, Uttar Pradesh state, in 2013 submitted a report which journalists said blamed members of political parties, police and senior administrative officials.

In February, the government formed a team to reinvestigate closed cases related to the 1984 Sikh massacre and file charges. The team’s term was extended for a year in August.

At least eight people were killed in ethnic clashes in Manipur state over demands for regulating the entry of non-domicile people into the region, and the enactment of laws affecting the rights of Indigenous people.

Corporate accountability

In February, the government introduced a bill to amend India’s land acquisition law which removed requirements related to obtaining consent and conducting impact assessments for a range of industrial projects. Following nationwide opposition from farmers’ groups, civil society and political parties, the government said in August that it would not pursue the amendments. Many industries, including public sector coal mines, railways and highways, were still not required to obtain the consent of Indigenous communities or conduct social impact assessments.

Vulnerable communities in resource-rich areas remained at risk of forced evictions. The Environment Ministry sought to abolish a requirement for consent from village assemblies for certain infrastructure projects.

In April, the Environment Ministry rejected an offer from the UN Environment Programme to assess the spread of toxic wastes at the site of the 1984 Bhopal gas leak disaster. In August, the Madhya Pradesh state government incinerated 10 tonnes of the waste in Pithampur, 250km from Bhopal, which activists said had violated Supreme Court orders and endangered the health of local residents.

Death penalty

In August, two MPs introduced bills seeking abolition of the death penalty. The State Assembly of Tripura passed a unanimous resolution urging the central government to abolish capital punishment for murder.

In August, the Law Commission of India submitted a report to the government favouring speedy abolition of the death penalty. The Commission said that the death penalty in India is “an irreversible punishment in an imperfect, fragile and fallible system” but recommended that it be retained for terrorism-related offences and “waging war against the state”.

Extrajudicial executions

In March, a Delhi court acquitted 16 policemen accused of killing 42 Muslim men in Hashimpura, Uttar Pradesh, in 1987. The court stated it could not convict anyone because of the “scanty, unreliable and faulty investigation”.

In April, Andhra Pradesh police and forest officials shot dead 20 suspected smugglers in an alleged extrajudicial execution. The same month, police killed five pre-trial detainees in Telangana who were being taken to court, claiming they had attempted to overpower them. Police investigations into both incidents were ongoing at the end of the year.

A Central Bureau of Investigation Court discharged several police officials suspected of involvement in an extrajudicial execution in Gujarat in 2005. In June, the UN Special Rapporteur on extrajudicial executions noted in a follow-up report on India that guidelines by courts and the National Human Rights Commission often “remained on paper with little or no implementation on the ground”.

In July, the Supreme Court ordered the central government, Manipur state government and National Human Rights Commission to file a report on over 1,500 cases of alleged extrajudicial executions in Manipur.

Freedom of association

Authorities took several measures to repress civil society organizations, including using the Foreign Contribution (Regulation) Act (FCRA) – which restricted organizations from receiving foreign funding – to harass NGOs and activists.

The government took a series of actions against Greenpeace India, including preventing one of its campaigners from travelling to the UK in January, ordering the organization’s bank accounts to be frozen in April and cancelling its FCRA registration in September. High Courts ruled that some of these steps were illegal.

The Ministry of Home Affairs cancelled the FCRA registration of thousands of NGOs for violating provisions of the law. In April, the Ministry ordered that it would have to approve foreign funds from certain identified donor organizations.

In July, the Central Bureau of Investigation registered a case against human rights activists Teesta Setalvad and Javed Anand for allegedly violating provisions of the FCRA. In September, authorities suspended the registration of an NGO run by the activists to receive foreign funding.

Freedom of expression

Laws which did not meet international standards on freedom of expression were used to persecute human rights defenders and others. In January, two activists were arrested in Kerala for possessing “pro-Maoist” literature. In October, a Dalit folk singer was arrested in Tamil Nadu for writing songs criticizing the state government and Chief Minister.

In March, the Supreme Court struck down Section 66A of the Information Technology Act as being vague and overly broad. The law had been used to prosecute people for legitimately exercising their right to free speech online.

In August, the Maharashtra state government issued a circular on how India’s sedition law must be applied, suggesting that criticism of a government representative would amount to sedition. It withdrew the circular in October. In December, an MP introduced a bill in Parliament seeking revision of the sedition law.

There were several instances of intimidation and attacks against journalists, authors, artists and human rights defenders by religious and caste-based groups. Two rationalist writers were killed in attacks thought to be related to their criticism of religious intolerance and idolatry.

In July, the government argued before the Supreme Court that privacy was not a fundamental right under the Constitution. In September, authorities proposed – and withdrew after facing opposition – a draft encryption policy which would have threatened free expression and privacy.

Authorities restricted access to internet services on several occasions, including in Gujarat and Jammu and Kashmir states, on grounds of public order.

Impunity – security forces

Impunity for violations by security forces persisted. Legislation providing virtual immunity from prosecution such as the Armed Forces Special Powers Act (AFSPA) remained in force in Jammu and Kashmir state and parts of northeast India.

In February, the Ministry of Home Affairs officially rejected the report of a committee set up in 2004 to review the AFSPA, which recommended the repeal of the law. In June, the state of Tripura withdrew the AFSPA 18 years after it was introduced “in view of the decrease of militancy-related incidents”. In July, a committee appointed to evaluate the status of women recommended the repeal of the AFSPA. In November, the Meghalaya High Court directed the central government to consider enforcing the AFSPA in one region to maintain law and order.

In September, the Indian Army confirmed life sentences for six of its personnel found guilty by a military court of killing three men in Machil, Jammu and Kashmir in an extrajudicial execution in 2010.

Prolonged pre-trial detention

Prolonged pre-trial detention and overcrowding in jails remained widespread. As of January, over 282,000 prisoners – 68% of the total prison population – were pre-trial detainees. Dalits, Adivasis and Muslims continued to be disproportionately represented.

A 2014 Supreme Court order directing district judges to release pre-trial detainees who had been held for over half of the term they would have served if convicted was poorly implemented.

In September, the central information commission, responding to an Amnesty International India application, said that state governments were obligated to periodically provide information to authorities and prisoners about detainees’ eligibility for release.

Rights of lesbian, gay, bisexual, transgender and intersex people

In April, the upper house of Parliament passed a bill to protect the rights of transgender people, including their rights to education and health care. Attacks on transgender people continued.

Section 377 of the Penal Code continued to be used to criminalize same-sex relations between consenting adults. Senior government officials made contradictory statements about whether the law should be retained. In December, the introduction of a bill to decriminalize same-sex relations was defeated in the lower house of Parliament.

In August, the state government of Delhi proposed a draft bill on women’s rights which specified equality before the law for every woman “irrespective of her sexual orientation”, the first time a state government had recognized discrimination on the basis of sexual orientation in law.

Torture and other ill-treatment

Torture and other ill-treatment in police and judicial custody were reported. In July, the Supreme Court directed state governments to install closed-circuit television cameras in all prisons within two years to prevent torture and other violations of prisoners’ rights, and to consider installing them in all police stations. Also in July, the Ministry of Home Affairs stated that the government was considering amending the Penal Code to specifically recognize torture as a crime. In November, the Chhattisgarh police began investigating allegations that security force personnel had raped two women and a girl the previous month.

NGOs continued to report deaths from torture of prisoners while in police custody. Statistics released in August showed that 93 cases of deaths and 197 cases of rapes in police custody were reported in 2014. In August the National Human Rights Commission recorded 1,327 deaths in judicial custody between April 2014 and January 2015.

Violence against women and girls

Although nearly 322,000 crimes against women, including over 37,000 cases of rape, were reported in 2014, stigma and discrimination from police officials and authorities continued to deter women from reporting sexual violence. A majority of states continued to lack standard operating procedures for the police to deal with cases of violence against women.

In over 86% of reported rape cases, the survivors knew the alleged offenders. Statistics released in August showed that nearly 123,000 cases of cruelty by husbands or relatives were reported in 2014. In March, the central government announced that it was considering allowing for the withdrawal of a complaint of cruelty if a compromise is reached between the parties.

In July, a committee appointed to evaluate the status of women made key recommendations on prevention, protection and access to justice for women and girls facing violence. Among other recommendations, it urged the government to make rape within marriage a criminal offence, introduce a special law on honour crimes, and not dilute laws relating to cruelty by husbands.

In December, the government stated in Parliament that it intended to amend the Penal Code to criminalize marital rape.

Caste-based village bodies continued to order sexually violent punishments for perceived social transgressions. Discrimination and violence against women from marginalized communities remained widespread, but reporting and conviction rates were low.

© Amnesty International

published on  **ecoi.net**
European Country of Origin Information Network