**BRIFING ON INDIA FOR THE HUMAN RIGHTS COMMITTEE, NON-REPORTING STATE ,126th SESSION (1 to 26 July 2019)**

**Submitted by:**

International Alliance for peace and development



<https://iapd.international/en/>

The IAPDA seeks to promote for peace and sustainable development all over the world. The IAPDA works to counter hatred, violence and extremism and to work side by side with the UN mechanism and other affective institutions all over the world. The IAPDA follows its vision by networking in order to mobilize efforts, cooperation and integration. IAPD goals are Promote respecting human rights and strengthening communication with international mechanisms to protect human rights and Support UN, international and regional bodies in achieving sustainable development goals 2030.

**Summary**

In the context of the International Alliance for Peace and Development concern on human rights issues and renounce the violations of human rights in all countries and raise the values of tolerance and peace, this submission focus on some violations of human rights in India such as (violations of right of life – violations on women’s rights- violations on Right to Freedom of Thought, Conscience and Religion-Torture and Other Cruel, Inhuman, or DegradingTreatment violations on Kashmir territory)

**Right of life**

The right to life is protected under the Constitution of India of November 1949 (the Constitution). Article 21 of the Constitution states: 'No person shall be deprived of his life or personal liberty except according to procedure established by law.

India acceded to the International Convention on Civil and Political Rights (ICCPR) on 10 April 1979, Article 6 of the ICCPR states, 'Every human being has the inherent right to life.' Furthermore, Article 6 of the ICCPR states, 'Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.' The ICCPR’s prohibition of the death penalty for pregnant women implicitly recognizes the right to life of the unborn.

But every year in India, girls are killed in the womb simply for being girls. 12 million girls have gone missing in the last three decades. Most females in India are considered a burden on families and have little or no value. The practice of killing girls in the womb[[1]](#footnote-1) , and this considered contravened with article 6 of the International Covenant on Civil and Political Rights.

**Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law does not permit authorities to admit coerced confessions into evidence, but citizens alleged authorities used torture to coerce confessions. In some instances, authorities submitted these confessions as evidence in capital cases. Authorities allegedly also used torture as a means to extort money or as summary punishment. According to human rights experts, the government continued to try individuals arrested and charged under the repealed Prevention of Terrorism Act and Terrorist and Disruptive Activities Act. Under the repealed laws, authorities treated a confession made to a police officer as admissible evidence in court

some police used torture, mistreatment and arbitrary detention to obtain forced or false confessions. In some cases, police reportedly held suspects without registering their arrests and denied detainees sufficient food and water.

On 18 July 2017, a 19-year-old lower-caste man reportedly committed suicide at Engadiyur in Kerala’s Thrissur District a day after he was released from police custody for not having proper motor vehicle registration papers. His father and friends alleged instead that he died from injuries sustained from police brutality while in custody, and a postmortem report confirmed he had injuries consistent with torture. Based on the complaint by the victim’s father, a case was filed against several police officers under the Criminal Procedure Code and the Scheduled Caste/Scheduled Tribes Prevention of Atrocities Act. Two police officers were suspended for the death, and the case was transferred to the Crime Bureau for further investigation[[2]](#footnote-2)

and these actions considered contravened with article 7 of the International Covenant on Civil and Political Rights.

**Women's rights**

India’s commitments to human rights, in particular under CEDAW, require the establishment of a comprehensive legal, policy and programmatic framework on violence against women, including that it recognizes marital rape as a crime. However, India is still failing to fulfil its obligations in this regard:

* In November, statistics were published showing that over 338,000 crimes against women were registered in 2016, including over 110,000 cases of violence by husbands and relatives. Responding to petitions in courts seeking to criminalize marital rape, the central government stated that doing so would “destabilize the institution of marriage” **[[3]](#footnote-3)**
* However, tightening of rape laws in 2013 in India, it is at war with its girls and women According to the National Crimes Records Bureau, in 2016 the rape of minor girls increased by 82% compared with the previous year. Chillingly, across all rape cases, 95% of rapists were not strangers but family, friends and neighbors. Indian government surveys show that 42% of girls in the country have been sexually abused.
* India’s women are traumatized in less obvious ways than by tanks in the streets, bombs and warlords. their oppression starts innocuously: it occurs in private life, within families, with girls being locked up in their own homes. This everyday violence is the product of a culture that bestows all power on men, and that does not even want women to exist. Over 50% of Indian men and women still believe that sometimes women deserve a beating. One woman is killed every hour for not bringing enough dowry to a husband.[[4]](#footnote-4)
* Dowry is the greatest crime against women. Women are virtually sold into the marriage market. Huge dowries are still demanded even when the girl can supplement the man's income. In such a milieu, a woman enjoys no rights because she is a woman. Rape is a weapon to subjugate women[[5]](#footnote-5)

**Right to Freedom of Thought, Conscience and Religion**

Freedom of religion or belief is protected in the Constitution. Article 25 of the Constitution states, Article 15 indicates, 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

Despite the express constitutional protection of freedom of religion or beliefs, this freedom is significantly restricted. In the states of Orissa, Madhya Pradesh, Chattisgarh, Arunachal Pradesh, Gujarat and Himachal Pradesh anti-conversion laws criminalize conversion from one religion to another. For example, the Freedom of Religion Act 2006 passed in Himachal Pradesh states: No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other fraudulent means nor shall any person abet any such conversion.

The anti-conversion law limiting freedom to adopt a religion or belief of one’s choice prevents people from professing and practicing their faith freely, as guaranteed under international law. This further violates Articles 2 and 26 of the ICCPR, namely, the guarantee of equal rights and freedom from discrimination on the basis of religion, and Article 27, guaranteeing the rights of religious minorities to profess and practice their faith.

 Hostilities against Christians and other religious minorities are on the rise in India. For example, on 13 March 2019 the ongoing case against Pastor Balu Saste, his wife, and eleven other parishioners. After a mob stormed their place of worship in a small village in Madhya Pradesh, the victims were detained and charged under existing anti-conversion laws. A group of nationalists stormed their church during a service beating and harassing worshipers. The police came and arrested Pastor Balu and his family, stripped them of their clothes, beat them, and kept them detained without bail for three days.[[6]](#footnote-6)

Article 18 of the ICCPR does not permit any limitations on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice.

**Violations on Kashmir territory**

* The Indian occupational forces under the cover of Armed Forces Special Protection Act (AFSPA) and other black laws frequently involve in religious cleansing of Muslims. After the martyrdom of Burhan Wani in 2016 Indian forces started using most dangerous weapons of pellet firing shotgun.[[7]](#footnote-7)
* In April 2017, eight people were killed by security forces, some of them by the use of excessive force, following protests during a by-election for a parliamentary seat. One voter, Farooq Ahmad Dar, was beaten by army personnel, strapped to the front of an army jeep and driven around for over five hours, seemingly as a warning to protesters. In May, the officer suspected of being responsible received an army commendation for his work in counter-insurgency operations. In July, the J&K State Human Rights Commission directed the state government to pay Farooq Dar 100,000 INR (around USD1,500) as compensation. In November, the state government refused to pay.[[8]](#footnote-8)
* Authorities in Kashmir use “preventive” detention laws to keep persons in detention without charge or trial for long periods of time. The Jammu and Kashmir Public Safety Act (PSA), for example, authorizes such detention for a period of up to 2 years. As reports in 2011 and 2012 have shown, there have been 8000-20000 detentions under the PSA in Kashmir in the last 2 decades.16 The PSA is used with provisions of the Code of Criminal Procedure to keep persons in detention for years at a time. By its own admission, during 2009 to 2014, 1127 persons were arrested and detained without trial. [[9]](#footnote-9)

Security forces continued to use inherently inaccurate pellet-firing shotguns during protests, blinding and injuring several people. Authorities frequently shut down internet services, citing public order concerns.

**Recommendations**

* Guarantee the right to freedom of right to freedom of thought, conscience, and religion in accordance with international law.
* Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
* Take steps to follow National and international obligations to protect the right to life from conception to natural death.
* India should come on table for peace talks to end the conflict in Kashmir.
* End unreasonable restrictions on the freedom of thought and religion.
* Create a comprehensive legal, policy and programmatic framework on violence against women.
1. ADF INTERNATIONAL, <https://adfinternational.org/resource/adf-india-vanishing-girls/> [↑](#footnote-ref-1)
2. INDIA 2017 HUMAN RIGHTS REPORT, <https://www.state.gov/documents/organization/277525.pdf> [↑](#footnote-ref-2)
3. Amnesty international 2018, <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/> [↑](#footnote-ref-3)
4. The Guardian , April 2018 , <https://www.theguardian.com/commentisfree/2018/apr/27/india-abuse-women-human-rights-rape-girls> [↑](#footnote-ref-4)
5. Legal services India, <http://www.legalservicesindia.com/articles/violation.htm> [↑](#footnote-ref-5)
6. ADF INTERNATIONAL , <https://adfinternational.org/news/indian-pastor-charged-under-anti-conversion-law/> [↑](#footnote-ref-6)
7. Modern diplomacy, December 2018 , <https://moderndiplomacy.eu/2018/12/10/indian-human-rights-violation-in-kashmir/> [↑](#footnote-ref-7)
8. Amnesty international 2018, ibid. [↑](#footnote-ref-8)
9. Association of parents of disappeared persons,2 June 2016, <http://apdpkashmir.com/international-human-rights-day-is-observed-around-the-globe/> [↑](#footnote-ref-9)