

Once again, India promises to ratify Torture convention in Geneva

The adoption of India's report to the Universal Periodic Review of the UN Human Rights Council in Geneva last evening, by consensus, hid more than it revealed to the public eye. India blunted the criticism of member states by stating it had accepted 152 out of the 250 recommendations made to it in May, when India's third periodic report was reviewed. As for the remaining 98 recommendations, India merely took "note" of them.

Human rights worthies like China, the Ivory Coast, Cuba, Egypt, Ethiopia, Ghana, Iran, Iraq, Kyrgyzstan, Peoples Democratic Republic of Laos and Libya lauded India's efforts. It was difficult not to notice the raised eyebrows in many parts of the room when the very democratic Lao People's Democratic Republic lauded freedom of religion in India!

Estonia, the little Baltic state which is currently President of the European Council, was honest. It welcomed India's decision to ratify the UN Convention against Torture (CAT), which India had signed in 1997. India had made a similar commitment during the earlier second periodic review process in 2012. Only to forget it before the ink was dry.

The ratification of the Torture Convention is a major issue. Countries that had raised it in May included, Germany, Botswana, Norway, the Czech Republic, Bulgaria, Greece, Guatemala, Italy, Lebanon, Montenegro, Mozambique, South Africa, Sweden, Turkey, Ukraine, the US, Portugal, Australia, Japan, Kazakhstan, Israel, Chile, Burkina Faso, the Russian Federation, Denmark, Indonesia, Guatemala and Sierra Leone. No western conspiracy this! Across the spectrum, North and South, the issue of rampant torture in India is an issue of concern.

Estonia also called upon India to become a signatory to the Rome Statute which set up the International Criminal Court (ICC). Latvia and Uruguay had raised the issue in May 2017. India is vehemently opposed to subject itself to the jurisdiction of the ICC. Estonia also called upon India to ratify the Optional Protocol to the International Convention on Civil and Political Rights (ICCPR), which calls for the abolition of the death penalty. Portugal, Guatemala, Ireland, Mozambique, Greece, Namibia, Rwanda, Belgium, Lithuania, Italy, Spain, Australia, Montenegro, Timor-Leste and France had raised it in May.

How many more countries will it take and how many more judicial killings will it take in India to prove that the killing of any human is wrong?

Estonia also expressed concern about judicial delay and the attacks on freedom of expression in India. This had also been raised earlier by Ethiopia. It also raised the issue of constriction of space for civil society. Canada, Sweden, Pakistan, Switzerland, had referred to it in May. Another Baltic state, Lithuania and a member state of the European Union made similar calls to India. Many other country statements were not made orally yesterday due to paucity of time.

Of interest was the statement of the National Human Rights Commission (NHRC). It was a vastly improved statement than the one made in May. Though the NHRC claims it differs from the Home Ministry on the proposed deportation of Rohingya refugees, it is yet to intervene in the Supreme Court. And yesterday, Home minister [Rajnath Singh](#) launched another diatribe against them.

The NHRC's accreditation to the Global Alliance of National Human Institutions (GANHRI) is coming up in mid November 2017. Kenya and Slovakia had urged India to sign and ratify the Refugee Convention and conventions of Statelessness of 1954 and 1961 in May. Some of the key recommendations made by countries that were merely "noted"-in UN jargon, India can no longer "reject" recommendations, it can only take "note" of them — related to anti conversion laws. The

Holy See had requested that India strengthen efforts to guarantee freedom of religion to everyone in this world's largest democracy.

Italy, Germany, Netherlands, amongst others, said India must abolish anti-conversion laws with relation to religions or make the legislation less vague. Meanwhile, only in August, the BJP-ruled state of Jharkhand, passed a new anti-conversion law. A number of countries focused attention on the need to repeal the Armed Forces Special Powers Act (AFSPA) and expressed concern about the excessive use of force by security personnel — Switzerland, Slovakia, France, Peru, Greece, Pakistan and Sierra Leone among others.

While, Germany, Norway, Republic of Korea, the US and the Czech Republic all called for amendment of the draconian Foreign Contribution (Regulation) Act. India must start dealing with these issues with political will, as the international community is unlikely to let up scrutiny of its human rights record.

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