



# The view from the outside

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## **As a democracy, India must have a better record of upholding human rights**

- The role that India can and should play on the world stage is a topic that elicits much excitement and, of late, hyper-nationalism.
- It is often stated that it is time for India, as the world's largest democracy, to take on an increasingly significant mantle in the international realm.
- Aspects such as economic and military power have been the usual focus of this debate.
- However, an important component of this enhanced stature necessarily relates to the safeguarding and protecting of human rights.
- In India, there is a blind spot in relation to rights and the intersection with foreign relations and policy discussions, and ignoring this has its perils.

## **Track record on human rights**

- Recently, India's Deputy Permanent Representative to the United Nations expressed concern over the "politicisation of human rights as a foreign policy tool", while addressing the work of the UN and the Human Rights Council.
- If part of the argument that India seeks to make is that it is a torchbearer of democracy and should therefore have a greater say, including on issues such as UN reform, an integral part of the case to be made relates to upholding international laws and standards pertaining to human rights.
- Within the country, many lawyers, activists, academics and human rights organisations have pointed to the deteriorating climate in relation to human rights.
- It is instructive to assess the record of UN independent experts towards India.
- For clarity, this assessment excludes the Human Rights Council, made of

a group of states which can run the risk of allegations of partisanship based on membership.

- Instead, only statements of UN Independent Experts or Special Rapporteurs are examined, being thematic or subject matter experts on specific aspects of law (such as freedom of expression, extrajudicial executions, human rights defenders, etc.).

## **Negative statements**

- On January 11, four UN Special Rapporteurs — on summary executions, torture, freedom of religion, and the situation of human rights defenders — issued a statement drawing attention to “extrajudicial” killings in Uttar Pradesh.
- In a strongly worded call, the UN experts expressed concern about the “patterns of events”, including arrest, detention and torture prior to summary executions of 59 individuals since March 2017.
- This enhanced and negative scrutiny by Independent Experts follows on the heels of the first ever UN report on human rights violations in Kashmir, conducted by the Office of the High Commissioner for Human Rights — an indicator of how far the situation has deteriorated, as well as the inevitable enhanced scrutiny.
- A review of the press releases by the UN human rights office from 2010 to date shows that there have been 26 critical statements (mostly by UN experts, with some by the UN High Commissioner for Human Rights).
- These statements indicate a few things.
- First, there has been enhanced scrutiny by international experts of the deteriorating human rights environment in India, particularly in 2018.
- Second, the magnification of domestic rights violations in the international sphere is inevitable.
- Third, the metric of human rights and compliance with international law cannot be dismissed.

## **Conclusion**

- India’s record of upholding human rights is abysmal; it must do better.
- The primary consideration should be the welfare and rights of individuals within the purview of the state.
- The secondary consideration should be perception and the place that India wants for itself in terms of stature and prestige.
- From both perspectives, the respect of the rights of individuals must be non-negotiable.

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