

India: human rights

Although India is the world's largest democracy, its second most populous country and one of its top ten economies, this has not prevented multiple human rights abuses from remaining a fact of life in many parts of the country. In recent statements and resolutions, the Council of the European Union and the European Parliament have voiced deep concern over India's human rights situation.

Current state of affairs

As detailed in the Human Rights Watch [World Report 2014](#) and in various periodical reports by [Amnesty International](#) (AI), India's human rights situation is very complex.

Ongoing violence

Political and separatist violence and the government's rough response have threatened the wellbeing and human rights of millions of Indians. In [Jammu and Kashmir](#) (J&K), [some north-eastern states](#) and wide rural swathes of central India infiltrated by [Maoist](#) rebels, civilians have been caught between armed insurgents and Indian security forces, and have suffered violence and human rights abuses from both sides. [AI](#) reports that the J&K state government has consistently held Kashmiris for months, and even years, without charge and has subjected prisoners to torture, disappearance, and death. In [Chhattisgarh](#), the state has threatened and imprisoned human-rights defenders on trumped-up charges of sedition and treason. At the same time, state-supported militias have been operating with impunity and the [Armed Forces Special Powers Act](#) has been used to shield officers from prosecution in civilian courts. [Terrorist attacks by Hindu and Muslim extremists](#) are common in northern and western India. The 2002 anti-Muslim pogrom in [Gujarat](#) continues to go unpunished (Narendra Modi, [India's prime minister](#) was Gujarat's governor at that time), as do the mass killings of [Sikhs](#) committed in 1984. The US Commission on International Religious Freedom reports that at least [900 people](#), mostly Muslims, were killed in Mumbai in the 1992-93 riots, yet few of the culprits have been prosecuted. As a result of communal violence and armed conflict, at least 526 000 Indians were displaced by the end of 2013, according to reports from the [Internal Displacement Monitoring Centre](#).

Poverty

Economic development has often threatened the livelihoods, land, and lives of the poor. In [Odisha](#) and other resource-rich parts of India, massive industrial projects such as mines, dams and economic development zones have forced thousands off their land, with inadequate compensation in return. In [Bhopal](#), site of the world's worst industrial disaster, which claimed over 7 000 lives 30 years ago, thousands of survivors and their children suffer from medical problems, while those [responsible](#) for the toxic gas leak have not been held to account. Hundreds of millions of Indians live in extreme poverty. According to the [World Bank](#), in 2010 India accounted for 33% of the world's extremely poor. India could become the world's largest nation by 2026, but its economy is not growing fast enough to create the 20 million new jobs per year needed to prevent poverty from increasing further. The [extremely poor](#) are those who suffer the most from poor healthcare, high [child](#) and maternal mortality, [bad or no access to education](#), economic exploitation, such as [forced](#) labour and [slavery](#), [sexual violence](#), an [unbalanced judicial system](#), and [police brutality and impunity](#).

Women's rights

Women and girls face persistent [discrimination](#) and the threat of [rape and other acts of violence](#) (309 546 [cases](#) of violence were reported in 2013 by the National Crime Records Bureau), particularly in the north, and often at the hands of family members through [dowry deaths](#), [honour killings](#), and [female foeticide](#). The wave of protests over the gang-rape and death of a [female student](#) in New Delhi in December 2012 highlighted the urgent need for [institutional reforms](#) to ensure better protection of women's rights. The government responded by reforming India's criminal laws, but [recent reports](#) of violence against women and girls have exposed [the wide gap](#) between the law and its implementation.

Minorities

Members of lower castes, as well as [Dalits](#) and [Adivasis](#) (indigenous people), remain the victims of violence and humiliation, despite their growing political and economic empowerment. Many Muslims and Christians face [routine violence](#) and harassment on account of their faith. Similarly, [LGBT Indians](#) find it very difficult to live openly in Indian society, despite significant recent legal rulings in their favour.

Total impunity for [extrajudicial killings](#) by the police is common, as is [torture](#) in custody. India retains the use of the [death penalty](#).

Freedom of expression

India remains one of the most restrictive places for the press: Reporters without Borders ranks India [140th](#) out of 180 countries surveyed for the freedom of speech afforded to the media. Eight journalists were killed in 2013. In addition, [AI](#) reports that on 20 August 2014, police in Kerala arrested Salman M. for allegedly making catcalls and not standing up when India's national anthem was being played. Having been accused of sedition, he could face a life sentence.

Human Rights Commissions

Established in 1993, the [National Human Rights Commission](#) (NHRC) investigates, on its own initiative or in response to petitions, cases of human-rights violations or the failure of public bodies to prevent such from occurring. By July 2014, the NHRC had received and processed 36 544 complaints. The [National Commission for Protection of Child Rights](#) (NCPCR) was set up in March 2007 under the [Commission for Protection of Child Rights Act 2005](#) with the aim of emphasising the principle of universality and inviolability of child rights. In August 2014, 2 333 child abuse [complaints](#) had been registered in the period since 2010.

Ratification of UN Conventions

A UN member since 1945, India has [ratified](#) the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and two of its optional protocols, and the Convention on the Rights of Persons with Disabilities.

India is not party to the [Rome Statute of the International Criminal Court](#). It has not signed or ratified the [Protocol to the Covenant on Civil Rights aiming at the abolition of the death penalty](#). In their 2014 concluding observations, the [UN Committee on the Elimination of Discrimination against Women](#) and the [UN Committee on the Rights of the Child](#) expressed concerns about the situation of women and children in the country.

India and the EU

Relations between the EU and India date back to the early 1960s, and have subsequently been reinforced, including through the [1994 Cooperation Agreement](#) on partnership and development, the current legal framework for cooperation. Article 1 of this agreement contains a human rights clause insisting on respect for human rights and democratic principles. Article 23 foresees **friendly consultations**, should any problems arise. In 2004, India was designated as a '[strategic partner](#)' of the EU, and a [Joint Action Plan](#) was elaborated, reaffirming the equal importance of civil, political, economic, social and cultural rights, as well as of their full realisation. Human rights issues are addressed in the [EU-India human rights dialogue](#), held every year in India. EU-India [free trade negotiations](#) have made substantial progress since their launch in 2007, yet social and labour rights are among the key areas that still require further discussion.

Recent EU statements on India

The EU has expressed its concerns over issues related to minority rights (including Dalits), [caste-based](#) discrimination, communal violence, torture and security-related legislation, the [death penalty](#), decent work, [LGBTI persons](#), human rights defenders and women's rights.

An EP resolution of [11 May 2011](#) supported the principle of including legally binding human rights clauses in the EU-India Free Trade Agreement with a clear and precise consultation mechanism modelled on [Article 96 of the Cotonou Agreement](#). The EP expressed serious concern about violence against women and caste discrimination in its resolutions of [17 January 2013](#) and [13 December 2012](#). There are numerous additional areas of concern, such as the recent [resumption of executions](#). The EP insists that these issues must be addressed in the EU-India human rights dialogue.