

8 September 2023

Mr. Kieren Fitzpatrick

Secretariat

Asia Pacific Forum

Dear Mr. Fitzpatrick,

Concern regarding the Asia-Pacific Forum Conference to be hosted by the National Human Rights Commission of India (NHRCI) in September 2023.

We write to you with great concern about the proposed Asia-Pacific Forum Conference of national human rights institutions of 26 countries scheduled to be hosted by the National Human Rights Commission of India (NHRCI) in New Delhi on September 20-21, 2023. We are alarmed that the NHRCI has been chosen as the host of this prestigious conference, given its disappointing stance on grave human rights violations in the country in the recent past. As you must be well aware, in March 2023, the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) deferred the re-accreditation application of the NHRCI by one year, raising concerns regarding its functioning, appointment procedure, lack of pluralism, independence, transparency, and commitment to address human rights violations. It is therefore unsettling that the NHRCI is being provided the platform to host the national human rights institutions of 26 countries of the Asia-Pacific region, which amounts to an endorsement of its sub-par performance in protection and promotion of human rights.

The SCA had also deferred the re-accreditation of the NHRCI in 2016 for a period of one year and had only granted it the 'A' status in 2017 after assurances that its recommendations would be seriously considered and reflected in the composition and functions of the Commission. However, in the years following 2017, the role of the NHRCI has consistently regressed—a fact reiterated by the SCA in 2023. Ahead of the review of NHRCI's accreditation by the SCA, seven international human rights organizations had [written](#) to the Chairperson of GANHRI, raising concerns regarding the inefficiency of the NHRCI and its non-compliance with the United Nations Principles relating to the Status of National Institutions (The Paris Principles).

On July 4, 2023, the Supreme Court of India sought a response from the Union Government based on a petition highlighting three vacant positions in the NHRCI—namely of two judicial members and a female member. These positions have been vacant since September 11, 2021, April 4, 2022 and January 4, 2023 respectively, severely impacting the Commission's ability to effectively engage with human rights issues in the country. According to a 2019 amendments to the Protection of Human Rights Act (PHRA), the members of the NHRCI must include a chairperson who is a former Chief Justice of India or a judge of the Supreme Court, one member who is a current or former judge of the Supreme Court, one member who is a current or former Chief Justice of a high court, and three members out of which at least one shall be a woman to be appointed from among persons having knowledge of, or practical experience in, matters relating to human rights.

However, in March 2023, the SCA while deferring the re-accreditation of the NHRCI noted that the 2019 amendments were not enough to fulfil “*the pluralism requirements of the Paris Principles.*” The SCA recommended that the vacant positions of the NHRCI should be filled without further delays and in a way that reflects “pluralism” and should represent India’s religious and ethnic minorities.

The SCA also criticised the appointment process enlisted by the PHRA amendment, noting that the selection committee did not allow a proper engagement with civil society, and reiterated the importance of the “*formalisation of a clear, transparent, and participatory selection and appointment process.*” Currently, members of the NHRCI are appointed by the President based on the recommendation of a committee consisting of the Prime Minister, the Speaker of the Lok Sabha (House of the People) , the Minister of Home Affairs, the Leader of the Opposition in the Lok Sabha, the Leader of the Opposition in the Rajya Sabha (Council of States), and the Deputy Chairperson of the Rajya Sabha. This had led to the appointment of members that have been sympathetic to the ruling party and share their political sentiments. This appointment process also reflects poorly in the light of the SCA recommendation to ensure that the NHRCI is able to “*operate independent of government interference.*”

Along with the NHRCI’s less than satisfactory composition, appointment procedure, pluralism and non-partisan representation, its complete silence on grave issues of human rights violations in the country, including but not limited to—the attacks faced by religious and caste minorities, the forced evictions and demolitions undertaken with complete impunity, the consistent persecution of human rights defenders, the demonization of critical journalists by Indian authorities and government-aligned media outlets, the repression on dissent, freedom of expression, and peaceful assembly, and the arbitrary detentions, travel restrictions and silencing faced by human rights defenders, activists, and civilians in Kashmir has been deeply disappointing. In recent months, the state of Manipur in the Northeast of the country has seen devastating communal violence and attacks against the state’s minority Kuki tribe. The lack of intervention by the NHRCI, even in the face of grave and disturbing allegations of sexual and gender-based violence against women in these tribes , has aided the impunity with which the rampant human rights violations by dominant Hindu Meitei community are being carried out in Manipur. After the Supreme Court of India took suo-moto cognizance of the issue, the NHRCI reluctantly sent a notice seeking a response from the government of Manipur on 24 July 2023 after a video of two Kuki women being paraded naked by a mob of Hindu Meitei men surfaced two and a half months after the violence began in Manipur causing public outrage.

Given these concerns regarding the functioning of India’s foremost human rights commission, we are surprised to learn that it has been chosen as the host for the prestigious Asia-Pacific conference. While India plays an important geopolitical role in the Asia-Pacific region, especially within South Asia, it is also crucial that the NHRIs in the region hold it accountable for its lack of action regarding violations of human rights and essential freedoms, rather than providing it an opportunity to whitewash its disregard and non-compliance with international human rights standards.

We urge you to reconsider your decision in choosing NHRCI as the host for the conference and also call upon it to adhere to the recommendations made by the SCA and the larger civil society in India to fulfil its mandate to protect and support human rights in the country.

Signed

- Amnesty International
- CIVICUS: World Alliance for Citizen Participation
- Front Line Defenders
- International Federation for Human Rights (FIDH)
- International Service for Human Rights (ISHR)
- World Organisation Against Torture (OMCT)