

## INDIA

### ISSUE

India's legal framework to a large extent protects the rights of Indian citizens. Implementation, however, is uneven and human rights abuses continue in India, notably in Kashmir.

### BACKGROUND

Although India is a parliamentary democracy and a secular state with an open society, communal and inter-religious tensions show no sign of abating soon. The combination of poverty and communalism has a strong negative impact on the human rights situation, despite the protections established within India's legal framework.

The situation in Kashmir has improved over the past year, and the army is being withdrawn from certain urban areas. Responsibility for public order is increasingly being transferred to the state police force. However, the armed conflict continues, as do abuses of human rights committed by the police, security forces and militant groups.

A ceasefire between militant groups in Nagaland has contributed to the lessening of violence and human rights abuses by security forces in that state, although the situation elsewhere in India's Northeast remains unchanged.

Mistreatment of detainees in police and military custody appears to be widespread throughout India, but prosecution of officers continues to increase, mainly due to a continued activist approach on this issue by the Indian Supreme Court. In October 1997, India signed, but has not yet ratified, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The situation in Punjab has now improved to a level comparable to that in India as a whole. An investigation is currently underway into disappearances in the state during the period of militancy, and members of the police continue to be held accountable for their actions.

The status of women in India remains poor, notwithstanding extensive legal guarantees; this is a deeply-rooted social, rather than institutional, problem. India has not yet ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Child labour is the main challenge to children's rights in India. Although child labour is in violation of Indian constitutional provisions, the 44 million children who work in India are evidence of the gap between legislation and implementation, caused by poverty and traditional social structures. India has ratified the UN Convention on the Rights of the Child and has promised to eliminate child labour in hazardous industries by 2000 and all forms of exploitative child labour by 2010.

The rights of ethnic and religious minorities and aboriginal people in India are guaranteed by law, and the Indian Government has taken several steps to promote their rights and full participation in Indian civil society. Despite these efforts, societal discrimination against minorities continues.