

INDIA

ISSUE

Despite a legal framework which to a large extent protects the rights of Indian citizens, human rights abuses continue in India. Violence on the part of militants and Indian authorities in Kashmir is one major area of concern, as are issues surrounding child labour and the status of women.

BACKGROUND

Although India is a parliamentary democracy and a secular state with an open society, communal and inter-religious tensions continue to exist. 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 (and, to a lesser extent, in the Northeast) continues to be characterized by armed conflict and abuses of human rights committed by the police and security forces as well as by militant groups. A positive sign was the recent holding of state elections in Kashmir in September 1996, which were widely viewed as being reasonably well-subscribed, free and fair.

Mistreatment of detainees in police and military custody appears to be widespread, and prosecution of officers, while increasing, remains difficult. The Indian Supreme Court has been taking a more activist stand on this issue.

The situation in Punjab has improved significantly, and members of the police are increasingly being 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 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. In December 1996 the UN Special Rapporteur on Religious Intolerance visited India; his report should be available at the 53rd session of the UN Commission on Human Rights.