

India

Vigilante violence aimed at religious minorities, marginalized communities, and critics of the government—often carried out by groups claiming to support the ruling Bharatiya Janata Party (BJP)—became an increasing threat in India in 2017. The government failed to promptly or credibly investigate the attacks, while many senior BJP leaders publicly promoted Hindu supremacy and ultra-nationalism, which encouraged further violence. Dissent was labeled anti-national, and activists, journalists, and academics were targeted for their views, chilling free expression. Foreign funding regulations were used to target nongovernmental organizations (NGOs) critical of government actions or policies.

Lack of accountability for past abuses committed by security forces persisted even as there were new allegations of torture and extrajudicial killings, including in the states of Uttar Pradesh, Haryana, Chhattisgarh, and Jammu and Kashmir.

Supreme Court rulings in 2017 strengthened fundamental rights, equal rights for women, and accountability for security forces violations. In August, the court declared the right to individual privacy “intrinsic” and fundamental under the country’s constitution, and emphasized the constitution’s protections, including free speech, rule of law, and “guarantees against authoritarian behaviour.”

That month, the court also ended the practice of “triple *talaq*,” allowing Muslim men the right to unilaterally and instantaneously divorce their wives.

In July, the court ordered an investigation into 87 alleged unlawful killings by government forces in Manipur state from 1979 to 2012.

Violent Protests, Impunity for Security Forces

In the first 10 months of 2017, there were 42 reported militant attacks in the state of Jammu and Kashmir in which 184 people were killed, including 44 security force personnel. Several were killed or injured as government forces attempted to contain violent protests.

In May, the army gave a commendation to an officer who used a bystander unlawfully as a “human shield” to evacuate security personnel and election staff from a mob in Jammu and Kashmir’s Budgam district.

In a setback for accountability for security force abuses, the Armed Forces Tribunal in July suspended the life sentences of five army personnel who were convicted in 2014 for a 2010 extrajudicial killing of three villagers in the Machil sector in Jammu and Kashmir.

The government failed to review and repeal the abusive Armed Forces Special Powers Act (AFSPA), in force in Jammu and Kashmir and in parts of India’s northeastern region, which gives soldiers who commit violations effective immunity from prosecution. At time of writing, the government had yet to comply with a Supreme Court ruling civilian authorities should investigate all allegations of violations by troops.

Several parts of India witnessed violent protests in 2017. In August, at least 38 people were killed during protests in Haryana and Punjab led by supporters of a popular spiritual guru, after he was convicted of raping two female followers. In June, the West Bengal state government’s decision to make Bengali language mandatory in all schools triggered protests in Darjeeling district over the longstanding demand for a separate Gorkhaland state, killing eight. Five farmers were fatally shot in June in Madhya Pradesh state, allegedly by police, during protests demanding debt relief and better prices.

In April, 26 paramilitary soldiers from the Central Reserve Paramilitary Force were killed in an ambush by Maoists in Chhattisgarh’s Sukma district.

In June, Manjula Shetye died in a Mumbai prison after six prison staff allegedly beat and raped her. The case drew attention to mistreatment in custody, but police reforms remained stalled.

Treatment of Dalits, Tribal Groups, and Religious Minorities

Mob attacks by extremist Hindu groups affiliated with the ruling BJP against minority communities, especially Muslims, continued throughout the year amid rumors that they sold, bought, or killed cows for beef. Instead of taking prompt legal action against the attackers, police frequently filed complaints against the victims under laws banning cow slaughter. As of November, there had been 38 such attacks, and 10 people killed during the year.

In July, even after Prime Minister Narendra Modi finally condemned such violence, an affiliate organization of the BJP, the Rashtriya Swayamsevak Sangh (RSS), announced plans to recruit 5,000 “religious soldiers” to “control cow smuggling and love jihad.” So-called love jihad, according to Hindu groups, is a conspiracy among Muslim men to marry Hindu women and convert them to Islam.

Two people died in caste clashes between Dalits and members of an upper caste community in Uttar Pradesh in April and May. Between April and July, 39 people reportedly died from being trapped in toxic sewage lines, revealing how the inhuman practice of “manual scavenging”—disposal of human waste by communities considered low-caste—continues because of the failure to implement laws banning the practice.

In November, following a two-week official visit to India, the United Nations special rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, called on the government to incorporate a human rights perspective into its national programs on water and sanitation, including the flagship Swachh Bharat Mission. As part of his preliminary findings, he said the government’s emphasis on constructing toilets to end open defecation should not “involuntarily contribute to violating fundamental rights of others,” including specific castes engaged in manual scavenging, or marginalized people, including ethnic minorities and those living in remote rural areas.

Tribal communities remained vulnerable to displacement because of mining, dams, and other large infrastructure projects.

Freedom of Expression

Authorities in India continued to use sedition and criminal defamation laws against government critics. In June, police in Madhya Pradesh state arrested 15 Muslims on sedition charges for allegedly celebrating Pakistan's victory over India in a cricket match, despite Supreme Court directions that sedition allegations must involve actual violence or incitement to violence. After a public outcry, the police dropped the sedition case but charged them with disturbing communal harmony. Also, in June, the Karnataka state assembly punished two editors for articles that allegedly defamed two of its members.

In March, authorities in Maharashtra state charged a journalist for spying and criminal trespass for reporting that officers improperly used subordinates for personal work, filming on army premises without permission, and using a hidden camera.

Journalists faced increasing pressure to self-censor due to threat of legal action, smear campaigns and threats on social media, and even threats of physical attacks. In September, unidentified gunmen shot dead publisher and editor Gauri Lankesh, a vocal critic of militant Hindu nationalism, outside her home in Bengaluru city.

State governments resorted to blanket internet shutdowns either to prevent violence or social unrest, or to respond to an ongoing law and order problem. By November, they had imposed 60 internet shutdowns, 27 of these in Jammu and Kashmir. In August, the government issued rules to govern temporary shutdown of the internet and telecommunications services in the event of "a public emergency or public safety [issue]." However, the rules do not specify what the government considers to be a public emergency, or a threat.

Civil Society and Freedom of Association

Activists and human rights defenders faced harassment including under the Foreign Contribution Regulation Act (FCRA), which governs access to foreign funding for NGOs.

In April, the government canceled the FCRA license of the Public Health Foundation of India (PHFI), one of country's largest public health advocacy groups, accusing it of diverting foreign funds to lobby parliamentarians, media, and the government.

Although FCRA may be revoked if the groups violate procedures laid down in the law, the government's political motivations became evident after the Centre for Promotion of Social Concerns (CPSC) challenged the government's decision in the Delhi High Court. A January 2017 government affidavit in response accused CPSC of using foreign funding to share information with United Nations special rapporteurs and foreign embassies, "portraying India's human rights record in negative light." In November 2016, India's National Human Rights Commission questioned the government's decision not to renew the FCRA for CPSC and concluded: "Prima-facie it appears FCRA license non-renewal is neither legal nor objective."

Women's and Girls' Rights

Multiple high-profile cases of rape across the country during the year once again exposed the failures of the criminal justice system. Nearly five years after the government amended laws and put in place new guidelines and policies aimed at justice for survivors of rape and sexual violence, girls and women continue to face barriers to reporting such crimes, including humiliation at police stations and hospitals; lack of protection; and degrading "two-finger" tests by medical professionals to make characterizations about whether the victim was "habituated to sex."

Rape survivors also lack adequate support services including health care, quality legal assistance, and compensation. While women and girls should have access to safe abortions if they become pregnant after rape, several rape victims have had to petition courts in 2017, including in Delhi and Chandigarh, seeking safe abortion when denied by doctors.

In a setback for women's rights, in July the Supreme Court passed several directives on section 498A of the penal code—the anti-dowry law—to curb what it said was "abuse" of the law, directing police not to make arrests until complaints are verified by family welfare committees, bodies the court recommended be comprised of members of civil society, not police.

Children's Rights

The murder of a 7-year-old boy in a private school in Haryana state in September highlighted that child sexual abuse is disturbingly common in homes, schools, and residential care facilities.

In a deadly outcome resulting from state corruption and neglect, over 60 children died in a public hospital in Uttar Pradesh state in August when a private supplier cut off the oxygen supply after government officials failed to pay long-pending dues.

Children's education was frequently disrupted in areas facing conflict and violent protests. Clashes between protesters and security forces in Jammu and Kashmir state that began in July 2016, continued to simmer throughout 2017, leading to frequent closing of schools and colleges. In May 2017, a student was killed by paramilitary forces inside a government school in Anantnag district during a violent protest.

Schools and colleges also faced disruptions in Darjeeling district in West Bengal state after violent protests and strikes erupted in June over demands for a separate Gorkhaland state.

In October, the Supreme Court ruled that sex with a girl younger than 18 was unlawful, regardless of whether she is married or not, saying the exception for married girls was arbitrary and discriminatory.

Sexual Orientation and Gender Identity

In August, the Supreme Court, in its ruling that privacy is a fundamental right, gave hope to lesbian, gay, bisexual, and transgender (LGBT) people in India by stating that section 377 of India's penal code, which effectively criminalizes same-sex relationships between consenting adults, had a chilling effect on "the unhindered fulfilment of one's sexual orientation, as an element of privacy and dignity."

In July, a parliamentary committee submitted a report examining the draft Transgender Persons (Protection of Rights) Bill, introduced in parliament in August 2016. The report recommended that the bill adopt a 2014 Supreme Court ruling, guaranteeing transgender

people the right to self-determine their gender identity. The committee also recommended the bill recognize transgender people's right to marriage, partnership, divorce, and adoption.

No date has been set for the Supreme Court to hear a set of curative petitions, filed in 2014, challenging the 2013 ruling that reinstated section 377 after a High Court had struck it down in 2009.

Rights of Persons with Disabilities

In April, India enacted a new mental health law that provides for mental health care and services for everyone and decriminalizes suicide. However, disability rights groups say much remains to be done to ensure that the law is properly enforced.

Death Penalty

There were no executions in 2017 but nearly 400 prisoners remained on death row. The number of people sentenced to death nearly doubled from 2015 to 2016, from 70 to 136. Most crimes for which capital punishment was handed down included murder, and murder involving sexual violence.

Foreign Policy

In May, India did not attend China's Belt and Road Initiative (BRI) summit in Beijing, citing sovereignty and procedural issues. The initiative is China's major development campaign to build infrastructure connecting it to countries across Asia and beyond.

Despite concerns over China's influence, India intervened in Nepal to persuade the government to adopt inclusive policies that accommodated minority communities in the southern part of the country.

India continued to abstain, and even played a negative role, in country-specific resolutions at the UN Human Rights Council (UNHRC) and General Assembly.

In September, Prime Minister Modi visited Burma amid a growing humanitarian crisis as more than 600,000 Rohingya Muslims in Rakhine State fled to Bangladesh in the face of

ethnic cleansing by Burmese security forces following attacks by a Rohingya militant group. India committed to providing aid for large-scale infrastructure and socio-economic development projects in Rakhine State, but did not call on the government to check abuses by its security forces or to amend its discriminatory citizenship law that effectively keeps the Rohingya stateless. At home, BJP leaders threatened to deport Rohingya refugees, saying they were illegal immigrants.

Key International Actors

In May, at India's Universal Periodic Review at the UNHRC, countries raised numerous human rights issues and reminded India to fulfil its past commitments to ratify human rights conventions, including the Convention against Torture. Several countries, including the US, Norway, South Korea, Czech Republic, Switzerland, Canada, Germany, and Sweden raised concerns over restrictions on civil society and called on India to ensure freedom of association.

During Modi's visit to the United States in June, a US-India joint statement reiterated cooperation on increasing trade and combating terrorism, including calling upon Pakistan to ensure that its territory is not used to launch terrorist attacks on other countries. There was not even a token mention of pressing human rights issues in India, including limits on free speech and attacks on religious minorities.

China's attempt to extend an unpaved road on the Doklam Plateau in June, part of the disputed territory between China and Bhutan, led to a three-month military standoff between India and China. India, competing with China for influence in the region, saw this as a move by China to extend its control. In August, both sides agreed to de-escalate tensions ahead of September's BRICS (Brazil, Russia, India, China, and South Africa) Summit in Xiamen, China.