

<b>Special Rapporteur on the situation of human rights defenders</b>	
<b>- Mr. Michel Forst (Ms. Margaret Sekaggya until 2014)</b>	
<p><b>Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya</b></p> <p><b>Addendum - Mission to India (10–21 January 2011)</b></p> <p><a href="#">A/HRC/19/55/Add.1</a></p> <p>(19<sup>th</sup> session of the Human Rights Council, March 2012)</p>	<p><b>3. Shortcomings in the legal framework</b></p> <p>26. The Special Rapporteur notes with satisfaction the comprehensive and progressive legal framework that guarantees human rights and fundamental freedoms in India, and welcomed the commitment expressed by officials she met, at both central and State levels, to uphold human rights.</p> <p>27. However, the first-hand information she gathered throughout her mission (see chap. III) indicates that the cause of the challenges faced by human rights defenders lies mainly in the under-implementation of a number of the aforementioned legal instruments, at both central and State levels. Widespread deficiencies in the full implementation of such instruments are said to have adversely affected the work and safety of human rights defenders. The reasons frequently cited include lack of capacity, owing to the sheer size of the country, as well as heavy bureaucracy and political interference. Problems of overlap and coordination within and among the authorities may also explain such deficiencies.</p> <p>31. The Special Rapporteur is further concerned about the new regime introduced under the Foreign Contribution Regulation Bill, which requires existing non-governmental organizations (NGOs) to renew their certificate every five years (sections 11(1)). In addition, according to section 11(3), the Central Government may specify (a) the person or class of persons who shall obtain its prior permission before accepting the foreign contribution; and (b) the area(s) (c) the purpose(s) for which, and (d) the source(s) from which such a contribution may be received with the prior permission of the Central Government. The Special Rapporteur is of the opinion that such provisions may lead to abuse by the authorities when reviewing applications of organizations which were critical of authorities.</p> <p>32. Finally, given the particular risks faced by human rights defenders, the Special Rapporteur believes that the absence of legislation on the protection of human rights defenders is a significant lacuna. The adoption of such a law, and its full implementation, would contribute to the improvement of their situation.</p> <p><b>5. Shortcomings in the institutional framework</b></p> <p><i>(a) Law enforcement authorities</i></p> <p>55. Most of the human rights violations reported to her prior, during and after her visit, are reportedly attributed to law enforcement authorities, in particular the police. Failure to register and/or investigate violations against defenders was widely reported. This is of great concern to the Special Rapporteur, as highlighted in chapter III of the present report. This appears to be deliberate on many instances, and indicative of the lack of police training.</p> <p>56. Police reform does not seem to be a reality in the whole country, as the implementation at the state level is reportedly quite weak.</p> <p><b>III. Situation of human rights defenders</b></p> <p>68. Throughout her mission, the Special Rapporteur heard numerous testimonies about female and male human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened,</p>

arbitrarily arrested and detained, falsely charged, placed under surveillance, forcibly displaced or had their offices raided and files stolen because of their legitimate work in upholding human rights and fundamental freedoms. They are often labelled as “Naxalites (Maoists)”, “terrorists”, “militants”, “insurgents”, “anti-nationalists” and “members of underground” and their rights to freedom of expression, peaceful assembly, association and movement is on many occasions unlawfully restricted.

69. Such violations are commonly attributed to law enforcement authorities; however, they have reportedly also shown collusion and/or complaisance with abuses committed by private actors. Some instances of serious human rights abuses by armed groups against human rights defenders were reported. Impunity for such violations was reported as a chronic problem, and defenders and their communities were often caught in between during the fight between security forces and armed groups, targeted or killed for allegedly taking the “wrong” side.

#### **F. Defenders working for the rights of marginalized people**

109. The Special Rapporteur is particularly concerned at the plight of human rights defenders working for the rights of marginalized people, including Dalits, Adivasis (tribals) and sexual minorities, who face particular risks and ostracism because of their legitimate activities. Collectivities striving to achieve the rights of those people have also been victimized.

##### **1. Dalits’ rights activists**

110. The Special Rapporteur was deeply disturbed by the situation of Dalits’ rights activists. She met with members of the National Campaign on Dalit Human Rights and other Dalits’ rights activists. She was greatly impressed by their work and their courage in undertaking their activities.

111. Dalits’ rights activists strive for the promotion and realization of Dalits’ civil, political, economic, social and cultural rights. The range of human rights violations they suffer is appalling.

112. From the dominant caste, Dalits’ rights defenders reportedly face, inter alia, death threats, beatings and caste-based insults in public places, direct and indirect destruction of their property/belongings; and filing of false cases against them.

113. With regard to the police and state officials, Dalits’ rights defenders reportedly have often seen their complaints not taken up and instead have been charged in false cases and filed counter cases, in collusion with the dominant caste community. They have also been summarily executed, forcibly disappeared, physically assaulted, arbitrary detained, named rowdy sheeters,<sup>6</sup> branded as Naxalites and anti-nationals, and had their privacy invaded, including by being placed under surveillance.

114. Regarding other civil society organizations, Dalits’ rights defenders often do not enjoy support for their cause and are instead pressured to tackle general issues. Written and oral threats to kill Dalits’ rights defenders have been made.

115. Lastly, concerning family and community members, Dalits’ rights defenders are sometimes pressured to abandon their work in fear of intimidation and/or reprisals from the dominant caste, or to pursue paid activities instead owing to their dire financial situation. For instance, the relatives of a Dalit activist, tried to convince him to give up his work because

they received threats from the dominant caste, stating that he would be killed if he continued his activities. The police arrested several persons who were later released on bail and are yet to be charged. These same perpetrators reportedly continue to threaten the family, urging the activist to withdraw his complaint.

116. The Special Rapporteur is particularly concerned at the plight of women Dalits' rights defenders who face gender-based violence, or restrictions, regarding their work on the basis of their caste and gender. In August 2010, an elected female Dalit representative in Rajasthan was insulted and beaten by members of the dominant caste because she had taken up cases of land rights in her community. She filed a complaint to the police, but the perpetrators were reportedly never arrested. In another case, a centre working on issues pertaining to Dalit women was forcibly closed down by the dominant caste, and the manager was subsequently attacked by villagers and forced to leave the village with her family.

#### **IV. Conclusion and recommendations**

##### **B. Recommendations**

1. Recommendations for the consideration of the central and state Governments, and the legislature:

137. The highest authorities at the central and state levels should publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, "individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels" (art. 1 of the Declaration on Human Rights Defenders).

138. Specific attention must be given by all authorities to the categories of human rights defenders mentioned in the present report, in particular defenders working on rights of marginalized groups, including Dalits and Adivasis; defenders working on economic, social and cultural rights; defenders affected by security legislations and militarization; Right to Information activists; journalists; and women defenders and defenders working on women and child rights.

139. A comprehensive, adequately resourced protection programme for human rights defenders and witnesses at the central and state levels and in conjunction with the National and State Human Rights Commissions should be devised. This programme could be funded by the State, but should not be closely controlled by the State apparatus. In particular, it should not be associated with State agencies, such as the police, security agencies and the military.<sup>7</sup> The process for applying for protective measures provided under such a programme should be cost-free, simple and fast, and immediate protection should be granted while the risk situation of the person is being assessed. When assessing the risk situation of a defender or witness, the specificities of his/her profile pertaining to caste, gender and ethnic, indigenous and/or religious affiliation, inter alia, should be systematically taken into account. Finally, the personnel assigned to the protection of defenders or witnesses should not gather information for intelligence purposes.

	<p>140. Security forces should be clearly instructed to respect the work and the rights and fundamental freedoms of human rights defenders, especially the categories of defenders mentioned in the present report.</p> <p>141. Sensitization training to security forces on the role and activities of human rights defenders should be significantly strengthened as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners.</p> <p>142. Prompt, thorough and impartial investigations on violations committed against human rights defenders should be conducted, and perpetrators should be prosecuted, on a systematic basis. Fair and effective remedies should be available to victims, including those for obtaining compensation.</p> <p>143. The Supreme Court judgment on police reform should be fully implemented in line with international standards, in particular at the state level.</p> <p>144. A law on the protection of human rights defenders, with an emphasis on defenders facing greater risks, developed in full and meaningful consultation with civil society and on the basis of technical advice from relevant United Nations entities, should be enacted.</p> <p>3. Recommendations for the consideration of the judiciary</p> <p>159. The judiciary should be vigilant and cognizant of the role of human rights defenders.</p> <p>160. The judiciary should take proactive measures to ensure the protection of human rights defenders at risk, witnesses and victims.</p> <p>161. The judiciary should ensure better utilization of <i>suo motu</i> whenever cases of violation against human rights defenders arise.</p> <p>4. Recommendations for the consideration of human rights defenders</p> <p>162. Platforms or networks aimed at informing and protecting defenders, facilitating dialogue and coordination among defenders should be devised or strengthened.</p> <p>163. Defenders should better acquaint themselves with the Declaration on Human Rights Defenders.</p> <p>164. Efforts should be made to continue making full use of United Nations special procedures and other international human rights mechanisms when reporting on human rights violations.</p> <p>5. Recommendations for the consideration of the international community and donors</p> <p>165. The situation of human rights defenders, in particular the most targeted and vulnerable ones, should be continually monitored and support for their work should be expressed through, inter alia, interventions before central and state institutions.</p> <p>166. Efforts should be intensified in empowering civil society, including by increasing their capacity.</p>
<p><b>Summary of cases transmitted to Governments and replies received</b> A/HRC/16/44/Add.1 (16<sup>th</sup> session of the HR Council, March 2011)</p>	<p>1094. On 18 August 2010, the Special Rapporteur, jointly with the Chair-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal regarding the situation of Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan, participants of a human rights training course organized by the non-governmental organizations the Dalit Foundation (DF) and People's</p>

	<p>Watch (PW), from 11 to 20 August 2010, in Nagamalai Puthukottai, near Madurai in Tamil Nadu. The DF works to eliminate caste discrimination and caste-based violence, with a particular emphasis on Dalit women and manual scavengers, and the PW provides legal support and human rights education.</p> <p>1095. According to the information received, on 15 August 2010, around 6.30 p.m., as part of their fieldwork exercise, Ms. Bharathi Pillai, Ms. Niharga Priya, Ms. Sudha, Mr. Gnana Diraviam, and Mr. Anandan went to the Veeravanallur Police Station, in Tirunelveli District of Tamil Nadu, to gather information in relation to allegations of torture of a Dalit youth by police officers at the station. The five human rights defenders identified themselves, and requested permission to Ms. P. Roswin Savimo, Sub-Inspector of police, and Mr. T. Murugesan, Inspector of police, to be provided with documents relating to the case. As a result, they were questioned and kept in the police station. It is alleged that Mr. Murugan is one of the alleged perpetrators in this case. (...)</p> <p>1099. Finally, it is reported that in the case remand report, Mr. Henri Tiphagne, Executive Director of PW-India, Member of the Executive Committee of the Asian Forum for Human Rights and Development (FORUM-ASIA), and a member of the Asian NGOs Network on National Human Rights Institutions, was referred to as an “absconding accused”, although no charges had been filed against him, nor was he present at the police station at the time of the arrest of the five defenders.</p> <p>1100. Serious concerns were expressed that the arrest and detention of Mr. Gnana Diraviam, Mr. Anandan, Ms. Bharathi Pillai, Ms. Niharga Priya, and Ms. Sudha, and the charges brought against them, might have been related to their legitimate human rights activities. Further concerns were expressed for the physical and psychological integrity of the five human rights defenders.</p>
<p><b>Statement by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, at the conclusion of her visit to India</b> Statement (21 January 2011)</p>	<p>In a statement concluding her January visit to India, the UN Special Rapporteur on the situation of human rights defenders raised particular concern for the situation of Dalit human rights defenders:</p> <p>“I note with satisfaction that India has a comprehensive and progressive legal framework which guarantees human rights and fundamental freedoms, as enshrined, inter alia, in the Constitution, the Protection of Human Rights Act, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and the Right to Information Act. I welcome the commitment expressed by Indian authorities to uphold human rights...</p> <p>Besides the National Human Rights Commission and existing State-level Human Rights Commissions, I note the existence of a wide range of Statutory Commissions mandated to promote and protect the rights of, inter alia, women, children, scheduled castes and scheduled tribes.</p> <p>However, despite the aforementioned laws aimed at promoting and protecting human rights, I note widespread deficiencies in their full implementation at both central and state levels, adversely affecting the work and safety of human rights defenders. Similarly, I have observed the need for the National and existing State Human Rights Commissions to do much more to ensure a safe and conducive environment for human rights defenders throughout the country.</p>

	<p>Throughout my mission, I heard numerous testimonies about male and female human rights defenders, and their families, who have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, under surveillance, forcibly displaced, or their offices raided and files stolen, because of their legitimate work in upholding human rights and fundamental freedoms.”</p> <p>“I am particularly concerned at the plight of human rights defenders working for the rights of marginalized people, i.e. Dalits, Adavasis (tribals) religious minorities and sexual minorities, who face particular risks and ostracism because of their activities. Collectivities striving for their rights have in fact been victimized.</p>
<p><b>Annual report of the Special Rapporteur A/HRC/10/12</b> (10th session of the HR Council)</p>	<p>In the second chapter of her first report to the Council the Special Rapporteur focuses, among other things, on the potential of the universal periodic review (UPR) mechanism of the Human Rights Council in enhancing the protection of human rights defenders. It gives an overview of the strategic value of the UPR in reviewing and potentially improving the situation of human rights defenders.</p> <p>3. Summary of stakeholder information: overview and analysis</p> <p>74. Targeting of specific groups was mentioned in relation to women human rights defenders in Bahrain, Israel and Serbia; indigenous groups in Ecuador; defenders working on issues related to persons belonging to minorities in the Czech Republic (Roma), India (Dalits) and Turkmenistan; defenders working on lesbian, gay, bisexual and transgender issues in Israel, Montenegro, the Republic of Korea, Serbia and Sri Lanka. Problems faced by defenders working on issues related to migrants were mentioned with regard to South Africa.</p>
<p><b>Summary of cases transmitted to Governments and replies received A/HRC/10/12/Add.1</b> (10<sup>th</sup> session of the HR Council, March 2009)</p>	<p>The addendum to the annual report contains a large number of references to cases submitted involving attacks and threats against Dalit activists, especially in India but also in Nepal.</p> <p><u>INDIA</u></p> <p>Letter of allegations</p> <p>1189. On 28 February 2008, the then Special Representative sent a letter of allegations to the Government concerning Mr Arumugam Katuraja Kanagaraj, a Dalit human rights activist and the District human rights monitor in Salem district (Tamil Nadu) of the National Project on Preventing Torture in India of People’s Watch. [...]</p> <p>1192. Concern was expressed that the assault and detention of Mr Arumugam Katuraja Kanagaraj may be related to his activities in defense of human rights, particularly his work to prevent corruption within local government. Furthermore, in light of the death threats made against Mr. Kanagaraj and his possible pending arrest, concern was expressed for his physical and psychological integrity.</p> <p>Letter of allegations</p> <p>1201. On 28 April 2008, the then Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegation to the Government concerning mass arrest of participants in the “The Long March for Justice for Special Task Force (STF) Victims”, including Messrs Henri Tiphagne, Executive Director of People’s Watch, Mahaboob Batcha,</p>

	<p>Managing Trustee of the Society for Community Organisation Trust (SOCO Trust), and V.P. Gunasekaran, District Secretary of the Communist Party of India. [...]</p> <p>1204. Concern was expressed that the aforementioned arrests may be related to the protestors' activities in defense of human rights; their peaceful exercise of the right to freedom of expression and assembly and their protest against alleged crimes perpetrated by members of the Special Task Force.</p> <p>Response from the Government</p> <p>1205. In a letter dated 19 January 2009, the Government responded to the communication sent on 28 April. In transmitting the reply of the concerned authorities in India, the Government noted that the allegation contained in the communication was examined by the Government and that an enquiry was conducted on the above incident by the concerned authorities. It was revealed that the aforementioned individuals along with 205 other party members intended to go on a protest march from Exode to Chennai in order to draw attention to the relief and rehabilitation of the purported Special Task Force victims. However, in violation of law, they did not seek any prior permission from the concerned police authorities. If they had been allowed to proceed with this march it could have resulted in a disruption of law and order and inconvenienced the general public. Hence, as a preventive measure, the aforementioned persons were taken into police custody as per law and a case was registered against them. However, they were released on the very same day and all further action against them was dropped.</p> <p>Urgent appeal</p> <p>1211. On 23 May 2008, the Special Rapporteur sent an urgent appeal to the Government concerning Mr Lenin Raghuvanshi, Convener of the People's Vigilance Committee on Human Rights (PVCHR) in Varanasi, State of Uttar Pradesh. Mr Lenin Raghuvanshi has focused his work on the right to food and on victims of death due to starvation and he is also a member of the District Vigilance Committee on Bonded Labour.</p> <p>1213. According to information received, on 26 April 2008, Mr Lenin Raghuvanshi began to receive abusive and threatening phone calls, which warned him to end the PVCHR's work in the district of Varanasi. On 18 May, he received a phone call, thought to be from a powerful member of a criminal group in Uttar Pradesh, which threatened that if the PVCHR did not stop working for the Musahar community, a Dalit group subject to caste-based discrimination, men hired by upper caste feudal lords would raze Musahar ghettos and villages in Varanasi. The caller also questioned Mr Lenin Raghuvanshi about the funding of the PVCHR, in what is believed to be a warning to the PVCHR to pay protection money to local mafias.</p> <p>1214. Concern was expressed that the threats and intimidation directed against Mr Lenin Raghuvanshi may be directly linked to his work and that of the PVCHR in defense of human rights, in particular the rights of Dalit communities in the State of Uttar Pradesh.</p> <p>In view of these threats, serious concern was expressed for the physical and psychological integrity of Mr Lenin Raghuvanshi and the members of the PVCHR.</p> <p>Response from the Government</p>
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	<p>1215. In a letter dated 28 January 2009, the Government responded to the urgent appeal of 23 May 2008. The allegations contained in the communication were examined by the Government, which informed that a complaint was lodged in Thana Cant, Varanasi, following which a chargesheet was sent to the court on 21 July 2008 against accused Bulbul Singh alias Uday Narayan Singh. In the meantime, necessary instructions were issued to the local police station to provide adequate security to Dr Lenin.</p> <p>Letter of allegations</p> <p>1216. On 10 June 2008, the Special Rapporteur, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegations to the Government concerning Messrs Henri Tiphagne, Executive Director of People's Watch and member of the National Human Rights Commission of India; S. Martin, Regional Law Officer at People's Watch; and G. Ganesan and M.J. Prabakar, both State Monitoring Officers at the same organization. [...]</p> <p>1219. It was alleged that the charges brought against the aforementioned individuals may be directly related to their activities in defense of human rights, in particular their efforts to end impunity for crimes of torture in India. In view of these reports, concern was expressed for the physical and psychological integrity of those named.</p> <p><u>NEPAL</u></p> <p>1957. In the district of Kanchanpur in Nepal, women human rights defenders face death threats, attacks and harassment because of their work. Gender-based violence is reportedly widespread in Nepal, common among women regardless of their social, economic and cultural status. At present there is no specific law addressing domestic violence in Nepal.</p> <p>1965. The Special Rapporteur hopes that the Government of Nepal will respond favourably to her request of November 2008 to visit the country in order to resume the dialogue with the authorities.</p>
<p><b>Summary of cases transmitted to Governments and replies received by Ms. Hina Jilani</b> A/HRC/7/28/Add.1 (7<sup>th</sup> session of the HR Council, March 2008)</p>	<p>This report of 3 March 2008 was submitted by the Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani. It contains a large number of references to cases submitted involving Dalits, especially in India but also in Nepal.</p> <p><u>INDIA</u></p> <p>Letter of allegations</p> <p>1062. On 26 January 2007 the Special Representative, together with the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, sent a letter of allegations to the Government concerning an attack against Mr Ravikumar, Member of the Legislative Assembly of the Kaaumannarkoil constituency, owing allegiance to the Vidudalai Chruthaiga, Dalit Panthers of India (DPI), in Sedapalayam village of Cuddalore District, in the State of Tamil Nadu. Mr Ravikumar also served as state president of the People's Union for Civil Liberties, Tamil Nadu-Pondicherry and was elected as a Member of the Tamil Nadu Legislative Assembly in 2006. He is also a well known Dalit writer, social activist and co-publisher of a publishing house which focuses on caste issues.</p>

1063. According to information received, on 2 January 2007, Mr Ravikumar sustained injuries to his hands and legs during an alleged attack by a contingent of approximately 100 police officers, including Delta police personnel, in Sedapalayam village during a funeral procession for Mr Siva, a Dalit youth murdered on 1 January 2007. Twenty-eight other Dalit Panthers of India (DPI) members were also injured in the attack. Mr Ravikumar was admitted to the Sri Ramachandra Medical College in Chennai on 3 January 2007 and discharged three days later. According to reports, the funeral procession was attacked by police officers in response to an attempt by some individuals attending the funeral to set fire to houses belonging to the alleged perpetrators of Mr Siva's murder. Dalit youths who later attended the hospital for medical treatment were reportedly arrested by police on charges of attempted murder.

1064. Prior to the events of 2 January 2007, Mr Ravikumar had reportedly been in contact with Mr Gagandeep Singh Bedi, District Collector, Cuddalore, and Mr M Karunanidhi, Chief Minister of Tamil Nadu urging them to ensure that an immediate investigation be carried out in relation to Mr Siva's murder on 1 January 2007, and that the perpetrators be brought to justice. He also made an appeal to the police and district administration to ensure that law and order be maintained during the funeral. Concern was expressed that the funeral procession of Mr Siva was violently suppressed by authorities and that excessive police force may have been used against peaceful attendees of the funeral. Concern was also raised that Mr Ravikumar may have been targeted due to his high profile work in defence of the human rights of Dalits.

Urgent appeal

1096. On 23 August 2007, the Special Representative, together with the Special Rapporteur on violence against women and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, sent an urgent appeal to the Government concerning attacks on Dalit communities, particularly women, in Somebhadra District, Uttar Pradesh, India. On 3 August 2007, Ms Roma and Ms Shanta Bhattacharya were arrested in Robertsganj under charges of provoking Dalits and Tibals to encroach forest lands. They were arrested under section 120 (B) and 447 of Penal Code; they were in Mirzapur jail and their bail applications had been rejected at the Circle Judicial Magistrate.

1097. On 5 August 2007, Lalita Devi and Shyamlal Paswan were arrested from a local market in Rangarh and were also in Mirzapur jail. As a consequence of these imprisonments, people have been staging a protest since 4 August in front of the District Magistrate (DM) office in Sonebhadra demanding the immediate release of the activists. New charges were brought against Ms. Roma under article 4 of the National Security Act on 10 August. Reports also indicated that on 10 August 2007, at around 9 p.m., the police attacked Dalit women in Chanduli Village, in Sonebhadra District, leaving fifteen women seriously injured. Two trucks loads of Police along with Upper Caste representatives of the locality descended on Chanduli village in Sonebhadra district. They were allegedly heavily armed, and demanded to see Bachchalal, an active member of the local organisation Kaimoor Kshetra Mahila Mazdoor Kisan Sangharsh Samiti (KKMMKSS).

1098. According to information received, when they did not find Bachchalal in the village, they started attacking women present in the village. Police and upper caste representatives barged into the house of Bachchalal and attacked his pregnant sister and sister-in-law; pulling them out and attacking them. In three hours, the police and upper caste representatives beat up around 15 women and destroyed their houses. At the time of the incident, there were very few male members in the village as most of them were staging a protest in front of the DM's office in Sonebhadra against the arrest of Ms. Roma, Ms. Shanta Bhattacharya, Lalita Devi and Shyamlal Paswan. This was allegedly the third attack of this kind against Dalits in less than two weeks and reportedly a consequence of the Dalits families' requests for land that started in the last two years, as a response to the forest department's Government Resolution of 2002-3 to clear forest lands from any encroachments. During the events, the police reportedly left the village giving an ultimatum to remove the bricks of the houses by 11 August 2007, or they would come back with the administrative order to destroy the houses.

[...]

#### Observations

1106. The Special Representative thanks the Government of India for their response to the communication of 10 May 2007, but regrets the lack of response to the other fourteen communications sent in the time-period covered by this report.

1107. The Special Representative reiterates her concerns for the situation of human rights defenders representing vulnerable groups, such as lesbians, gays, bisexual and transgender (LBGT) persons and members of caste groups facing discrimination. The situation of the Dalit community is of particular concern as human rights defenders advocating their rights face entrenched prejudice from many sectors of society.

1108. The Special Representative hopes that the Government of India will continue in its efforts to work for the improvement of conditions for those belonging to such communities and those working in defence of their rights.

#### NEPAL

#### Urgent appeal

1488. On 20 June 2007 the Special Representative, together with the Special Rapporteur on violence against women, sent an urgent appeal to the Government concerning human rights defenders Ms. Rita Mahato and Ms Dev Kumari Mahara, members of the Women's Rehabilitation Centre (WOREC), in the Siraha district. WOREC is a non-Governmental organization working on social justice and human rights, specifically women's rights, and the rights of marginalized groups in Nepal such as the Dalits. Ms Mahato and Ms Mahara have been involved in documenting cases of violence against women and providing support to victims for several years.

#### Observations

1517. The Special Representative thanks the Permanent Mission of Nepal in Geneva for its acknowledgement of receipt of the communications sent and hopes that the further information requested from the Government by the Permanent Mission will be provided at the first available opportunity.

	<p>1518. She is particularly concerned by the cases involving allegations of harassment, intimidation or ill-treatment of human rights defenders by members of the Police Force and trusts that the Government will acknowledge the seriousness of these allegations through comprehensive investigation.</p>
<p><b>Report of the former Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani</b> A/60/339 (60th GA Assembly)</p>	<p>Report on the situation of human rights defenders in Nepal. In the report concerning the case study of human rights defenders in Nepal there is, interestingly enough, no specific mention of CBD or discriminatory practises against Dalits in the description of the conflict in Nepal.</p>
<p><b>Promotion and Protection of Human Rights Defenders Report submitted by the former Special Representative of the Secretary-General on human rights defenders, Hina Jilani, Addendum, Compilation of developments in the area of human rights defenders since June 2000 by Ms. Hina Jilani</b> E/CN.4/2006/95/Add.5 (62<sup>nd</sup> session of the Commission on Human Rights)</p>	<p><u>INDIA</u> 738. The Special Representative regrets that the Government has not provided her with information in response to the questionnaire she transmitted for the preparation of the present report at the time of the finalization of the report. She encourages the Government to transmit this information so that the below profile can be updated in the future. The human rights defenders community 739. Human rights defenders in India are active on a wide range of civil and political, economic, social and cultural rights such as caste discrimination, child rights, environmental issues, globalization and human rights, housing rights, indigenous rights, LGBT rights, women’s rights and trafficking.</p> <p><u>NEPAL</u> 1147. [...] The human rights defenders community in Nepal today is active but weakened in part as a result of the repressive measures it has been subjected to. The royal takeover and the subsequent declaration of a State of Emergency is widely seen as exacerbating the already high risk to defenders and the civilian population in general. The human rights situation, and hence the situation for defenders working in Nepal, has deteriorated in recent years. Subsequently, several defenders have reportedly either gone underground or left the country, in order to continue with their human rights advocacy on Nepal in a more secure environment. [...] 1149. In general, most NGOs in Nepal focus on development activities or actions that mitigate the effect of human rights violations, such as rehabilitation for victims. A smaller number focus on the overall human rights situation, and some focus on specific human rights concerns such as caste-based discrimination and LGTB rights. Women human rights defenders play an increasingly prominent role as advocates on a wide range of human rights issues in Nepal. A small number of NGOs have a national network through Nepal.</p>