

## India

1. Overview of the human rights and democracy situation: India is a democratic and pluralist country where the 1950 Constitution, relevant legislation and robust institutions warrant citizens' rights, along the core principles of secularism and equality. Multiple laws and policies are aimed at improving the situation of disadvantaged and poor people and independent judicial institutions, an active civil society and a vibrant media seek government accountability and action. However, structural issues such as institutional capacities, unequal distribution of resource and access to services as well as deeply engrained cultural mind-sets remained as impediments towards the full implementation of human rights.

In this context, national human rights institutions such as the National Human Rights Commission (NHRC) and the State Human Rights Commissions with their promotion and protection mandate continue to play an important role. Moreover, the National Commission for Minorities and the National Commission for Women, the National Commission for the Protection of Child Rights as well as States Human Rights Commissions are key players towards achieving the Sustainable Development Goals to which India is fully committed.

2018 was a year of landmark decisions of the Supreme Court which de facto abolished the criminalisation of consensual homosexual acts between adults as well as adultery and affirmed the right to privacy, amongst others. The government also continued multiple activities to improve the situation of women and child rights. In the fight against female genital mutilation, the Supreme Court recognised it as punishable crime in 2018. Efforts to change cultural mind-sets through official programmes for the empowerment of the girl child, such as "Save the Girl, Educate the Girl" continue and the issue of child marriage is being addressed with awareness raising programmes. However, despite increased attention to the issue, sexual abuse of children remains an important concern of the authorities and public opinion.

Late 2018 also marked by the rise of the #MeToo movement in India. Around the first year anniversary of this international initiative, numerous women reported in the media and on the internet alleged cases of sexual abuse and harassment at the workplace.

There was a heightened sense of concern about the continuing trend of a shrinking space for civil society, arrests of human rights activists and investigations of non-governmental organisations as well as a deterioration of inter-communal relations, deeper societal polarisation and increased mobilisation along caste divisions and religious affiliations. These features have intensified in the run-up to the general elections partly owing to the recourse to identity politics.

2. EU action - key focus areas: EU activities and events regularly promote all human rights policy priority areas relevant to India. In 2018, the EU continued to engage with multiple stakeholders in India, not least the civil society, in various formats and at various levels, including meetings, parliamentary visits and events organised by the EU Delegation, EU Member States or EU sponsored projects.

3. EU bilateral political engagement: There were increased contacts with the National Human Rights Commission. In March 2018, the EU Head of Delegation raised a range of issues in a meeting with the Chairperson of the National Human Rights Commission. In October, the Delegation contributed to an international human rights conference organised to mark the 25<sup>th</sup> anniversary of the NHRC, contributing to a Panel on business and human rights. The EU also regularly raises attention to address challenges faced by human rights defenders to the NHRC's dedicated focal point.

The EU Delegation has further intensified public outreach activities on key issues such as gender equality, ending discrimination on any ground or status and the rights of children. On International Women's Day, the EU Head of Delegation participated in a Facebook live discussion on economic empowerment of women. In May-June, the Delegation participated in a campaign for LGBTI rights, organising activities such as a joint press release, embassy lighting on rainbow colours, social media messages, movie screening and panel discussions. In October the Delegation brought 16 missions together for a girls' empowerment action, partnering with Plan International and their good will Ambassador, a Bollywood actor which gathered wide attention.

4. EU financial engagement: The EU affords practical support to the realisation of human rights and the work of civil society actors through its programs and projects. The EU Delegation, together with Member States, supported a large number of projects contributing to the above mentioned priorities. Under the European Instrument for Democracy and Human Rights (EIDHR) projects that commenced in 2018 have a specific focus on the rights of the urban homeless and manual scavengers; access to justice for children; rights of LGBTI persons; and accountability in the criminal justice institutions with particular focus torture, prisoners with mental illnesses, economically disadvantaged persons dependent on legal aid and persons on death row.

Other newly launched projects focus on Women Human Rights Defenders, Torture elimination and rehabilitation, and ending violence and discrimination against Dalits, minorities and LGBTI communities. Furthermore, the EU continued providing financial support through EIDHR for gender and child rights, disability rights, Dalit and minority rights, inclusive policing and online freedoms of expression, association and assembly.

Under the framework of the Partnership Instrument, two projects were initiated in 2018 with the focus on enhancing engagement between EU and Indian Civil Society Organisations (CSOs) focusing on disabilities, private sector action on sustainable development goals, and confidence-building.

5. Multilateral context: India is party to major international human rights instruments and committed to United Nations human rights bodies such as the UN Human Rights Council (HRC). In October 2018, after the mandatory pause of one year, India was re-elected as a member of the HRC for the term 2019-2021. UN special procedures issued several statements raising concerns over several issues in India on sexual violence, discrimination against religious minorities, targeting of activists, and lack of accountability for security forces. The HRC in June received the report of the Special Rapporteur on the human rights

to safe drinking water and sanitation, Léo Heller, who had been on an official visit to India from 27 October to 10 November 2017.

The UN Special Rapporteur on racism also raised concerns on a decision to deport seven Rohingya back to Myanmar. In June 2018, the Office of the UN High Commissioner for Human Rights released a report on the human rights situation in Kashmir, covering both sides of the Line of Control. The report points at violations of human rights and impeded accountability. Kashmir was the stage of intensified counterinsurgency and robust policing of demonstrations, which often turned violent. It has been considered to be the year with highest number of civilian, security personnel and militants / terrorists deaths and injuries in a decade. India continued implementation of recommendations made in its third Universal Periodic Review (UPR) in May 2017 when 250 recommendations were made of which 152 were accepted. The government agreed to meet and consult with civil society representatives in this context.