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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2021]

* Issued as received, in the language(s) of submission only.



Numerous incidents of human rights violations in Assam during the past twenty or more years

There have been numerous incidents of human rights violations in Assam during the past twenty or more years. India a self-proclaimed largest democracy in the world, has a consistently poor record in terms of human rights violations in Assam. The place where people have been tortured, maimed and killed by the Indian army, paramilitary forces, and the police on numerous occasions.

World has also witnessed this barbarism through the prism of UN experts in a scathing letter to the Government of India, five senior officials of the United Nations have expressed regret at the lack of response from the government on previous communiques where they had highlighted concerns about instances of human rights violations taking place during the processes and procedures related to the update of the National Register of Citizens (NRC) in Assam.

The letter is written by Leigh Toomey (Vice-Chair of the Working Group on Arbitrary Detention), David Kaye (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), Fernand de Varennes (Special Rapporteur on minority issues), E. Tendayi Achiume (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) and Ahmed Shaheed (Special Rapporteur on freedom of religion or belief) which shows the true face of so called largest democracy of the world.

Mincing no words, they have raised concerns about “the rising tide of bigotry, stigmatization and scapegoating of all those perceived as “foreigners” and “infiltrators”, most of whom belong to racial, ethnic, religious or linguistic minority groups in India. Furthermore, UN officials refer to their previous communications dated June 11, 2018 and December 13, 2018 and say, “We deeply regret that to date your Excellency’s Government has not yet responded to these communications, and therefore it has not provided us with any additional information and/or clarification to the substantive observations and questions.” They point out the Indian government’s callous attitude to the human rights crisis saying, “We deeply regret your Excellency’s Government absence of engagement in a dialogue with our mandates on a process with significant implications for the human rights and legal status of millions of individuals, and in particular of those belonging to minorities and living in remote and marginalized areas, most of whom may face statelessness, prolonged detention and forced return to countries in which they may have never lived in the past.

There communique highlighted numerous international laws and conventions which are being violated by the Indian government’s failure to prevent a crisis in Assam. These include, article 27 of International Covenant on Civil and Political Rights, ratified by India on 10 April 1979. This establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language”. They also referred to article 19 of the ICCPR that guarantees “the right of “everyone” to seek, receive and impart information of all kinds, through any media and regardless of frontiers. In this connection, we highlight that the right to access to information constitutes a fundamental component of the right to freedom of expression.”

It further says, “We would furthermore like to appeal to your Excellency’s Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).”

We urge UNHRC to call to the Indian government to “take specific steps to end statelessness, by putting an end to the practices and policies identified that render persons stateless and in doing so, make them vulnerable to extreme human rights violations.

We look forward to a positive response from the Office of the UN High Commissioner for Human Rights (OHCHR) and the Special Rapporteurs (SR) on the situation of human rights defenders and Special Rapporteurs (SR) on torture and other cruel, inhuman or degrading treatment or punishment.

European Institution For Economics, Political and Social Resereach, NGO(s) without consultative status, also share the views expressed in this statement.