

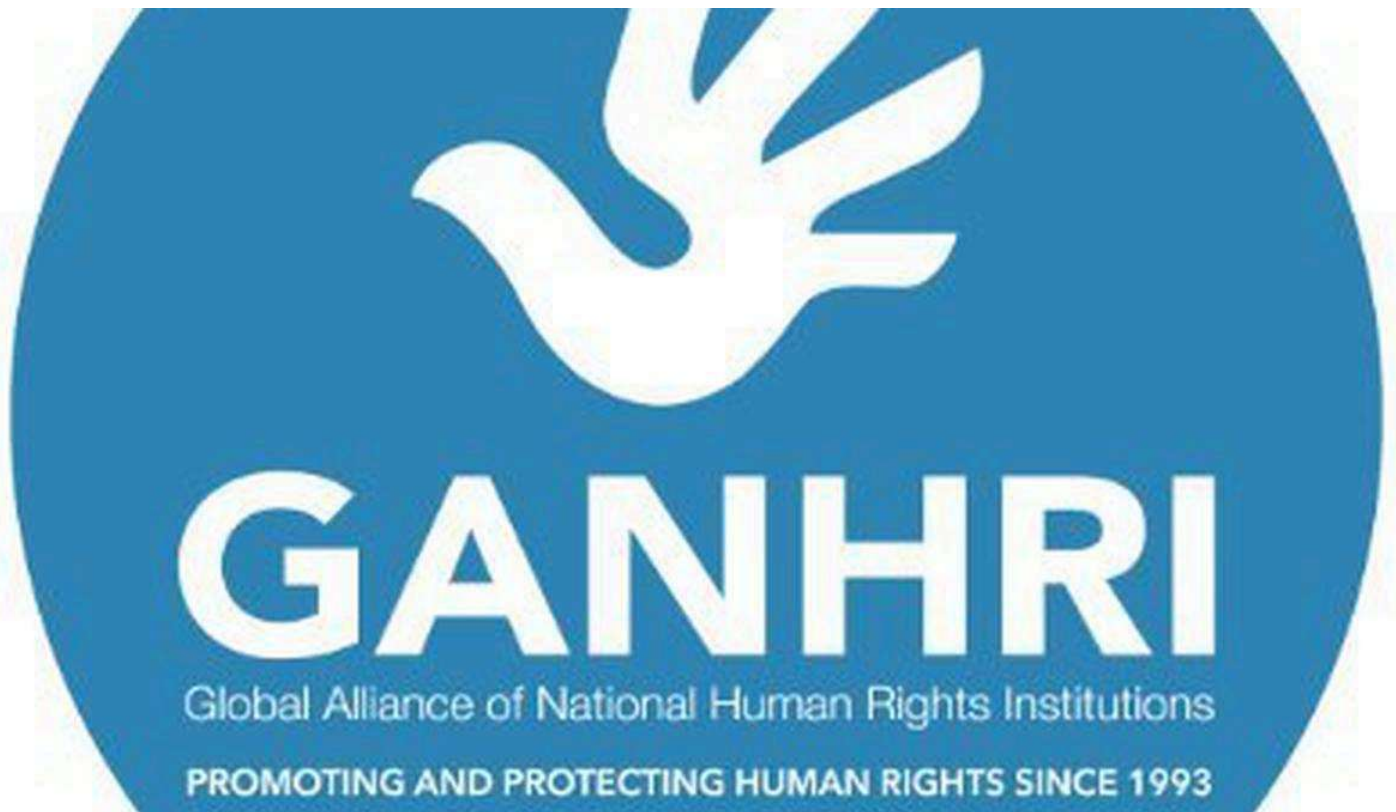
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Geneva-based UN-related body to review India's human rights accreditation status this week

India's processes under scanner after GANHRI deferred the country's rating in 2023; criticism included lack of pluralism, appointing police officials, ruling party members to NHRC

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SUHASINI HAIDAR, ISHITA MISHRA



Logo of Global Alliance of National Human Rights Institutions. Photo: X/@Ganhri1

The National Human Rights Commission (NHRC) is preparing to defend the government's human rights processes at a meeting in Geneva this week, where a decision on whether India's human rights body will retain its "A status" is expected to be made. The NHRC's ratings were put on hold in 2023 over concerns on its composition procedure, the presence

of police personnel in human rights investigations, and the lack of gender and minority representation, and the decision over whether the NHRC is given an A rating or a B rating would affect its ability to vote at the UN Human Rights Council and some UNGA bodies.

The meeting of the Sub-Committee on Accreditation (SCA) of the UN-recognised Global Alliance of National Human Rights Institutions (GANHRI) worldwide will be held on May 1, official sources told *The Hindu*, as part of the five-year peer review for each member of the 114-member alliance. While NHRC Chairperson, retired Supreme Court judge Justice Arun Kumar Mishra had travelled to Geneva last year for the GANHRI SCA meeting on India, this year, the NHRC is expected to attend the review meeting on Wednesday online. The Ministry of External Affairs (MEA) is understood to have reached out to various countries involved in the review process to make its case through diplomatic channels.

This is the second time the Modi government is facing a possible listing downgrade. Since being accredited in 1999, India had retained its A ranking in 2006 and 2011, while its status was deferred in 2016 and restored after a year. According to a six-point submission by the SCA in March 2023, the NHRC has failed to create conditions required to be “able to operate independent of government interference”. In the submission, the committee had slammed India for the involvement of police officers in its investigative process, calling it a “conflict of interest”.

NHRC's claim

In its response, the NHRC had said that the presence of government officials, including Secretary-General and CEO, NHRC, former Gujarat-cadre IAS officer Bharat Lal, adds to the “effectiveness” of the body. At present, of the two individual members of the NHRC, one member Rajiv Jain, is an IPS officer who was Director of the Intelligence Bureau, while the Director-General of Investigation is, former Special Director, CBI, Ajay Bhatnagar. The SCA also cited the lack of “pluralism” and “gender representation,” given the NHRC had only one woman in its top body, an institutional “ex-officio” representative of the National Commission for Women. In December 2023, the NHRC appointed another woman, Vijaya Bharathi Sayani.

While the Chairperson of the National Commission for Minorities Iqbal Singh Lalpura is another ex-officio member, the SCA had also pointed out that the composition of the committee should reflect the “diversity of the society” it operated in, indicating the lack of

any member representing India's largest minority religions. In addition, local civil society activists have pointed out that most members are politically affiliated to the ruling party, with five of the 10 members belonging to the BJP or RSS. They include Chairman of the National Commission for Scheduled Castes (NCSC) Kishor Makwana, who was spokesperson of the BJP in Gujarat; Chairperson of the National Commission for Scheduled Tribes Antar Sing Arya, who was a BJP MLA from Madhya Pradesh; Chairperson, National Commission for Backward Classes and former BJP MP Hansraj Ahir; and Priyank Kanoongo, Chairperson, National Commission for Protection of Child Rights, who has been a member of the BJP and RSS.

Officials in the body rejected the charge, pointing out that Mr. Jain "qualifies as a minority", as he belongs to the Jain community, while all members are chosen through India's legislative and constitutional processes, which also involve selection by leaders of the opposition.

The MEA and the NHRC declined to formally comment on India's accreditation status at GANHRI, a body of 120 members, of which 88 have "A" status accreditation, while 32 have "B" status". The SCA has also recommended for the removal of accreditation for Afghanistan, Myanmar, Niger and Russia given developments in those countries. When asked about Wednesday's meeting, the sources said although the government is confident of having its A status restored, it was not focused on "external certifications" of India's human rights record. They also cited the "undue influence" of international civil society organisations that have been critical of India since 2014. In a letter to GANHRI dated March 26, 2024, nine human rights groups, including Amnesty International, Human Rights Watch and CIVICUS wrote a joint letter to the international grouping raising concerns about "increasing restrictions" on civil society and "discrimination against minorities ahead of the country's General Elections". They also cited various development and human rights indices that have downgraded India's ratings in the past few years, and UN Human Rights Council reports that the government has rejected.

"We strongly urge GANHRI-SCA to amend the current 'A' rating of the NHRCI to accurately reflect its failure to comply with the Paris Principles and address the deteriorating human rights situation in India," the letter said.

Last week, the MEA had also reacted sharply to the U.S. State department's latest global report that spoke of "significant" human rights concerns in India, calling the report "biased" and reflecting a "poor understanding of India". "We attach no value to it and urge you to do the same," MEA spokesperson Randhir Jaiswal had said.