



# UN Special Rapporteurs' Communication to India

## Why in News

Recently, the [United Nations \(UN\) Special Rapporteurs \(SRs\)](#) have made public their third communication forwarded to India since the 5<sup>th</sup> August, 2019 decision to [revoke Jammu and Kashmir's special status \(under Article 370\)](#).

- Four UN SRs on torture and other cruel, inhuman or degrading treatment or punishment; on extra-judicial, summary or arbitrary executions; on minority issues; and on freedom of religion or belief – forwarded a joint communication to India.

## Key Points

### ▪ **Third Communication:**

- It highlighted continued deterioration of human rights conditions in J&K following severe restrictions imposed after 5<sup>th</sup> August 2019.
- The UN has urged the Indian government “to conduct a prompt and impartial investigation, if it has not done so already, into the allegations of arbitrary killings, torture and ill-treatment and to prosecute suspected perpetrators under Article 6 of the **International Covenant on Civil and Political Rights (ICCPR)**, and Articles 7 and 12 of the **Committee Against Torture (CAT)**.”

- **ICCPR (1976)** compels countries that have ratified it to protect and preserve basic human rights such as the right to life and human dignity, equality before the law etc. **India is a party to the Treaty and has issued a declaration.**
- **CAT** is the body of 10 independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) by its State parties. **India is not a state party but signatory to the Convention.**

- **Second Communication:** It was forwarded on 27<sup>th</sup> February, 2020 on alleged mass crackdown, targeting those expressing dissent against the decision taken” by the Central government.
- **First Communication:** It was forwarded to India by the UN on 16<sup>th</sup> August, 2019 on “restrictions on freedom of expression and freedom of peaceful assembly”.
- **India's Response:** According to the UN SRs, **no response has been received from India** to any of the communication forwarded.
- **Supreme Court's Recent Judgement:** It needs to be noted that the Supreme Court on 11<sup>th</sup> May 2020 had ordered the [constitution of a Special Committee](#) to determine the necessity of the continuation of limiting mobile internet to 2G speed in the Union territory of J&K.
  - However, it declined pleas for restoration of 4G internet services and held that peculiar circumstances in the Union Territory require **delicate balancing of national security concerns and human rights**.
  - The mobile internet has been restricted to low-speed 2G services since the government eases a communication blackout imposed in August 2019.

## UN Special Rapporteur

- The Special Procedures of the [Human Rights Council](#) are independent human rights experts with mandates to report and advise on human rights (civil, cultural, economic, political, and social) from a thematic or country-specific perspective.
  - The Human Rights Council is an **inter-governmental body** within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe.
  - **Universal Periodic Review** happens under the aegis of the Human Rights Council.
  - **Current membership** of the Council includes **India**.
  - It meets at the UN Office at **Geneva (Switzerland)**.
- Special procedures are either an individual (called "Special Rapporteur" or "Independent Expert") or a working group composed of five members, one from each of the five United Nations regional groupings: Africa, Asia, Latin America and the Caribbean, Eastern Europe and the Western group.
- They are **not United Nations staff members** and **do not receive financial remuneration**.
  - The independent status of the Special Procedures mandate-holders is crucial for them to be able to fulfil their functions in all impartiality. **A mandate-holder's tenure** in a given function, whether it is a thematic or country mandate, is limited to a maximum of **six years**.
- Most Special Procedures receive information on specific allegations of human rights violations and **send communications (urgent appeals and other letters) to States**, and occasionally to non-State actors, asking for clarification and action.

[Source: TH](#)

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