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National Human Rights Commission

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MESSAGE

Today, on 9th December, the day when the Declaration on Human Rights Defenders was adopted in the year 1998 by the UN General Assembly, the National Human Rights Commission of India reiterates its resolve to strengthen the Human Rights Defenders as an integral part in its endeavour to strengthen the human rights culture in India and across the globe.

HRDs have always been instrumental in fighting for the cause of human rights. However, their efforts were provided impetus through the Declaration on Human Rights Defenders. NHRC, India too, right since inception in 1993, has considered HRDs as its partners and has played a very important role in promoting and protecting the rights of HRDs.

The creation of Focal Point for HRDs and inclusion of chapter on HRDs in the Annual Report are just few of the novel initiatives undertaken by the Commission. NHRC gives special attention to complaints of alleged harassment of HRDs. These complaints are registered as separate category for proper monitoring and follow up. The Commission takes all possible steps, as per law and based on merits, to provide an effective and substantive relief to the HRDs while dealing with complaints pertaining to them.

The Commission organized a National Workshop on Human Rights Defenders on 19th February, 2015. A large number of important stakeholders participated in the deliberations and arrived at certain recommendations. It will be the endeavour of the Commission to see that



NATIONAL HUMAN RIGHTS COMMISSION

the recommendations pertaining to promotion and protection of Human Rights Defenders are acted upon by the relevant stakeholders. The Commission interacts with the Human Rights Defenders at all levels to understand their problems and bottlenecks. The Commission meets the NGOs/HRDs through the Focal Point for HRDs by participating in various programmes/events across the country. Further during the Open Hearings / Camp Sitzings, the Commission organizes special interaction session with the HRDs and representatives of NGOs. The feedback received during these interactions are given due consideration by the Commission and all possible steps are taken to ameliorate the problems being faced by them.

The Commission also came out with the publication titled **“NHRC and Human Rights Defenders : The Growing Synergy”** which was released by the Vice President of India on 10th December, 2013 i.e. the Human Rights Day. The book details the role being played by the National Human Rights Commission in promoting and protecting the rights of HRDs. It is very heartening to note that this book has been appreciated by all the stakeholders including academicians and lawyers.

Another issue of great importance taken up by the Commission recently is the non-renewal of licenses of some of NGOs/HRDs under Foreign Contribution Regulation Act(FCRA). Taking suo-motu cognizance of the matter, the Commission has drawn the attention of the Government of India to the report of the UN Special Rapporteur on Freedom of Association and Assembly wherein it was argued that FCRA is not in conformity with international law, principles and standards, as access to resources including the foreign funding is a fundamental part of the right to freedom of association. Any limitation on such access to foreign funding has to be



NATIONAL HUMAN RIGHTS COMMISSION

(a) prescribed by law (b) imposed solely to protect national security, public safety, public order, public health or morals, or the rights and freedoms of others and (c) necessary in a democratic society such as rights and freedoms of others.

The Commission has taken a prima-facie view that non-renewal of FCRA licence is neither legal nor objective and thereby, impinges on the rights of the HRDs. The Commission has directed Secretary (Home), Government of India to send information on the number of NGOs whose licences have not been renewed in the last three years, how litmus test laid down by the UN Special Rapporteur on Freedom of Association and Assembly is applied in the adjudication by the Central Government and to demonstrate how the generic aspect of access to foreign funding and continuance of the same is not the right to form association and is not against international law, standards and principles. The Commission is closely pursuing the matter.

The Commission is also perturbed by the incident in the State of Chattisgarh where human rights activists, including academicians etc., are being named in the FIRs. Taking suo-motu cognizance of the matter, the Commission observed that it is deeply disturbed by the state of affairs in Chattisgarh and has taken up the matter with the Chief Secretary, Government of Chattisgarh and IGP, Bastar Range.

The Commission, therefore, would like to reiterate that the Human Rights Defenders play an important role in its endeavour to promote and protect human rights in the country. Bonafide interests of Human Rights Defenders should be protected and the State should create and maintain a safe and enabling environment for HRDs where human rights are promoted

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and protected. The Commission at the same time exhorts the HRDs and civil society actors to bear in mind that national interest is above all other interests and that they should be guided in their actions by the same.

The Commission would also like to express its heartfelt thanks to the State Actors like Police, Army, Armed Police Forces, etc., who are also the Human Rights Defenders fighting and laying down their lives in its effort to uphold and protect the right to life, liberty, equality and dignity of the citizens of India.

(Justice H.L. Dattu)