



Human Rights Defenders Alert- India

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June 30, 2016

To,

Mr.Srinivasa Kammath

National Focal Point - Human Rights Defenders
& Deputy Registrar

National Human Rights Commission

Manav Adhikar Bhawan, Block-C, GPO Complex, INA, New Delhi – 110 023

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Sub: HRD Alert - India - Appeal for Action – Karnataka: Karnataka State Human Rights Commission asks the State police to probe into the “credentials” of human rights NGOs in Karnataka – Regarding

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding the latest action of Karnataka State Human Rights Commission which has asked the Karnataka state police to a probe into the “credentials” of 12 organisations working in the field of human rights.

Source of Information on the Incident:

- Communication with the HRDs in Bengaluru
- Reports from Media
- The Regional Coordinator of HRDA for South of India

Status of the Human Rights Defenders:

Human Rights Organisations in Bengaluru and the state of Karnataka

List of the organizations

1. Abhayadhama Human Development Centre
2. Bangalore Institute for Human Relations and Development
3. SICHREM
4. HRLN
5. Bangalore Institute for Human Relations and Development
6. Dalita Manava Hakkugla Vedike-Karnataka
7. Akhila Bharata Manava Hakkugala Hitharakshana Society
8. Bhartiya Jana Jagruti Sene –Karnataka
9. Rashtriya Manav Hakkugala Mattu Grahakara Hakkugala Samrakshana Samasthe
- 10.Swaraj Human Rights Welfare Organisation
- 11.Peoples Movement for Human Rights
- 12.All India Human Rights Organisation

The Perpetrators:

- State Human Rights Commission, Karnataka
- Police department, Bengaluru, Karnataka

Date of Incident:

June 9, 2016 onwards

Incident detail:

According to sources, on May 9, 2016 it was found that the Bengaluru police in certain parts of the city were visiting offices of few organisations working for human rights and were insisting that they provide details about their organisations, their registration, functioning etc. The issue came to the public knowledge when officials of SICHREM (South India Cell for Human Rights Education and Monitoring), an over two-decade- old NGO fighting for human rights, were summoned to a local police station.

On further enquiry by few of these organisations, it has come to light that at the behest of the Karnataka State Human Rights Commission (KSHRC), Ms. Madhu Sharma, the Secretary had written to the Bengaluru City Police Commissioner, N.S. Megharikh, in April 2016, listing out the 12 NGOs including well-established organisations such as SICHREM and the Human Rights Law Network (HRLN), and requested for a probe into their credibility.

It is learnt that the police was asked to examine and verify the documents of these NGOs, and submit a report on their credibility to the SHRC. As per regulations the Karnataka State Human Rights Commission (SHRC) is not empowered to establish "credentials" of any civil society organisation. These organisations are registered under a specific statute and corresponding agencies and departments exist to review and establish the set-up and functioning and monitoring, so it is difficult to understand the reasons to order such a verification.

Most of the organisations are open to verification by the KSHRC, but the objection by these organisations is that the routing this exercise through the police administration. Several non-governmental organisations (NGOs) have voiced their anger and concerns over the KSHRC subjecting them to a police inquiry. Several organisations have stated and objected to the probe on the grounds that it is self-defeating, given that a bulk of rights violation cases are against the police and most of the complaints of human rights abuse lodged with the KSHRC are against the police, so it would be ironic for the police to conduct the probe.

The commission's secretary Ms. Madhu Sharma, who has signed and sent the letter seeking the probe has stated that it was a non-issue and that they asked for help from the police routinely for investigations as they did not have an apparatus to handle it themselves. Further the, Acting Chairperson of KSHRC Ms.

Meera Saksena, has stated that there were many organisations that existed only on paper, at times even misusing the Commission's name and that the reason that the KSHRC were trying to identify the credible organisations and weed out the rest and the probe was part of routine activities of the Commission.

The role of SHRC is supposed to see that actions on an attack on human rights, in particular the right to express and associate. Further it is feared that the said enquiry will be a tool in the hands of police to intimidate the organisations into submission for doing their rights based work.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that:

- Directs the SHRC, Karnataka to takes steps to immediately withdraw the circular issued to the police for verifying credentials of NGOs;
- Guarantees in all circumstances the reputation and integrity of these NGOs and other organisations who are still under risk of further harassment and intimidation from state police administration and using all provisions of law to ensure that the defenders and organisations are not harassed and intimidated in future;
- The post of the Chairperson of the KSHRC has been vacant for three years. Direct the appointing committee in the state of Karnataka to appoint the chairperson of the KSHRC in a time bound and transparent manner.
- Put an end to all acts of attack and harassment and intimidation against all human rights defenders and organisations in the State of Karnataka and ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially

- - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
- Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- Recommend urgently and speedily during the pendency of this complaint, that the SHRC in Karnataka also takes necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within the State of Karnataka for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Karnataka in collaboration with the NHRC Focal Point on HRDs and the SHRC Karnataka to provide sensitization training to its members and staff, law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Karnataka in collaboration with the SHRC, Karnataka to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others,... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the State of Karnataka.

Looking forward to your immediate action in this regard, Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)
National Working Secretary