

Comments of NHRC India on Human Rights Council Resolution 32/31 on Civil Society space

Under Section 12 (i) of the Protection of Human Rights Act, 1993, one of the function of the Commission is to encourage the efforts of Non-Governmental Organizations and Institutions working in the field of human rights. In discharging of this function, the Commission has been over the years encouraging Non Governmental Organizations and Human Rights Activists working in the field of human rights.

The Commission has set up a focal point for Human Rights Defender. The Commission has also taken many steps to strengthen the working environment of Human Rights Defenders in India. Some of them are :

- NHRC sends a strong message to the State not to victimize HRDs. In furtherance of the same the Secretary General, NHRC wrote a letter to the Chief Secretaries of all States to create a favorable environment for the functioning of the Human rights Defenders.
- NHRC has taken proactive steps to protect the cause of the HRDs by recommending prosecution, compensation etc.
- HRDs cases are being displayed on the website.
- Coverage on Human Rights Defenders in the Annual Report is also a part of the steps to spread awareness.
- The National Human Rights Commission interacts with the representatives of NGOs and the HRDs during the Camp sittings and Open hearings. The feedback given by them regarding the bottlenecks and the problems being faced by them were taken up by the Commission. Cases of HRDs were assigned top priority and necessary relief, on merits, was given.

- In the past few years, the Focal point for Human Rights Defenders has played a very important role in addressing the concern of Human Rights Defenders in India and sensitize the common man about the role being played by them. The Focal Point is accessible to human rights defenders round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 24651334, and (iii) E-mail: hrd-nhrc@nic.in. The directions of the Commission in every case of alleged harassment of human rights defenders are complied with on priority. The gist of the complaints of alleged harassment of human rights defenders is also posted on the website of the Commission.
- The Commission came out with the publication titled **“NHRC & HRDs : 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. The feedback received by the stakeholders is really will come out with more publications, if required, on the subject.
- To support the cause of the Human Rights Defenders, the Commission has been releasing a message on 9th December every year since 2011 i.e. the day when the Declaration on Human Rights Defenders was adopted in the year 1998.
- The Commission also organized a National Workshop on Human Rights Defenders on 19.02.2015 at New Delhi. The recommendations have been posted on the website and circulated to all the State holders including State Governments & SHRCs.
- HRD cases in the Commission are registered under a separate category (NH) in the Complaint Management Information System (CMIS) to ensure proper

registration, monitoring and follow up of cases pertaining to HRDs.

Pro active stand of the Commission on the issue of non-renewable of licenses under FCRA

The Commission has on 16.11.2016 taken cognizance of the issue of non-renewal of FCRA licences of Centre for Promotion of Social Concerns (CPSC) and 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 (Case No. 6259/30/0/2016). 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. A reply dated 16 December 2016 has been received from Ministry of Home Affairs, which is yet to be considered by the Commission.
