

**Questionnaire by Indraprastha Public Affairs Centre (IPAC) on
National Human Rights Institutions and human rights defenders**

1. a) *Please indicate if you are aware of any mechanism that are in place within National Human Rights Institutions (hereafter “the Institutions”) to ensure that human rights defenders at risk are protected (e.g. through protection programme, early warning systems or by submitting complaints to regional/international bodies on specific cases)*

Although, the Human Rights Act in India provides for mechanism for the human rights defenders, the national commission recently has set up a desk within its structure to deal with the cases of violations against defenders. We are aware of this mechanism; however, we are not aware if this mechanism has helped any HR defender since it was set up.

b) *Please indicate whether a complaint has ever been submitted to the Institution on your behalf, or behalf of that organisation. If applicable, please outline the Institution’s response to the grievance and whether it met with your expectations in line with international human rights standards.*

The complaints had been submitted to the Commission on several occasions, in case of Binayak Sen, Soni Sori, and so forth. However, only regular courts could help in the matter. The national commission was not very effective.

c) *Please indicate whether your organisation has ever been consulted by the Institution about protection measure for human rights defenders in your country*

No, we have never been consulted by the Institution about protection measures for human rights defenders in our country.

2. a) *Please indicate whether the Institution is perceived to be independent from the Government. If not, please provide details as to why this is the case*

As such, the commission is perceived to be independent from the government. The Law under which it has been established makes it quite independent. But practically speaking, the national commission does not get into politically sensitive matters including special security laws, such as AFSPA or CSPA.

b) *If applicable, please outline what steps could be taken by the State to ensure that the Institution is allowed to operate effectively to protect and promote human rights.*

The appointments should be done in an impartial manner, and people with high integrity should get into the national commission. Secondly, the financial mechanism has to be more autonomous.

3. *a) Please describe the general working relationship, if any, between your organisation and the Institution*

There is not much that happens between our organisation and the National Commission. Within the arena of defenders we focus more on Women Human Rights Defenders, and therefore, interact with National Women's Commission.

b) Please indicate what measures could be taken to ensure better cooperation between the civil society, including human rights defenders. If applicable, please provide examples of good practice.

A mechanism need to be evolved at the Commission for regular interaction with defenders, and this has to be a dynamic process. One set of organisations or defenders should not be taken as sole representatives of defenders community in India.

4. *a) Please indicate whether Institution staff are considered to be human rights defenders in your country.*

No, its not even remotely that Institution staff are considered to be human rights defenders. As per our understanding, they see themselves more of bureaucrats, possibly judicial officers, and are considered as such by others.

b) If so, please indicate whether any challenge or obstacles exist that may prevent the Institution from protecting and promoting human rights in your country

In our experience, it is both the Government and the National Institution that are responsible for not being able to be effective in addressing the issues of defenders. In fact, if the Institution wants to be proactive, there are enough opportunities available but they are more concerned about their status, perks and wishes of those who appointed them. We have been arguing with the national Women's Commission to set some mechanism for WHRD within its ambit as a first step, and then proceed for protection mechanism at the national level. No consideration. We suggest that in her next report the Special Rapporteur should also take up national institutions other than NHRC.