

**United Nations Human Rights Council
20th Regular Session, 10 to 28 September 2012
Agenda Item 6**

**ICJ Oral Statement in the Adoption of the Outcome Document in the Universal Periodic
Review of India**

20 September 2012

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Madam President,

India signed the Convention against Torture and other Cruel, Inhuman, Degrading Treatment or Punishment (the Convention) in October 1997. Fifteen years on, the Convention is still not ratified; and torture, as defined by the Convention, is not criminalized under domestic law.

The International Commission of Jurists (ICJ) strongly urges India to accept recommendations to expedite the ratification of the Convention (Outcome Document recommendations 138.1, 138.3, 138.5, 138.6, 138.7, 138.8, 138.9-10, 138.12, 138.13, 138.15, 138.16, 138.17, 138.18, 138.24, 138.28, 138.29, and 138.32). The ICJ further recommends India sign and ratify the Optional Protocol to the Convention, important to provide for effective international and national mechanisms to prevent torture and other ill-treatment (Outcome Document recommendations 138.5 and 138.10).

Recalling that national legislation prohibiting torture must comply with obligations under the Convention, as well as customary international law and the International Covenant on Civil and Political Rights (ICCPR), the ICJ urges India to take prompt action to enact legislation:

- Criminalizing acts of cruel, inhuman or degrading treatment or punishment as a separate offence (UPR recommendations 138.32 to 138.34);
- Explicitly prohibiting corporal punishment or any other punishment that constitutes cruel, inhuman or degrading treatment or punishment (UPR recommendation 138.104);
- Increasing human rights training and education of staff involved in the detention of persons (UPR recommendations 138.59, 138.60 and 138.71);
- Guaranteeing that detained persons are promptly after arrest, and regularly thereafter, brought before a judge or other independent officer authorised by law to exercise judicial functions (UPR recommendation 138.44); and
- Without provisions on sanctions or statutes of limitations that undermine the ability to investigate and prosecute perpetrators of torture or other ill-treatment (UPR recommendations 138.32 and 138.33).

The ICJ further urges India not to introduce the death penalty in legislation prohibiting torture and ill-treatment. The ICJ also calls on India to accept recommendations to uphold the moratorium on the death penalty (UPR recommendations 138.91 to 138.101).

I thank you.

Statement delivered by:
Mr Alex Conte, ICJ UN Representative (alex.conte@icj.org +41 79 957 2733)
Further contact: Ms Sheila Varadan, ICJ Asia Pacific Programme (sheila.varadan@icj.org)