

Title: From victimhood to empowerment: Community based mobilization for justice, rights and peace building

1. Thank you, Mr Chairperson, for giving me this opportunity to present my views to this august house.
2. I will get to the draft recommendations in a bit, but before that, a quick preface:
3. India, and democracies like her, pose a peculiar challenge to studying and improving rights for minorities and their protection against violence. They are established democracies, with a set of laws and mechanisms for minorities. There is also political stability overall, not the generalized conflict situation seen to create the conditions for mass violations of minority rights. And yet discrimination, marginalization, and indeed violence persist. Some of the more infamous instances of violence against religious minorities in recent history in India being, those against Muslims in Nellie, Assam, 1983; against Sikhs in Delhi, 1984; against Muslims in Bhagalpur, Bihar, 1989; in Mumbai, 1992; and Gujarat, 2002; against Christians in Kandamahal, Orissa in 2008; and against Muslims again in Uttar Pradesh, in 2013, and in Assam just 6 months ago in May 2014, when in an act of hate-inspired violence in Baksa district, 38 persons, 24 of them young children, were murdered and their houses burnt down.
4. State authorities will argue that the state is committed to protecting minority rights. But as one of the speakers yesterday noted, the acid test of whether a state is performing its duty on this count is if those responsible for the crimes are prosecuted, and victims provided justice. India's record on this is poor - one commission of enquiry after another, looking into the aforementioned cases of violence, have documented, in great

details, the failures of state actors to protect. And yet so few offenders have been brought to justice. But impunity in atrocity crimes is just one of the many ways in which minority rights are subverted.

5. With that, let me move on now, to the draft recommendations, to try to propose suggestions to sharpen and further develop them, especially with an eye to their effective implementation. I limit myself to recommendations intended for state parties, and propose as a way forward, constructive engagement between state actors and the civil society, including those working for minority rights.

I have grouped the draft recommendations into three:

6.1 Firstly, on the **need for appropriate laws and institutions (contained in draft recommendations 12, 14, 15, 16, 17 and 21):**

Whilst these are the building blocks of any sound regime of minority rights and protection, just their existence in statute books and agreements does not mean that rights will be guaranteed and justice done. Experience from India shows that as with gender-equalising laws and anti-caste legislations, for the realization of minority laws and institutions into practice, we need an active citizenry, to make demands and create incentives for duty bearers to deliver. Without this civic action, laws often just remain good intentions.

6.2 So my suggestions here would be to add the following:

- i. Enabling greater civil society monitoring, tracking and documentation of the working of relevant laws and programmes for minorities
Promoting networks and alliances of minorities, to act as watchdogs, bringing together organisations working with different groups,

Capacity build minority community groups, to enable them better to participate in local governance; create awareness on rights and make demands on state actors to enforce laws and deliver justice.

7. Socio-economic deprivations, and the question of discrimination (contained in draft recommendations 13, 18, 19, 22 and 23)

Distinguished speakers before me have underlined the need for addressing the root causes of atrocity crimes, and a key one here seems to be long-standing deprivations and discrimination. But again, mere declarations of good intentions does not address the root causes. Drawing lessons again from India, where, although there is no specific hate crime law favouring minorities, there is a law to prevent atrocities against *dalits* and indigenous tribal communities. But that hasn't prevented continuing discriminations and violence against those communities. Governments claim that development planning takes into account interests of Muslim minorities. But these, as various independent studies have shown, tend to be formulaic, with but modest impact on the lives of minorities.

7.1 My suggestions here, are:

- i. That going beyond laws against discrimination, state parties be encouraged to adopt laws guaranteeing equal opportunity and treatment, to provide equal life chances to all citizens
Create greater awareness about the laws, among minority groups and generally, and build capacity of minority communities to demand action
- iii. Enable public tracking of development outcomes for minorities, and understanding the processes that result in discrimination and poor results, as a way forward to better delivery

8. Finally on specific actions on law enforcement (contained in draft recommendations 20, 24, 25, 26, 27, 28 and 29)

These are again sage recommendations, and should be required actions by all state parties. Yet it's only once we look closely at some of the issues that we realize the challenges at hand.

Again, example from India, on representative police forces and inclusive law enforcement:

Police forces inspire little trust among the poor and minorities especially. This is a result of the long history of unprofessional and mostly prejudiced working of the police, that various official commissions of enquiry into minority violence themselves point to. The reasons are not far to see. Police forces (and the bureaucracy generally) have very poor representation of Muslims: 3.2% in central security forces, and 4% in the national police service, for a group that constitutes 14% of the population nationally. As a result police forces are hardly seen by minorities as their protectors.

8.1 My suggestions here would be to add the following observations:

- i. Encourage state parties to set targets and timeframes for better representation for minorities in police/security forces and bureaucracies; and track and document progress, and publish those.
- ii. Encourage state parties to develop complaints redressal procedures, and establish Ombudsmen bodies, towards ensuring accountability of police/security agencies
- iii. State agencies responsible for providing early warning and risk assessment, need to have the tools and capacities, and crucially the autonomy and will, to apply those tools objectively, to warn and counter the risk of violence.
- iv. Create civil society capacity to monitor working of law enforcement and the criminal justice system on atrocity crimes

9. Finally, for the recommendations to result in meaningful actions on the ground, needs, in my humble opinion, articulation of a proposed implementation framework, embedded in the body of the recommendations. This needs to have at least the following elements: An assessment of the implementation of the recommendations of past forums on minority issues, to try to identify good practices and failures, so as to be able to provide lessons going forward;
- ii. based on that, and for specific audiences (i.e. state, non-state and regional parties) develop how-tos on implementing each recommendation, so as to enable maximum impact, over a defined timeframe.

In conclusion, I believe we need to go beyond just articulating the inherent goodness of minority rights, to demonstrating, through examples and evidence, the harms that await states themselves, where minorities are at risk, where inequalities are rampant, and unfreedoms routine, and the downward spiral that is usually the outcome of these conditions.

Thank you Mr Chairperson.