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WORKING GROUP ON MINORITIES

Geneva
12TH SESSION
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Intervention under item (3a) of the Agenda

Mr. Chair person, distinguished members of the working group on Minorities and all present here, I am grateful for having this opportunity of making this intervention.

It is an extremely responsible moment for me to speak on behalf of the 150 million Muslim minority of the World's largest democracy India. I am Safiya Pathan, representing the NGO, Social Action Forum Against Repression- based in Gujarat, west India.

As Indian, we are proud of being signatory to many international treaties protecting and promoting human rights of all. I would take this opportunity to state few such mechanisms relevant to my today's intervention.

- India has ratified the UN Treaty ICCPR. Art.27 of the said convention talks about the rights of religious minorities.
- India has also ratified the UN treaty CEDAW, which compels to eliminate all kinds of discriminations against all women.
- The most significant aspect is that India has also showed its commitment to fulfill the international obligations and so has translated it to its own Constitution. Under The chapter on Fundamental rights, Art. 14 of the Constitution of India talks about the equality before law and equal protection of law.
- Art. 15 talks about the non-discrimination. It clearly says that there shall be no discrimination on the grounds of cast, class, religion and gender etc.
- Art.25 to 30 of the constitution, recognize the extensive rights of religious minorities to protect, profess and propagate their beliefs.

All these shows the intentions of the Government of India to fulfill the promises to keep up the human rights standards, however it is a painful reality that we are compelled to make this intervention before the UN WGM under the UN Declaration on Minorities Rights.

I must mention here a very-very significant move by the present government, that first time Government of India is trying to assess the socio, economic and educational status of the Muslim minority of the country. Prime Minister of India has appointed a high level committee headed by a retired Justice and other respected dignitaries as members of the committee. The preliminary findings of the committee reveals that Muslims of India are in the worst state than that of Dalits and Indigenous (tribal).

Having stated this fact about the Muslim minority of India, I would like to draw the attention to my state Gujarat. It is more than four and half year now, when in the state of Gujarat 2000 Muslims were massacred and hundreds of Muslim women were subjected to the most brutal forms of sexual violence just because of their religious identity! 150 thousand Muslims lived as refugees in various relief camps for 10 months. Within Gujarat state the Muslim Minorities are facing the forced segregation

in terms of localities. Discrimination from the government and most of the civil society has become norm.

CONCERNS FOR REHABILITATION OF VICTIMS OF CARNAGE:

It is a matter of great concern that the state and central governments continue to abdicate their responsibility to rehabilitate those who lost their homes, business establishments and livelihoods. The Annual Report (2003-2004) of National Human Rights Commission estimates 4790 Muslim families were still displaced, however A study based on the UN guiding principles of Internally Displaced, conducted by a civil Society Group the Center for Social justice, Ahmedabad with the guidance of the monitoring Committee constituted by the NHRC (Nov.2004) states that the figure is closer to 10,000 families who are still internally displaced. Other displaced people live in various resettlement colonies constructed by the Muslim Community.

The state has not taken any step to restore the destroyed livelihood, on the contrary it has allowed the ground situation to develop such that Muslim majority localities are now commonly termed as "negative Zones" Where no bank, financial institution would enter. Muslims are being systematically denied employment opportunities in the recently launched National Rural Employment guarantee Scheme in the state. The Government has even refused to provide basic civic amenities where Muslims are forced to live in a very unhygienic conditions without access to regular, potable water, health care, road, education forget about the social inclusion in the development process.

This is all clear violation of Art.1, 2.2,2.3,4.4,4.5,6,and Art.7of the UN Declaration on Minorities.

MISUSE OF LAW AGAINST THE MUSLIMS:

It was the Muslims of the state who suffered the unprecedented violence, yet they are the only being detained under the Prevention of Terrorists Activities Act (POTA) 2002. The Act gives sweeping powers to the police to arrest and detain a person. The Act undermines the internationally recognized standards for fair trails. However it is worth noting that the present Government has repealed the Act but, because it was not repealed in retrospective manner, 214 Muslims are still languishing in the jails of Gujarat without trail even after four and half year!!

There is not a single non-Muslim detained under the said Act in connection of the Carnage in Gujarat. This definitely shows the biased and hostile approach of the state towards Muslim minority. Amnesty International has also raised its concern over the issue of abuse of the law in Gujarat in its report (november2003)

ACCOUNTABILITY OF THE STATE:

In May 2003.An extra ordinary report prepared by the Citizen's Committee of India, was submitted to the UN CEDAW committee, for seeking intervention on gender-based crimes and the gendered impact of the carnage. The UN CEDAW committee has reminded this to Government of India, however Government has miserably failed to respond the same.

Hence with great responsibility, I would dare to submit few recommendations before this prestigious body for its kind consideration.

1. The Government of India should make necessary steps to declare the Muslim Community of India as Socio, Economically and Educationally marginalized Community. That will enable the state to bring out a comprehensive development policy for the Muslims. It is necessary, because the constitution of India does not allow any affirmative action on the ground of religious identity.
2. The Government of India should enact a law to combat the religious discriminations against the Religious Minorities of the Country like Prevention of Religious Discrimination Act. (In the line of Atrocities prevention Act)
3. The Government should immediately announce the comprehensive economic package for the victims of the 2002 communal violence. (As it has announced in the case of Sikhs, who were targeted after PM Mrs., Gandhi's assassination)
4. The Government should allocate more funds to mainstream Muslim Community's participation in the economic and Educational field.
5. Government should take necessary steps to restore the justice in the state. Speedy and fair trails to the victims of POTA demand urgent attention.

I thank you Mr. Chair person and all those who gave me a patience hearing. We look forward for meaningful intervention from the Working Group on minorities.

Safiya Pathan
Director-SAFAR
sophiakhan@rediffmail.com
Gujarat, India