

Mandates of the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

REFERENCE:
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2 August 2016

Excellency,

We have the honour to address you in our capacities as Working Group of Experts on People of African Descent and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 27/25 and 25/32.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged racism, racial discrimination, afrophobia, xenophobia and related intolerance faced by people of African descent in India. The situation is described as one of insecurity with no measures taken to address racism against this particular group or to provide protection, remedy and access to justice to victims.

According to information received:

There have been a series of racist violent attacks on people of African descent over the past five years:

On 20 May 2016, Mr. [REDACTED], a Congolese national, was beaten to death by three Indian youth after a verbal altercation over the hiring of an auto-rickshaw in south Delhi.

On 7 February 2016, a Tanzanian woman was attacked by a group of people in Bengaluru, assaulting her, tearing off her shirt and setting the car ablaze.

On 10 March 2015, four men from Ivory Coast were allegedly attacked at Byrathi and Kothanur areas in North-East Bangalore.

On 28 September 2014, three African men were attacked by a crowd at Rajiv Chowk Metro Station in New Delhi, sustaining injuries to the head, hands and legs.

On 31 October 2013, a Nigerian national Mr. [REDACTED], was allegedly stabbed to death in Panaji in Goa. More than 50 Nigerians were arrested after protesting the killing of Mr. Simeon, and were released later.

On 21 April 2012, Mr. [REDACTED], a Burundian national, was attacked in the Defence Colony area of Jalandhar in Punjab by several local youths. Mr.

Nihangaza received severe head injuries and was in a comatose state, and passed away on 1 July 2014.

We would like to acknowledge the concerns publicly raised by the African diplomatic community in India, which is an additional worrisome sign that the situation may be critical.

While we do not wish to prejudge the accuracy of these allegations which are non-exhaustive, we are deeply concerned about reports of afrophobic attacks against Africans in India and call on Your Excellency's Government to take steps to prevent racism, racial discrimination and afrophobia faced by people of African descent in the country.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to these incidents.
3. Please provide, in detail, the measures taken by the Government in response to any of the above inquiries, including steps taken to provide effective remedy for violations.
4. Please provide information on the steps taken by your Government to prevent racism, racial discrimination, xenophobia, afrophobia and related intolerance and to promote and protect the human rights of people of African descent.

We would appreciate a response within 60 days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Ricardo A. Sunga Iii
Chair-Rapporteur of the Working Group of Experts on People of African Descent

Mutuma Ruteere
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia
and related intolerance

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to your Excellency's Government's obligations under international human rights law. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination provides that States Parties undertake "to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law." We further remind your Excellency's Government of article 6.1 of the International Covenant on Civil and Political Rights (ICCPR) on the right to life and article 2 of the Covenant on the right of victims of human rights violations to an effective remedy and article 7 of ICCPR on the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. In addition, paragraph 11 of the General Recommendation No. 34 adopted by the Committee on the Elimination of Racial Discrimination on racial discrimination against people of African descent also calls upon States to "take the necessary measures, in cooperation with civil society and members of affected communities, to educate the population as a whole in a spirit of non-discrimination, respect for others and tolerance, especially concerning people of African descent." Paragraph 12 (b) of the programme of activities also calls upon States to "organize national conferences and other events aimed at triggering an open debate and raising awareness on the fight against racism, racial discrimination, xenophobia and related intolerance, with the participation of all relevant stakeholders, including government, civil society representatives and individuals or groups of individuals who are victims."