

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in India.

Brief description:

The Observatory has been informed by the Asian Human Rights Commission (AHRC) that Mr. Kailash Satyarthi, chairman of Bachpan Bachao Andolan (Save the Childhood Movement), has been attacked, threatened and charged for his actions in defence of children's rights in India.

The conditions of exploitation and sexual abuse of children in the "Great Roman Circus" in Gonda district, Uttar Pradesh, were exposed by a letter from 13-year-old Neeta Lama to her parents in Nepal concerning how she was forced to perform in the circus and was frequently raped by junior circus managers. Mr. Satyarthi, acting on the complaints of 11 parents and accompanied by four parents, conducted a peaceful raid of the circus on June 15, 2004 to rescue the children enslaved there.

Since the raid was to be conducted in cooperation with the Sub-Divisional Magistrate, he accompanied the group of activists to the circus. Yet as soon as the group arrived he turned against them in conspiracy with the circus administration, who launched an attack on Mr. Satyarthi and the other activists with knives, iron rods and guns. A circus manager threatened to shoot Mr. Satyarthi if he tried to take any children away and Mr. Satyarthi later suffered head injuries and a fractured leg. The Magistrate reportedly threatened the activists, saying "If you have taken up this cause, get ready for a bashing as well."

On June 18, 2004, Mr. Satyarthi began a hunger strike outside the Uttar Pradesh State Legislative Assembly in Lucknow, demanding the immediate release of the children trapped in the circus, an inquiry into the conditions of children working in all circuses throughout India. Approximately 25 supporters joined in the strike, which ended when the police forcibly admitted Mr. Satyarthi to the hospital on June 22, 2004.

Although charges have been filed against Mr. Satyarthi, no charges have been filed against the circus staff or the Magistrate regarding the attack and threats toward the activists. Some of the circus staff have been charged with sexual abuse, but only two of them have been arrested so far. The Observatory is deeply concerned by the lack of support that Mr. Satyarthi has received from the state government in his efforts to stop the exploitation and abuse of children, especially the government's lack of action concerning the unlawful attack upon the activists and the Magistrate's threats toward them.

The Indian authorities' inaction toward fulfilling the State duty to protect human rights defenders, disregards the Declaration on Human Rights Defenders, article 12(2), which states that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."

The Observatory urges the government of India and the relevant authorities to ensure the release of the children in the circus and to conduct an inquiry into the details of this case.

Actions requested:

Please write to the relevant authorities and ask them to:

- i. ensure the immediate investigation release of the children in the “Great Roman Circus”;
- ii. conduct a fair, impartial and independent inquiry into the behaviour of Uttar Pradesh authorities in conspiring with circus management and into the circumstances of the attack on the human rights activists, in order to identify perpetrators of illegal actions and bring them to justice.
- iii. conform with the provisions of the Declaration on Human Rights Defenders, specifically article 12(2), mentioned above, and more generally article 1 which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels.”
- iv. adopt immediate measures to put an end to all acts of violence against human rights defenders;
- v. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Addresses:

Shri. A.P.J. Abdul Kalam, President of India
Rashtrapathi Bhavan, New Delhi -110001
Tel: +91 11 23015321 ; Fax: + 91 11 23017290 / 23017824; E-mail: presidentofindia@rb.nic.in

Mr. Shivraj Patil, Home Minister, Government of India
Fax: 91 11 23094221/ 23093750 ; Tel: 91 11 23092462

Chief Minister; Uttar Pradesh
Fax: 91 522 2239234; Email: upcm@indiatimes.com

Chief Secretary, Uttar Pradesh
Fax: 91 522 2238409; Email: csup@up.nic.in

Ms. Hina Jilani, UN Special Representative of the Secretary-General on Human Rights Defenders
C/o OHCHR-UNOG, Palais Wilson, 1211 Geneva, Switzerland; Fax: +41 22 917 9006

Paris – Geneva, July 8, 2004

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

E-mail: observatoire@iprolink.ch

Tel and fax FIDH 33 (0) 1 43 55 20 11 / 01 43 55 18 80

Tel and fax OMCT + 4122 809 49 39 / 41 22 809 49 29