



Herman Van Rompuy
President of the European Council

Brussels, 7 February 2012
Our Ref: B1152

Dear Mr Van Rompuy,

EU-India Summit: Retain human rights at the heart of relationship

The 12th EU-India Summit, to be held in New Delhi on 10 February, offers both sides an opportunity to demonstrate that human rights are genuinely at the heart of this important strategic partnership, particularly while discussing human rights concerns in India and the EU, cooperation in multilateral fora, and the future EU-India Free Trade Agreement (FTA).

Human Rights Concerns

The EU and India have committed to discuss human rights issues at all levels, including at the local human rights dialogue and at the summit itself. Both should lead by example, in particular by addressing the following issues as a priority:

- India must respect the rights of **Adivasi** (indigenous) communities, who in several central and eastern states have intensified protests against corporate-led moves to acquire and mine their lands and habitats without their free, prior and informed consent. India must also ensure that the police refrain from using **excessive force** to quell protests by Adivasis and other marginalised communities, including small farmers and Dalits. India must ensure a climate conducive for **human rights defenders** to conduct their peaceful work, protect them from attacks, intimidation and harassment, and refrain from subjecting them to sedition and other politically-motivated charges. While India has not executed anyone under **death sentence** since 2004, fears are growing that executions may be carried out following the authorities' rejection of mercy petitions for five death row inmates, including three people convicted of assassinating former Prime Minister Rajiv Gandhi.
- The EU and its member states must take effective measures to respect the rights of **migrants**, refugees and asylum-seekers, halt **discrimination**, including that based on religion or belief, and ensure **accountability** for the role of EU member states in CIA rendition and secret detention programmes.

Free Trade Agreement

The importance of human rights to the EU-India strategic partnership must also be reflected in the forthcoming Free Trade Agreement (FTA). Inclusion of the standard human rights clause as an essential element must be non-negotiable, and will demonstrate the shared commitment to ensure that economic growth does not come at the cost of protecting human rights. If the FTA is to genuinely benefit the 1.7 billion people affected by the FTA, respect for all human rights and freedoms on both continents is essential.

Multilateral Fora

India's election to the UN Security Council and the Human Rights Council in 2011 underscored its growing international and regional status. The resolution on its status at the UN is bolstering the EU's role in multilateral fora. Both India and the EU should use the summit to discuss how to demonstrate global leadership and speak out on human rights concerns, whether they occur in Syria, Sri Lanka, Myanmar or Sudan.

Yours sincerely,

Dr Nicolas J Beger
Director

Cc:

José Manuel Barroso, President of the European Commission

Catherine Ashton, High Representative for Foreign Affairs and Security Policy, Vice President of the European Commission

David O'Sullivan, EEAS Chief Operating Officer

Viorel Isticioaia-Budura, EEAS Managing Director for Asia and the Pacific

Jean-Christian Rémond, EEAS Head of India, Nepal, Bhutan Division

Rolf Timans, EEAS Acting Head of the Human Rights and Democracy Directorate

João Gomes Cravinho, Head of the EU Delegation to India

Jaimini Bhagwati, Ambassador of India to the EU