

India: Restore the license of the Centre for Promotion of Social Concerns and Repeal FCRA

(Bangkok/Kathmandu, 15 November 2016) – The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly condemns the cancellation of the license of the Centre for Promotion of Social Concerns (CPSC) under the Foreign Contributions Regulations Act (FCRA) of 2010, and urges the Ministry of Home Affairs of India to withdraw the cancellation order immediately.

On 29 October 2016, the Ministry of Home Affairs cancelled the FCRA license of the CPSC, which is the legal holder of People's Watch, a national human rights programme based in Madurai, Tamil Nadu and member of FORUM-ASIA. People's Watch undertakes programmes on human rights monitoring, intervention, education, campaigns and rehabilitation in the state of Tamil Nadu.

With the cancellation of the FCRA license of the CPSC, People's Watch can no longer receive foreign funds and has been forced to halt the human rights protection and promotion work that People's Watch is undertaking in Tamil Nadu and other parts of India.

The cancellation order comes abruptly without any advance notice, which is a blatant violation of the right to association and the right to information, and in complete violation of Section 16 of the FCRA. The move is also in violation of the UN Declaration on Human Rights Defenders (1998), which recognises a human rights organisation, in this case the CPSC as a human rights defender.

The Ministry of Home Affairs does not give any specific reasons for the cancellation of the licence. The Ministry's web portal states that 'On the basis of field agency report, the competent authority has decided to refuse your application for renewal'. No information has been given as to what constitutes a 'field agency' and what the 'report' is about.

'The abrupt cancellation of the licence is an attempt to repress the legitimate work of the CPSC and People's Watch in promoting respect for human rights in India', says John Samual, Executive Director of FORUM-ASIA, 'Accessing foreign resources is a part of the freedom of association. The Ministry of Home Affairs must respect this fundamental right and withdraw its arbitrary order issued against the procedure established by law.'

The FCRA was enacted in 1976. Since then, multiple amendments have been made to the Act, thereby creating more barriers for civil society organisations to access foreign funding for human rights activities. The latest amendments to the FCRA were made in 2010 and entered into force in May 2011. The Act gives the Ministry of Home Affairs a wide range of discretionary powers to allow, refuse or cancel an organisation's permit to receive foreign funding. Increasingly, these powers have been used by the Government against organisations which are critical of its institutions and policies on human rights.

The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai, in his legal analysis of the FCRA states that the ability of civil society organisations to access resources, including foreign funding, is a fundamental part of the right to

freedom of association under international law, standards, and principles – and more particularly part of the right to form an association.

FORUM-ASIA urges the Government of India to immediately repeal the decision to cancel the FCRA registration of the CPSSC, and ensure an enabling environment for all civil society organisations to freely promote and protect human rights and democratic values.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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