Press Release

WGHR releases a Monitoring Tool for Tracking Implementation of Recommendations from the UN's Universal Periodic Review of India

Panelists called on GoI to uphold its Human Rights Commitments

WGHR releases '*Tracking Implementation*, *A Monitoring Tool for Recommendations from the United Nations' Universal Periodic Review for India*'
Preceded by a Panel Discussion on Status of UPR recommendations in India.
The panelists (from left to right): Shri Wajahat Habibullah, Chairperson, National Commission for Minorities; Justice V Gopal Gowda, Supreme Court of India; Shri Miloon Kothari, WGHR Convenor; Justice Madan B. Lokur, Supreme Court of India; Shri Satyabrata Pal, Member, National Human Rights Commission; and Smt Jashodhra Dasgupta, National Alliance for Maternal Health and Human Rights.

In a ground breaking development the *Working Group on Human Rights in India and the UN* (WGHR) released a publication containing a tool designed to effectively enable the monitoring of human rights recommendations made to the Government of India during the UN Human Rights Council's latest Universal Periodic Review (UPR). The UPR is a process whereby all member states of the United Nations (UN) face a comprehensive peer review of their domestic human rights situation and are asked to make specific commitments to improve that situation.

The WGHR tool is unique in both the international and domestic realm and is already receiving international attention from United Nations bodies, civil society groups and independent institutions. The publication launched on 22 August 2013, includes both a global as well as an Indian template to assist in the monitoring of UPR recommendations. At the panel discussion WGHR indicated the possibility, therefore, of the tool being adapted for use in other countries. In addition to tracking the implementation of UPR recommendations the tool enables monitoring of the domestic human rights situation and will inevitably lead to greater accountability.

To mark the occasion of the launch of the monitoring tool WGHR, a group of civil society organisations and independent experts working in the field of human rights in India, organised a panel discussion on the UPR and implementation of recommendations. The panel included Justice Madan B. Lokur, Supreme Court of India; Justice V Gopal Gowda, Supreme Court of India; Shri Wajahat Habibullah, Chairperson, National Commission for Minorities; Shri Satyabrata Pal, Member, National Human Rights Commission; Ms. Jashodhra Dasgupta, National Alliance for Maternal Health and Human Rights (NAMHHR); and Mr. Miloon Kothari, Convenor WGHR and Former United Nations Special Rapporteur. In the presence of a large audience Justice Gopal Gowda and Justice Madan Lokur from the Indian Supreme Court, launched the WGHR report.

The panel focused their attention on the benefits the monitoring tool is expected to bring to India. The panelists urged the Government of India to uphold its national and international human rights commitments. The panel discussed the disconnect that sometimes exists between local action and international dialogue on human rights issues. The hope was expressed that the information generated by the utilisation of this tool[1] would enable local action and international discussions to lead to tangible improvements for the lives of people in India. Panelists also spoke eloquently that the experience of the UPR for India was a timely reminder of the enormous unfulfilled agenda for the realisation of a range of human rights across India.

The full version of *Tracking Implementation, A Monitoring Tool for Recommendations from the United Nations' Universal Periodic Review for India'* is available at
http://www.wghr.org/pdf/Monitoring%20Tool%20--%20Final%20Version%20200813.pdf

For more information visit: www.wghr.org

For any assistance, please contact the WGHR Secretariat at contact@wghr.org / 011-24358492; or,

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[1] For more details on how the tool can be utilised see the attached introduction from the WGHR 'Tracking Implementation' publication.

Introduction

The United Nations premier inter-governmental policy making body on human rights, the Human Rights Council, in 2008 embarked on the potentially path breaking Universal Periodic Review (UPR) mechanism.[1]

Under the UPR all 193 member states of the UN face a comprehensive peer review, every four and half years, of their human rights record. During the UPR, the Council conducts the human rights assessment based on the legal norms contained in the UN Charter, the Universal Declaration on Human Rights, human rights instruments that each respective state had ratified, voluntary state commitments and international humanitarian law. The UPR, therefore, is a significant new opportunity to hold governments accountable to their national and international human rights commitments.

India's first and second UPRs took place in 2008 and 2012 respectively. In the period between India's first and second UPR, the Working Group on Human Rights in India and the UN (WGHR) has been engaged in countrywide consultations with civil society groups and independent experts to ensure their active participation in the UPR process. These sustained nationwide UPR consultations, and intensive research, resulted in a series of reports: (a) A Joint Stakeholders Report, containing WGHR's assessment of the human rights situation in India, submitted to the UN in November 2011[2]. This report also contained an assessment chart of the state of implementation of the recommendations that resulted from India's first UPR; (b) Before India's scheduled UPR II review, In May 2012, a detailed report on the human rights situation in India was released in Geneva. This report titled, "Human Rights in India – Status Report 2012", provided a general overview of the most critical human rights issues in India[3] and (c) This report was further updated and launched in India in December 2012 with a detailed analysis of UPR I and II recommendations pertaining to India.[4]

The processes following India's second UPR session are of critical importance as the implementation of UPR recommendations is to be realized and the human rights of people of this country are to be promoted and protected. Since the adoption by the UN of India's second UPR report, WGHR has been in the process of developing a Monitoring Tool to track the implementation of the UPR recommendations made to India during its first and second cycles.

WGHR believes that recommendations that have emanated from the UPR I and UPR II processes give an opportunity for the Government of the India to meet the human rights accountability challenge defined by the contents of its Constitution the international human rights instruments it has ratified, as well as from the recommendations coming from UN treaty bodies and special procedures[5].

WGHR, with the help of expertise of its members and partnering networks, carried out a comprehensive and detailed analysis of the recommendations made during the two UPR cycles. During this period of analysis and consultations we decided to classify the recommendations into various relevant themes to ensure that they can be easily understood and used for monitoring purposes. Considering that the tool has global as well as national relevance, the present tool has two templates: (a) A Global Template: in this format a generic table/chart has been designed which can be customized based on the state of human rights accountability mechanisms and policy spaces available in different national contexts; and (b) An Indian Template: this template has been designed with examples of India's institutional structures.

These generic templates are followed by some examples of overarching issues in India such as, women's rights, right to water and sanitation, housing and land rights, access to justice, militarisation and security issues, death penalty etc. These completed sample tools attempt to explain how to prepare a road map or plan of action to track the UPR recommendations. This tool could be used by various stakeholders (CSOs, Individuals, National and State Human Rights Institutions, Government Bodies, UN agencies, etc) with a long-term objective to collect baseline information that could then be used to track the progress made in implementing the UPR recommendations during the mid-term review and the next UPR session.

The monitoring tool can also be used with a time-series methodology to track progress or regression in the human rights contexts provided by the UPR recommendations. The tool also provides space for the identification of key indicators in each thematic area that can be compiled and compared within a given time period. Considering the fact that developing the tool is an ongoing process, WGHR will continue gathering and compiling a comprehensive set of information tracking the progress of the UPR implementation at various levels (thematic as well as geographic).

This publication, while primarily focusing on the UPR Monitoring Tool also contains key documents that provide the context within which the tool has to be utilized. These documents, in the form of annexes, include: Basic facts about UPR; Response of the Government of India to the recommendations made during the UPR I; a list of recommendations from India's first and second UPR in a tabular form, which includes the response of the Government of India -- recommendations made during UPR I, which are still binding on the Government of India and therefore marked as 'accepted', and recommendations made during UPR II that have been accepted/ not accepted by the Indian government marked as accepted and not accepted accordingly.

1   UN General Assembly mandated the UPR when it created the Human Rights Council. See resolution adopted by the General Assembly, 60/251. Human Rights Council, 3 April 2006, A/RES/60/251, availableat: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement.

2   See: http://www.wghr.org/pdf/WGHR%20UPR%20II%20Report%20%28designed%29.pdf

3   See: http://www.wghr.org/pdf/Status%20report%2023.05%20version.pdf

4   Human Rights in India – Status Report 2012 (Revised and Updated), December 2012, available at: http://www.wghr.org/pdf/Human%20rights%20in%20India%20-%20Status%20report_revised_Dec2012.pdf

5   See: WGHR Press Release, Comprehensive review of India's human rights record at the UN Human Rights Council: Glaring Omissions, Some Progress, September 21, 2012, available at: http://www.wghr.org/pdf/WGHR%20UPR%20press%20release%2021.09.2012.pdf

To go further into this analysis exercise, monitoring agencies might select one (or several) specific area and decide to focus its efforts on monitoring the specific recommendations related to the topic chosen and link them to the work of other UN bodies. This process will initiate a cycle of monitoring and reporting that spans various UN human rights mandates. The tool would also help strengthen their own documentation capacity and advocacy work.

For instance, one might decide to work more specifically on the UPR recommendations related to caste-based discrimination. These can then be linked to State's obligations under Convention on the Elimination of all Forms of Racial Discrimination (CERD). The information gathered through this process could then be used in the next UPR cycle as basis for collecting detailed information that can contribute to a more precise understanding of India's accountability to the national and international human rights regime.

WGHR is currently utilising the tool to prepare a mid-term review report of the state of India's compliance with its UPR recommendations. WGHR is also collaborating with India's National Human Rights Commission to institutionalise a process of collective monitoring of India's human rights record. As a contribution to this critical collaborative process WGHR has presented an earlier draft of its monitoring tool. WGHR hopes that monitoring the tool presented in this publication will enhance the capacity of both monitoring and implementing agencies to keep track of implementation of the UPR recommendations with the aim of improving compliance with national and international standards.

The onset of the UPR at the UN in 2008 has created an opportunity for the first time at the international level to contemplate a triangulation[6] of reporting, recommendations and implementation of the human rights obligations and accountability of the vast majority of UN member states. This should enable all interested parties to carry out continuous monitoring of India's human rights situation. WGHR hopes that India rises to this challenge and accepts its responsibilities under the UPR. The attached monitoring tool, we hope, can assist in all of us taking full advantage of the opportunity created by the UN through the UPR and its overarching framework that embraces the mechanisms of the entire UN human rights system. We owe nothing less to the millions across India who continue to be denied their legitimate human rights.

Miloon Kothari

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6   For an elaboration of triangulation concept see: Kothari, Miloon 'From Commission to the Council: Evolution of UN Charter Bodies'
      in Shelton, Dinah (Ed.) Handbook on Human Rights, Oxford University Press, 2013 (forthcoming).