

TRACKING IMPLEMENTATION

**A MONITORING TOOL FOR RECOMMENDATIONS FROM THE
UNITED NATIONS' UNIVERSAL PERIODIC REVIEW FOR INDIA**



Working Group on Human Rights
in India and the UN

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 2011². 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 India³ 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 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 procedures⁵.

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, available at: <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 triangulation⁶ 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.

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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).

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Monitoring Table of UPR Recommendations: Global Template

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|--|---|--|--|---|--|-------------|--------|----------------------|-------------------------|---|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| Indicates the number of recommendation/s made on a specific issue during UPR1 and UPR2 cycles. | Recommendations may be categorised and rationalized for the purpose of this table, as some of them are repetitive, while others deal with more than one subject matter. | These mechanisms could include official documents, such as, Guidelines from relevant Ministries and Constitutional Bodies, Reports of Commissions and Government Committees etc. | These mechanisms could include: <ol style="list-style-type: none"> 1) Concluding Observations (UN Treaty Bodies) 2) Recommendations (UN, Special Procedures) 3) Recommendations from other relevant UN Bodies (such as ILO) 4) Millennium Development Goals and sub-goals. | Specific indicators (both statistical and qualitative) which can be used to track the progress of implementation of the relevant UPR recommendations. This section is critical for the UPR mid-term review, as it could be the basis for tracking the progress of implementations after 2 years. | Information that gives an overview of the current status of implementation of the relevant UPR recommendations and any other monitoring mechanism. | | | | | Information that has been provided in guidelines/ statements / specialized documents / reports produced by these independent institutions. ¹ They may relate to the status of Women, Children, Minorities, Access to Information, Indigenous People, Persons with Disabilities etc. | Specific Ministry/ Department/ Government Institution which is accountable for implementation of the relevant recommendations, as also, other government bodies such as those responsible for training, etc. (e.g. HR education in police trainings). |

¹ Including National/State Human Rights Institutions, Relevant Parliamentary Committees, Ombudspersons etc.

Monitoring Table of UPR Recommendations: Indian Template

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|--|---|--|---|---|--|-------------|--------|----------------------|-------------------------|--|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| Indicates the number of recommendation/s made on a specific issue during UPR1 and UPR2 cycles. | Recommendations may be categorised and rationalized for the purpose of this table, as some of them are repetitive, while others deal with more than one subject matter. | These mechanisms could include: 1) Plan Documents including Reports of Sub/Working groups, 2) Official documents of GoI, such as NAC, Guidelines from relevant Ministries and Constitutional Bodies, Reports of Commissions and Government Committees etc. | These mechanisms could include: 1) Concluding Observations (UN Treaty Bodies) 2) Recommendations (UN, Special Procedures) 3) Recommendations from other relevant UN Bodies (such as ILO) 4) Millennium Development Goals and sub-goals. | Specific indicators (both statistical and qualitative) which can be used to track the progress of implementation of the relevant UPR recommendations. This section is critical for the UPR mid-term review, as it could be the basis for tracking the progress of implementations after 2 years. | Information that gives an overview of the current status of implementation of the relevant UPR recommendations and any other monitoring mechanism. | | | | | Information that has been provided in guidelines/ statements / specialized documents / reports produced by these independent institutions. ⁴ They may relate to the status of Women, Children, Minorities, Access to Information, Scheduled Castes, Scheduled Tribes, Persons with Disabilities etc. | Specific Ministry/ Department/ Government Institution which is accountable for implementation of the relevant recommendations, as also, other government bodies such as those responsible for training, etc. (e.g. HR education in police trainings). |

2 GoI: Government of India

3 NAC: National Advisory Council

4 Including National/State Human Rights Institutions, Relevant Parliamentary Committees, Lokayuktas, CAG etc.

Monitoring Table of UPR Recommendations: 1. Militarisation and Security - Law and Apparatus

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? | |
|---------------------------|---|---|---------------|---|--|-------------|---|---|--|---|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | | |
| UPR2- 44, 45 | Repeal the Armed Forces Special Powers Act; | | | <p>Report of Working Group on UPR 1 (2008) @ para 27;</p> <p>Sp Rapp HRD (2011) @ pg 5;</p> <p>CESCR (2008) @ para 50;</p> <p>CERD (2007) @ para 12;</p> <p>CEDAW (2007) @ para 9;</p> <p>Statement of UN High Commissioner on Human Rights, Ms. Navanetham Pillay, on 23 March 2009;</p> <p>Sp Rapp EJE (2012) @ para B(c)</p> | <p>1) Trends in 'terrorist violence' in J&K and North East India (2011 figures as compiled by Ministry of Home Affairs and Intelligence Bureau) stand as under: (i) Incidents of 'terrorist' violence are 340 and 627 resp. (ii) loss of life of security forces is 33 and 32 resp. (iii) loss of life of civilians is 31 and 70 resp. (iv) loss of life of 'extremists' in J&K is reported to be 100, while disaggregated data for North East is not available (total number of extremists arrested/ killed/ surrendered during this period is 3377);</p> <p>2) Grant of access to UN Special Procedures and International humanitarian organisations to these areas. Till now, the International Committee of the Red Cross (ICRC) has not been permitted to visit detention centres in these areas, and the UN Special Rapporteur on Torture remains pending;</p> <p>3) Number of areas which are declared 'disturbed areas' and therefore covered by the AFSPA be reduced. At present the AFSPA extends to all the states of North East except Sikkim (and excluding the municipal area of Imphal) and to districts in J&K;</p> <p>4) Number of Sanctions for prosecution of armed forces granted under Section 6 of the Act: currently this information is not available.</p> | Nil | Recommendations have been made by the Jeevan Reddy Committee report, the Second Administrative Reforms Commission (5th Report) and the Working Group on Confidence Building measures in J&K to repeal AFSPA. No steps have been taken in this regard. | Gol has taken a position in its national report for UPR 2 that "as long as deployment of armed forces is required to maintain peace and normalcy, AFSPA powers are required." | 1) At present there is no mechanism for monitoring the AFSPA. (2) Information relating to registration of offences against armed forces personnel, and the grant of sanctions for prosecutions under Section 6, is not available in public domain, and has to be obtained through RTI applications, if at all. (3) Entire burden of monitoring falls upon the civil society and human rights organisations, with some monitoring being done by the NHRC (although not in its statutory mandate). | The Supreme Court of India in NPMHR vs. UOI & ors. has held that the AFSPA is constitutionally valid. | | Ministry of Home Affairs, Ministry of Defence and Ministry of Law and Justice. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|--|---|---|---|--|---|--|----------------------|-------------------------|---|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| | Carry out annual review of the AFSPA aimed at gradually reducing its geographic scope Adopt amendments to AFSPA to address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance with international standards; | | NA | | Nil | No such requirement in present statute | No such policy to reduce geographical coverage of AFSPA. | | None | | |
| | Adopt amendments to AFSPA to address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance with international standards. | | HRC (1997) @ para 18 and 19; Sp Rapp EJE (2012); | | Nil | No legislative changes made till date. One of the rare statutes which exists without Rules. | | None | | Ministry of Home Affairs, and Ministry of Law and Justice. | |
| UPR2- 35 | Review the law on the special powers of the armed forces to align it with its obligations under the International Convention on Civil and Political Rights. | | HRC Committee (1997) @ para 18 and 19. | | Nil | Nil | | None | | Ministry of Home Affairs, and Ministry of Law and Justice. | |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|----------------------------|---|---------------|---|--|-------------|--------|----------------------|-------------------------|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Torture; Custodial Torture; Prevention against Torture Bill

| | | | | | | | | | | | |
|--|---|--|---|--|-----|--|--|--|--|--|---|
| UPR2- 24, 32, 33 | Adopt national legislation in conformity to international norms on prevention of torture as contained in the Convention against Torture, including the review and adoption of Prevention of Torture Bill by Parliament. | | CCPR-HRC (1997) @ para 23; CRC (2004) @ para 42, 43; Sp Rapp EJE (2012) @ Para D) (5). | Bill passed by Lok Sabha in 2010 is not in conformity with Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other international norms. The Bill recommended by Parliamentary Select Committee, which is compliant, should be presented to Parliament at the earliest. | Nil | Lok Sabha has passed Bill in 2010, however the same is not in conformity with the CAT. Recommendations made by Parliamentary Select Committee, which are more acceptable, are yet to be placed before the House. | No specific Policy against torture. | Civil society organisations are monitoring the status of the Bill and the progress of ratification. NHRC (whose mandate does not cover armed forces) and NCRB (which only collects and collates data on crimes). | Numerous judicial decisions regarding the unconstitutional nature of torture, most recently Prithipal Singh vs. State of Punjab (2012) 1 SCC 10. | | Ministry of Home Affairs, Members of Parliament |
| UPR1-1; UPR2- 1, 3, 4, 5, 7, 8, 10, 12, 15, 16, 17, 18, 24, 28, 29, 32, 36 | Expedite ratification of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. | | CCPR- HRC (1997) @ para 23; CRC (2004) @ para 42, 43; CESCR (2008) @ para 88; Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D) (2). | In light of the Gol position that ratification of CAT is possible only after adoption of appropriate domestic legislation which defines "torture", that is, the aforesaid Prevention of Torture Bill, the passage of such legislation is a key indicator. Process be expedited in order to expedite ratification of CAT. | Nil | Nil | Gol has taken a position that ratification of CAT is possible only after adoption of appropriate domestic legislation. | Ditto | Nil | | Ministry of Home Affairs; Ministry of Law and Justice |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---|--|---|---|--|--|-------------|--|----------------------|-------------------------|---|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR1-1; UPR2- 1, 3, 5, 7, 10, 16, 17, 18 | Expedite ratification of the Optional Protocol to CAT. | | Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D) (2). | Nil | Nil | Nil | Government of India has taken a consistent stand on all Optional Protocols regarding private complaints that the Indian judicial system is sufficient. | Nil | Nil | | Ministry of Home Affairs; Ministry of Law and Justice |
| UPR1-15, UPR2- 32, 66, 69 | Receive the Special Rapporteur on the question of Torture. | | CCPR-HRC (1997) @ para 23; Sp Rapp EJE (2012) @ para D) (9). | Gol should extend standing invitation accepting long pending request of the Special Rapporteur on the question of Torture. | Nil | Nil | Government of India has extended standing invitation of all Special Rapporteurs, but not specifically accepted the several pending requests of the Sp Rapp on Torture. | Nil | Nil | | Ministry of Home Affairs; Ministry of Law and Justice |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Enforced Disappearances

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|---|--|--|--|--|-----|---|---------------|--|--|--|---|
| UPR1-12; UPR2-1, 5, 9, 11, 13, 18, 20, 24 | Ratify the International Convention for the Protection of All Persons from Enforced Disappearance. | | Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D(2); | <p>1) Enactment of law criminalizing enforced disappearances, based on principles enumerated in the CERD;</p> <p>2) At present civil rights organisations are monitoring disappearances in conflict areas only. Thus, in J&K the IPTK documented 2,700 unmarked graves, many with multiple cadavers, in 3 districts in 2009. No national level data on enforced disappearances available;</p> <p>3) Number of complaints received by NHRC, which are not comprehensive, was 341 in 2010 and 338 in 2011.</p> | Nil | No existing law criminalizing enforced disappearances in India. | Not available | Monitoring on this subject is done by civil rights organisations, primarily in conflict areas, and more recently by the NHRC and State HRCs. Particular mention is required of the J&K SHRC which has instituted suo motu proceedings against the State Govt. on the issue of unmarked graves. | While no specific judicial pronouncements have been made regarding ratification of CERD, there are numerous judgments deprecating the practice, such as in the Punjab disappearances case, the Jaswant Singh Khalra case, and so on. | | Ministry of Home Affairs, Ministry of Law and Justice, Members of Parliament and State Legislatures; NHRC and SHRCs |
| UPR2- 24 | Adopt related internal/ domestic legislations. | | Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D(4); | | | | | | | | |
| UPR2- 9 | Recognise the competence of the Committee on the Convention on Enforced Disappearances, in accordance with articles 31 and 32. | | Sp Rapp HRD (2011) | | | India has consistently taken a position against ratifying any international law/ protocol which allows individual complaints to UN Treaty bodies. | | | | | |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|----------------------------|---|---------------|---|--|-------------|--------|----------------------|-------------------------|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Sexual Violence (in context of Militarisation)

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|--------------|--|--|---|--|---|---|--|--|---|--|---|
| UPR2-79, 106 | Take the necessary legislative, civil and criminal measures to provide appropriate protection to women as well as children that are victims of sexual abuse, and prevent violence against women and girls. | | HRC-CCPR (1997) @ para 21, 23; CRC (2004) @ para 51, 69, 83; CERD (2007) @ para 15; CEDAW (2007) @ paras 9, 21, 23, 25; CESCR (2008) @ para 12; Sp Rapp EJE (2012) para D) (10). | <ol style="list-style-type: none"> 1) Relevant amendments to proposed legislations on communal violence and sexual assault; 2) Disaggregated data be provided on status of registration and prosecution of violent crimes against women in militarized zones and communal crimes; 3) Number of cases in which sanctions have been granted for prosecution of security forces for rape, number of prosecutions launched, number of convictions—these statistics are not in the public domain; 4) Budgetary allocation be made towards impoverished reparations/ compensation schemes. | Schemes which deal with criminal injuries compensation for women rape victims are completely impoverished at present. | 1) Comprehensive amendments are required in present draft law regarding sexual assault, to cover militarized zones; 2) Communal Violence Bill does not cover sexual assault in mass crimes; | Criminal injuries compensation under S. 357A CrPC, should cover sexual assault and crimes against women also. Should not be restricted to Rape reparations scheme. | Disaggregated data on violent crimes against women in militarized zones, and the status of prosecution of offenders, is not available. | There are no specific directions by any superior court regarding violent crimes against women in militarized zones. | | Ministry of Defence; Ministry of Home Affairs; cognate State departments; National Crime Records Bureau; DONER; |
|--------------|--|--|---|--|---|---|--|--|---|--|---|

Arbitrary Arrest and Detention

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|-----------|---|--|---|---|----------------|--|----------------------|--|---|--|---|
| UPR2- 169 | Continue its efforts to achieve balance between its counterterrorism strategies and the need to forestall the spread of xenophobia. | | HRC-ICCPR (1997) @ para 18; Sp Rapp on Freedom of Religion (2009) @ para 20; Sp Rapp on Human Rights Defenders (Jan 2011); Sp Rapp EJE (2012) @ para 2(a). | <ol style="list-style-type: none"> 1) MHA annual report 2011-12 notes a decline in number of incidents of "terrorist violence" in J&K and North East (340 and 647 respectively in 2011); 2) Build-up of security forces (data required), however, and the operation of AFSPA continues; 3) Counter-terrorism strategies continue to involve fostering and arming of rogue armed groups which carry out operations on behalf of security forces, and the use of Special Police Officers who are not accountable to any law. (4) In Manipur, for instance, the use of 'police commandos' for extrajudicial executions continues, though they have no administrative or statutory status. | Not available. | Continued operation of security legislation such as AFSPA, UAPA, and other laws which grant impunity to security forces. | No change in policy. | Monitoring is done by civil society organisations, primarily in conflict areas, and more recently by NHRC and SHRCs. | Recent judicial pronouncements have been negative, such as the Masooda Parveen and Pathribal judgments of Supreme Court, to name a few. | | Ministry of Home Affairs, Ministry of Law and Justice, Members of Parliament and State Legislatures; NHRC and SHRCs; Minorities Commission. |
|-----------|---|--|---|---|----------------|--|----------------------|--|---|--|---|

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|--|---|---|--|--|-------------|--|---|-------------------------|---|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 4 and various | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | | CCPR- HRC (1997) @ para 23; CRC (2004) @ para 42, 43; CESCR (2008) @ para 88; Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D) (2). | In light of the Gol position that ratification of CAT is possible only after adoption of appropriate domestic legislation which defines "torture", that is, the aforesaid Prevention of Torture Bill, the passage of such legislation is a key indicator. Process be expedited in order to expedite ratification of CAT. | Nil | Nil | Gol has taken a position that ratification of CAT is possible only after adoption of appropriate domestic legislation. | No internal government monitoring mechanism. Civil society organisations are monitoring the status of the Bill and the progress of ratification. NHRC (whose mandate does not cover armed forces) and NCRB (which only collects and collates data on crimes). | Nil | | Ministry of Home Affairs; Ministry of Law and Justice. |
| UPR2- 59, 60 | Intensify efforts in providing capacity-building and training programmes on human rights for its law enforcement officials as well as judicial and legal officials, especially in the rural areas. | | HRC-ICCPR (1997) @ para 21, 23; Sp Rapp HRD (2011) @ pg 4. | There can be no substantive indicator on effective training for security personnel on human rights. Number of such trainings, which has increased exponentially in recent years, is no indicator of either the substance or effectiveness of such trainings. | Not available. | Nil | Not available. | Not available. | Nil | | Ministry of Home Affairs, Ministry of Law and Justice, Ministry of Human Resources (Dept of Personnel and Training). |
| UPR2- 127 | Ensure a safe working environment for journalists. | | Sp Rapp HRD (2011) @ pg 5. | | | | | | | | |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|--|---|---|--|--|-------------|--|---|---|---|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 4, 127 | Take proactive measures to end impunity for security forces accused of committing human rights violations, such as swift and independent investigations. | | HRC-ICCPR (1997) @ para 21, 23; Sp Rapp HRD (2011) | <ol style="list-style-type: none"> 1) Repeal of provisions requiring sanction by Central/State governments for prosecution of security personnel, including S. 132, 197 CrPC, S. 7 AFSPA, etc; 2) Decision on grant of sanctions within time frame as laid down by Courts, namely, 4 months; 3) Where sanctions refused, reasons be given; 4) Information relating to grant, refusal of sanctions be placed in public domain as proactive disclosure under S. 4 RTI Act. | Nil | Nil | No public policy on removal of impunity of security forces. However, overarching refusal to do so in the name of 'national security' and 'morale of the forces'. | <ol style="list-style-type: none"> 1) Civil society organisations form the primary monitoring mechanism, but are constrained by denial of information; 2) NHRC monitors violations by police forces, but armed forces are beyond its jurisdiction; 3) In recent years, NCRB is publishing separate data on custodial crimes and police firings, but this is again restricted to the police and excludes security forces. 4) Court backlog and delay monitoring mechanisms, where in place, do not separately monitor cases relating to human rights violations. | Judicial pronouncements have been unhelpful, in particular with regard to armed forces, such as, NPMHR case, Masooda Parveen, and more recently the Pathribal case. | | Ministry of Defence, Ministry of Home Affairs, Ministry of Law and Justice; Members of Parliament and State Legislatures. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2-119, 120, 121, 127 | Guarantee effective access to justice and effective judicial proceedings in cases of torture and human rights violations by security forces personnel; solve remaining cases of human rights violations. | | HRC-ICCPR (1997) @ para 21, 23; Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D(7) and (8). | 1) Setting up of Human Rights Courts at State and District level, in terms of PHR Act; 2) Number of prosecutions launched and convictions of security personnel; 3) Cases initiated and decided by the NHRC and SHRCs. | Nil | Nil | Nil | | Existing judge made law is contradictory. While on the one hand, pronouncements on individual cases of torture and extra-judicial killings have forceful (Prithipal Singh, Rubabuddin Sheikh, among others), cases where jurisprudence is sought to be laid down have been "stayed" (such as the APCLC case). | | Supreme Court of India; various state High Courts; NHRC and SHRCs: National and State Legal services committees. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|---|---|---|---|--|---|---|---|---|---|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 4, 44 | Repeal the Armed Forces Special Powers Act or adopt the negotiated amendments to it that would address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance with international standards. | | HRC-ICCPR (1997) @ para 18, 19, 21, 23; CERD (2007) @ para 12; CEDAW (2007) @ para 9; Report of Working Group on UPR 1 (2008) @ para 27; CESCR (2008) @ para 50; Statement of UN High Commissioner on Human Rights, Ms. Navanetham Pillay, on 23 March 2009; Sp Rapp HRD (2011) @ pg 5; Sp Rapp EJE (2012) @ para B(c) and D(3). | 1) Trends in 'terrorist violence' in J&K and North East India (2011 figures as compiled by Ministry of Home Affairs and Intelligence Bureau) stand as under: (i) Incidents of 'terrorist' violence are 340 and 627 resp. (ii) loss of life of security forces is 33 and 32 resp. (iii) loss of life of civilians is 31 and 70 resp. (iv) loss of life of 'extremists' in J&K is reported to be 100, while disaggregated data for North East is not available (total number of extremists arrested/ killed/ surrendered during this period is 3377); 2) Grant of access to UN Special Procedures and International humanitarian organisations to these areas. Till now, the International Committee of the Red Cross (ICRC) has not been permitted to visit detention centres in these areas, and the UN Special Rapporteur on Torture remains pending; 3) Number of areas which are declared 'disturbed areas' and therefore covered by the AFSPA be reduced. At present the AFSPA extends to all the states of North East except Sikkim (and excluding the municipal area of Imphal) and to districts in J&K; 4) Number of Sanctions for prosecution of armed forces granted under Section 6 of the Act: currently this information is not available. | Nil | Recommendations have been made by the Jeevan Reddy Committee report, the Second Administrative Reforms Commission (5th Report) and the Working Group on Confidence Building measures in J&K to repeal AFSPA. No steps have been taken in this regard. | Gol has taken a position in its national report for UPR 2 that "as long as deployment of armed forces is required to maintain peace and normalcy, AFSPA powers are required." | 1) At present there is no mechanism for monitoring the AFSPA. 2) Information relating to registration of offences against armed forces personnel, and the grant of sanctions for prosecutions under Section 6, is not available in public domain, and has to be obtained through RTI applications, if at all. 3) Entire burden of monitoring falls upon the civil society and human rights organisations, with some monitoring being done by the NHRC (although not in its statutory mandate) | The Supreme Court of India in NPMHR vs. UOI & ors. has held that the AFSPA is constitutionally valid. | | Ministry of Home Affairs, Ministry of Defence and Ministry of Law and Justice. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|---|---|----------------------------|---|--|-------------|--------|----------------------|-------------------------|---|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 121 | Create an independent committee to receive claims against the police that were referred to by the Special Rapporteur on Human Rights Defenders. | | Sp Rapp HRD (2011) @ pg 5. | | | | | | | | |

Extra Judicial Executions

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|---------------------|--|--|--|--|-----|-----|--|--|--|--|--|
| UPR2- 4 and various | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | | Sp Rapp HRD (2011) @ pg 5; Sp Rapp EJE (2012) @ para D (2). | NCRB data for 2011: 482 incidents of police firing, resulting in death of 59 civilians and 971 police personnel. However, this does not include extra-judicial killings by armed forces. Operations against terrorists and extremists accounted for the highest numbers, with J&K having the most number of incidents. | Nil | Nil | Gol has taken a position that ratification of CAT is possible only after adoption of appropriate domestic legislation. | | | | |
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| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|--|---|--|--|--|-------------|--|---|---|---|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 4, 127 | Take proactive measures to end impunity for security forces accused of committing human rights violations, such as swift and independent investigations. | | HRC-ICCPR (1997) @ para 21, 23; CERD (2007) @ para 14; Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D(6), (7) and (8). | <ol style="list-style-type: none"> 1) Repeal of provisions requiring sanction by Central/State governments for prosecution of security personnel, including S. 132, 197 CrPC, S. 7 AFSPA, etc; 2) Decision on grant of sanctions within time frame as laid down by Courts, namely, 4 months; 3) Where sanctions refused, reasons be given; 4) Information relating to grant, refusal of sanctions be placed in public domain as proactive disclosure under S. 4 RTI Act. | Nil | Nil | No public policy on removal of impunity of security forces. However, overarching refusal to do so in the name of 'national security' and 'morale of the forces'. | <ol style="list-style-type: none"> (1) Civil society organisations form the primary monitoring mechanism, but are constrained by denial of information; (2) NHRC monitors violations by police forces, but armed forces are beyond its jurisdiction; (3) In recent years, NCRB is publishing separate data on custodial crimes and police firings, but this is again restricted to the police and excludes security forces. (4) Court backlog and delay monitoring mechanisms, where in place, do not separately monitor cases relating to human rights violations. | Judicial pronouncements have been unhelpful, in particular with regard to armed forces, such as, NPMHR case, Masooda Parveen, and more recently the Pathribal case. | | Ministry of Defence, Ministry of Home Affairs, Ministry of Law and Justice; Members of Parliament and State Legislatures. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2-119, 120, 121, 127 | Guarantee effective access to justice and effective judicial proceedings in cases of torture and human rights violations by security forces personnel; solve remaining cases of human rights violations. | | HRC-ICCPR (1997) @ para 21, 23; Sp Rapp HRD (2011); Sp Rapp EJE (2012) @ para D(7) and (8). | 1) Setting up of Human Rights Courts at State and District level, in terms of PHR Act; 2) Number of prosecutions launched and convictions of security personnel; 3) Cases initiated and decided by the NHRC and SHRCs. | Nil | Nil | Nil | | Existing judge made law is contradictory. While on the one hand, pronouncements on individual cases of torture and extra-judicial killings have forceful (Prithipal Singh, Rubabuddin Sheikh, among others), cases where jurisprudence is sought to be laid down have been "stayed" (such as the APCLC case). | | Supreme Court of India; various state High Courts; NHRC and SHRCs: National and State Legal services committees. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|---|---|---|---|--|---|---|---|--|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 4, 44 | Repeal the Armed Forces Special Powers Act or adopt the negotiated amendments to it that would address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance to international standards. | | HRC-ICCPR (1997) @ para 18, 19, 21, 23; CERD (2007) @ para 12; CEDAW (2007) @ para 9; Report of Working Group on UPR 1 (2008) @ para 27; CESCR (2008) @ para 50; Statement of UN High Commissioner on Human Rights, Ms. Navanetham Pillay, on 23 March 2009; Sp Rapp HRD (2011) @ pg 5; Sp Rapp EJE (2012) @ para B(c) and D(3). | 1) Trends in 'terrorist violence' in J&K and North East India (2011 figures as compiled by Ministry of Home Affairs and Intelligence Bureau) stand as under: (i) Incidents of 'terrorist' violence are 340 and 627 resp. (ii) loss of life of security forces is 33 and 32 resp. (iii) loss of life of civilians is 31 and 70 resp. (iv) loss of life of 'extremists' in J&K is reported to be 100, while disaggregated data for North East is not available (total number of extremists arrested/ killed/ surrendered during this period is 3377); 2) Grant of access to UN Special Procedures and International humanitarian organisations to these areas. Till now, the International Committee of the Red Cross (ICRC) has not been permitted to visit detention centres in these areas, and the UN Special Rapporteur on Torture remains pending; 3) Number of areas which are declared 'disturbed areas' and therefore covered by the AFSPA be reduced. At present the AFSPA extends to all the states of North East except Sikkim (and excluding the municipal area of Imphal) and to districts in J&K; 4) Number of Sanctions for prosecution of armed forces granted under Section 6 of the Act: currently this information is Not Available. | Nil | Recommendations have been made by the Jeevan Reddy Committee report, the Second Administrative Reforms Commission (5th Report) and the Working Group on Confidence Building measures in J&K to repeal AFSPA. No steps have been taken in this regard. | Recommendations have been made by the Ministry of Home Affairs to amend Section 4 of the AFSPA to address human rights violations by security forces. AFSPA (Amendment) Bill has been presented in Parliament, but has not been made public. Content remains unknown. | (1) At present there is no mechanism for monitoring the AFSPA. (2) Information relating to registration of offences against armed forces personnel, and the grant of sanctions for prosecutions under Section 6, is not available in public domain, and has to be obtained through RTI applications, if at all. (3) Entire burden of monitoring falls upon the civil society and human rights organisations, with some monitoring being done by the NHRC (although not in its statutory mandate). | NPMHR vs. UoI decision of SC of 1997 has been a major stumbling block in amendment/ repeal of AFSPA. | | Ministry of Home Affairs, Ministry of Defence and Ministry of Law and Justice. |

Legend: HRC-CCPR (1997)= Report of the Committee on Civil and Political Right to the UN Human Rights Committee on India, 1997; CRC (2004)= Report of the Committee on Child Rights to the UN Human Rights Committee on India, 2004; CERD (2007)= Report of the Committee on Elimination of Racial Discrimination to the UN Human Rights Committee on India, 2007; CEDAW (2007)= Report of the Committee on Elimination of All Forms of

Discrimination Against Women to the UN Human Rights Committee on India, 2007; CESCR (2008)= Report of the Committee on Economic Social and Cultural Rights to the UN Human Rights Committee on India, 2008; Sp Rapp EJE (2012)= Press Statement of Special Rapporteur on extrajudicial, summary and arbitrary executions on his Country Mission to India, 2012; Report of NHRC on UPR2= Submission of the National Human Rights Commission

to the UN Human Rights Committee on India's UPR2; Gol Report on UPR2= Report of the Government of India to the UN Human Rights Committee on India's UPR2, March 2012; Sp Rapp HRD (2011)= Statement of the Special Rapporteur on the situation of Human Rights Defenders, country visit to India in January 2011; 12th FYP document= Draft Twelfth Five Year Plan document, December 2012

Monitoring Table of UPR Recommendations: 2. Economic, Social and Cultural Rights and Right to Development

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|----------------------------|---|---------------|---|--|-------------|--------|----------------------|-------------------------|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Eradication of Poverty

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|--|--|--|--|--|---|---|--|---|---|--|--|
| UPR1-10; UPR2-83, 130, 134, 140, 141, 142, 143, 144, 145 | Continue efforts at poverty eradication, and programmes aimed at reducing the gap between rich and poor; Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth; | | HRC-CCPR (1997) @ para 5; CRC (2004) @ para 4, 62; CEDAW (2005) @ para 15, 37, 106-116, 286; Sp Rapp RTF (2006) @ para 5, 7-9, 13, 31, 40; CEDAW (2007) @ para 36-37, 44-45; CESCR (2008) @ para 28, 29, 42, 68-69; Sp Rapp FoR (2009) @ para 23; 12th FYP draft document, Volume 1 Chapter 6, 7, 11 Volume III Chapter 24. | 1) Meet MDG target of reduction of poverty by 50% by 2015; ¹ 2) Increase rate of decline of poverty; ² 3) Meet 12th FYP target to reduce head count ratio of poverty consumption by 10 percentage points; 4) Increase rate of growth of real consumption in rural areas; ³ 5) Increase rate of growth of employment ⁴ and meet 11th FYP target in 12th FYP to create 50 million new jobs in non-farm sector; 6) Reduce landlessness in rural areas; ⁵ 7) Reduction in 'distress migration' resulting from forced acquisition of agricultural lands; ⁶ 8) Implement ten-point agenda on land reforms agreed upon between MRD and civil society groups, and develop a National Land Reforms Policy. | Total Budget allocation in 11th FYP for centrally sponsored flagship welfare schemes was Rs. 691,976 crores. ⁷ | MNREGA; Right to Education Act; ⁸ Forest Rights Act ⁹ and attendant Rules of 2007 and 2012; Coastal Regulatory Zone Notification, 1991; and other laws. | Flagship schemes include MGN-REGA, IAY, ¹⁰ NSAP, PMGSY, NRHM, ICDS, MDM, Sarva Shiksha Abhiyan, JNNURM, AIBP, RGGVY, Rajiv Gandhi Drinking Water Mission, TSC, and Rashtriya Krishi Vikas Yojana. | Presently the most important monitoring of poverty is being done by the Supreme Court. Planning Commission and civil society organisations are other important monitoring mechanisms. | Numerous decision of the Supreme Court recognise the necessity for eradication of poverty as an ingredient of Article 21 of the Constitution, most notably decision in PUCL vs. Union of India. | | Ministry of Agriculture, Ministry of Housing and Urban Poverty Alleviation, Ministry of Rural Development, Ministry of Tribal Affairs, Planning Commission. Department of Food and Public Distribution, Ministry of Health and Family Welfare. |
|--|--|--|--|--|---|---|--|---|---|--|--|

1 The 12th FYP draft document cites the Tendulkar committee estimate, which is that in 2009-10 there were 350 million people below poverty line, or 29.8% of the population. These estimates are subject of controversy and debate. The WGHR Status Report 2012 states that the percentage of population below poverty line was 37.2%. In March 2012, the Prime Minister has set up a new team to re-examine the method of determining the poverty line.

2 Rate of decline of poverty from 2004 to 2009 is estimated at 1.5 percentage points per year by the Planning Commission. The WGHR Status Report 2012 states that the decline in rate of poverty between 2007-2011 was 0.8%.

3 Rate of growth of real consumption per capita in rural areas from 2004 to 2011 is

estimated at 3.4%.

4 Rate of unemployment from 2004 to 2009 showed a decline from 8.2% to 6.6%.

5 According to the Planning Commission of India, Eleventh Five Year Plan document (2007), landlessness in rural areas is estimated at 13-18 million families, while 80% of the agricultural population owns only 17% of total agricultural land, where the size of landholding is so small as to render them practically landless.

6 The 2011 Census identifies distress migration as a serious problem.

7 Approach to the Twelfth Five Year Plan, draft document, page 4.

8 Complete title of the statute is Right of Children to Free and Compulsory Education Act, 2009.

9 Complete title of the statute is Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

10 Indira Awas Yojana (IAY), National Social Assistance Programme (NSAP), Pradhan Mantri Gram Sadak Yojana (PMGSY), National Rural Health Mission (NRHM), Mid Day Meal Scheme (MDMS), Jawaharlal Nehru National Urban Renewal Mission (JNNURM), Accelerated Irrigation Benefit Programme (AIBP), Rajiv Gandhi Gramin Viduyati Karan Yojana (RGGVKY), Total Sanitation Campaign (TSC).

11 For details visit <http://www.supremecourtindia.nic.in>.

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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| | Incorporate gender perspective in development plans; | | CEDAW (2005) @ para 15, 37, 72, 86, 104, 106- 116, 150, 119, 150, 152, 366-368; CEDAW (2007) @ para 37, 53; CERD (2007) @ para 17; CESCR (2008) @ para 55, 58, 65. | Conduct a thorough review of flagship programmes such as ASHA, ICDS, Indira Awas Yojana, Rajiv Awas Yojana, etc. to examine their impact on discrimination against women, and review inclusion of women therein. | Efforts have been made to bring gender perspective into all areas of development in 12th FYP. However, draft plan not adopted yet. | None. | National Policy for Empowerment of Women 2001; National Mission for Empowerment of Women 2010. | Monitoring of budgets from gender perspective is being done by civil society and NCW. | Nil | | Planning Commission, Ministry of Finance, cognate State authorities. |
| | Improve the enjoyment of basic human rights by vulnerable groups such as women, minorities, and the rural population. | | Sp Rapp RTF (2006) @ para 5, 13; CEDAW (2007) @ para 36-37, 44-45; CESCR (2008) @ para 28, 29, 42, 68-69; Sp Rapp FoR (2009) @ para 23; 12th FYP draft document Volume 1 Chapter 11, Volume III Chapter 24. | Disaggregated data be collected and collated on above indicators for purpose of monitoring access by marginalised groups to government schemes and welfare programmes. | Efforts have been made in 12th FYP to target most marginalised groups for welfare programmes. | Special statutes such as SC/ST Prevention of Atrocities Act, Protection of Civil Rights Act, and PESA. Where legislation exists, special protection for marginalised groups such as STs and SCs are in place. | Most government schemes listed above require special focus on marginalised groups. | As above. Monitoring of budgets and schemes from perspective of marginalised groups is also done by NCST, NCSC, and NCM. | As above. | | As above. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Right to Adequate Housing and Land

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|--------------------|--|--|---|---|---|--|---|---|--|--|--|
| UPR1- 18 | Continue efforts to guarantee that a society constituting one-fifth of world's population is well housed. | | CRC (2004) @ para 62, 77 (a) and (b); CEDAW (2005) @ para 286, 293, 299, 315, 319; SR Right to Food (2006) @ para 13; CERD (2007) @ para 13, 19; | 1) Reduce number of persons displaced as a result of development projects; ¹² 2) Address shortage of national urban housing; ¹³ 3) Improve housing for those living in urban slums; ¹⁴ 4) Address widespread urban and rural homelessness, with special emphasis on street children; ¹⁵ 5) Address shortage of national rural housing and improve coverage as well as quality; ¹⁶ 6) Adopt and implement National Programme for Urban Homelessness 2012; 7) Compliance with SC directions to build adequate number and properly equipped shelters for homeless; ¹⁷ 8) Implement proposal to increase per unit allocation under IAY; ¹⁸ 9) Implementation of FRA needs to be improved ¹⁹ in particular with respect to CFR; 10) Develop and implement land reforms policy in order to reduce landlessness; ²⁰ 11) Ensure pending legislations are in conformity with right to adequate housing. ²¹ | Proposed budget allocation in 12th FYP for all centrally sponsored flagship schemes is Rs. 691,976 crores; of this, IAY allocation is Rs. 41,486 crores, NSAP allocation is Rs. 23,536 crores, and JN-NURM allocation is 48,485 crores. ²² | Right to Education Act; Forest Rights Act and attendant Rules of 2007 and 2012; MCNREGA; Coastal Regulatory Zone Notification, 1991; and other laws. Contra: Bombay Prevention of Begging Act, 1959 ²³ and anti-vagrancy laws; Special Economic Zones Act, 2005; Land Acquisition Act. | National Housing and Habitat Policy 2007; JNNURM, Interest Subsidy Scheme for Housing the Urban Poor, Rajiv Awas Yojana, Indira Awas Yojana, NSAP, ICDS, National Policy on Relief and Rehabilitation of Project Affected Families 2004, National Programme for Urban Homeless. ²⁴ | Monitoring of housing status in the country is done by the Ministry of Urban Poverty Alleviation, and the Ministry of Rural Development, the Planning Commission. Further monitoring being done by civil society organizations. | Right to shelter recognised as part of fundamental right to life under Article 21. ²⁵ Numerous orders passed by Supreme court ²⁶ and Delhi High Court ²⁷ aimed at reduction of homelessness. | | Ministry of Housing and Urban Poverty Alleviation; Ministry of Rural Development; cognate State Departments. |
| UPR2-130, 142, 144 | Provide more resources for the enjoyment of economic and social rights of vulnerable groups, eradication of poverty and better living conditions, and most basic human rights of its people. | | CESCR (2008) @ para 30, 31, 51, 52, 70; SR HTW (2010) @ para 5, 56, 99; CEDAW(2010) @ para 29, 35(d); NHRC report on UPR2. | | | | | | | | |
| UPR2- 137 | Continue to implement plans adopted in the area of housing and rehabilitation, particularly the plan launched in 2011 aimed at preventing the construction of new slums. | | | | | | | | | | |

12 According to the Draft Twelfth FYP, Planning Commission, the number of persons displaced as a result of development projects from 1947 to date is 60-65 million, of which 40% are tribals and 40% are dalits and other rural poor.

13 Shortage of national urban housing is estimated at 26.53 million during the 11th FYP period.

14 According to the Report of Committee on Slum Statistics/ Census, National Buildings Organisation, Ministry of Housing and Urban Poverty Alleviation (2010), by mid-2011 urban slum population an estimated 158.42 million.

15 There are a conservative estimate of 11 million children living on the streets in India, according to the Consortium for Street Children, Street Children

Statistics, June-August 2009.

16 Poor quality of housing identified as a key problem with IAY in the Approach Paper to the 12th FYP by the Planning Commission of India, which estimates the shortage of national rural housing estimated at 43.67 million.

17 According to Supreme Court directions issued in WP(C) 196 of 2001, the government is required to set up well-equipped, fully functional and 24-hour shelter at the rate of one per 100,000 population.

18 The Government has proposed an increase from Rs. 45,000 to Rs. 75,000 per unit.

19 According to monitoring updates provided by the Ministry of Tribal Affairs, on 30th September 2011, out of a total number of 2,808,494 claims filed un-

der the FRA, a staggering 1,577,831 had been rejected. The implementation of the FRA with regard to recognition of community forest rights claims has been even more abysmal. (Note: get Jan 2013 figures).

20 Planning Commission of India, in the Eleventh Five Year Plan (2007) estimated landlessness in rural areas at 13-18 million families, of whom 8 million lacked homes of their own. (For more details refer to the 12th FYP documents).

21 Some key legislations pending enactment, which directly impact the housing crisis in the country are: The Traditional Coastal and Marine Fisherfolk (Protection of Rights) Bill, 2009; The Real Estate (Regulation and Development) Bill, 2011, the Right to Fair

Compensation, Resettlement and Rehabilitation and Transparency in Land Acquisition) Bill, 2012, The Land Titling Bill, 2011, and the Mines and Minerals (Development and Regulation) Amendment Bill, 2011.

22 'Faster, Sustainable and more Inclusive Growth- an Approach to the Twelfth Five Year Plan', Planning Commission of India, 2012.

23 The Bombay Prevention of Begging Act, 1959 is in force in 18 States and 2 Union Territories.

24 As recommended by the National Advisory Committee, available at http://nac.nic.in/pdf/urban_homeless.pdf

25 Olga Tellis vs. Bombay Municipal Corporation (1985)- (find citation); UP Avas Avam Vikas Pari-

shad vs. Friends Cooperative Housing Society Ltd. 1995 Supp (3) SCC 456; Prabhakaran Nair vs. State of Tamil Nadu (1987) 4 SCC 2117

26 See for instance orders passed by Supreme Court of India in IA No. 94 in WP (C) 196 of 2001 PUCL vs. Uoi, upon a report from the Commissioners on Right to Food seeking intervention for homeless persons exposed to extreme cold and starvation. The petition has been treating as a continuing mandamus and is pending.

27 The High Court of Delhi has passed over 42 interim orders in WP(C) 29/2010 directing Delhi Government to provide shelters for homeless persons. The petition has been treating as a continuing mandamus and is pending.

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 136, 137, 142, 144, 168 | Introduce a strategy to promote food security and raise standard of nutrition; Strengthen Public Distribution System (PDS); Adopt Bill on food security. | | CRC (2004) @ para 53, 77(b); Sp Rapp RTF (2006) @ para 48 CEDAW (2005) @ para 28, 106, 150, 255-257, 268, 279, 290, 295, 296, 298, 366; CEDAW (2007) @ para 41; CERD (2007) @ para 24; CESCR (2008) @ paras 28, 68, 69; Sp Rapp DTW (2010) @ para 5, 12, 56; | 1) Proposed National Food Security Bill, 2011 be amended to ensure full coverage of all poor, and not just targeted poor; ²⁸ 2) Universal coverage approaches of States such as Tamil Nadu and Himachal Pradesh, instead, be emulated and followed in other parts of the country; 3) ICDS should reach its target of all children under six, pregnant and lactating mothers, and be reviewed for universal coverage; 4) Antodaya Anna Yojana should reach its target of all persons in 'poorest of the poor' category; 5) Increase in per capital availability of foodgrains; ²⁹ 6) Disaggregated data on number of starvation deaths be maintained and made public; establishment of a national early warning system to prevent starvation and malnutrition related deaths; 7) Reduction in malnourishment, particularly among children; ³⁰ Mid-Day Meals Scheme should reach its target of all primary and upper primary school children; 8) Targeted release of foodgrains from foodstock reserves from FCI go-downs to 150 most poverty stricken districts ³¹ in accordance with SC directions; 9) Systematic and continuous implementation of debt waiver programmes to address agrarian indebtedness of poor and marginal farmers, to address the issue of farmers' suicides; ³² | Figures are not available. | Article 21 read with 47 of the Constitution; MGNREGA, Minimum Wages Act, Land Acquisition Act, Right to Education Act; Forest Rights Act and attendant Rules of 2007 and 2012; Coastal Regulatory Zone Notification, 1991; Right to Information Act, 2005, and other laws. | National Food Security Mission; Targeted Public Distribution Scheme; MDMS; Annapurna; Antodaya Anna Yojana; National Family Benefit Scheme; National Maternity Benefit Scheme; National Old Age Pension Scheme; MGNREGA; ICDS; Village Grain Bank Scheme; National Policy on Relief and Rehabilitation of Project Affected Families 2004, NRHM. | NHRC, Supreme Court Commissioners on Right to Food. ³³ Monitoring is required of starvation deaths. | Right to Food has been recognised as part of Article 21 by Supreme court in pending continuing mandamus which is monitoring the public distribution system from this perspective. ³⁴ Right to livelihood of other marginalised groups has also been recognised, including tribals, ³⁵ fisherfolk ³⁶ and other vulnerable groups. | | Local district level officers are responsible for the implementation. In addition, Ministry of Women and Child Development, Ministry of Agriculture, Ministry of Consumer Affairs, Food and Public Distribution, Ministry of Food Processing Industries, Ministry of Panchayati Raj, Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs. State governments are duty-bound to contribute their share of the budget and implement central and state schemes on PDS. Food Corporation of India. |
| UPR2- 148 | Support and assistance to national project for rural health to raise standard of nutrition. | | CEDAW (2010) @ para 29; NHRC report on UPR2 @ para 6, 24; 12th FYP (2012) @ paras 5.28-5.31; | | | | | | | | |

28 The proposed National Food Security Bill, 2011 (NFSB) aims to cover Below Poverty Line (BPL) families with a provision of 25 kg of food grains per family (defined as five people, including two children) for Rs. 3 per kg. Women will be considered as heads of household. The draft Bill makes the Central Government responsible for identifying poverty levels and allocating food or money to

state governments. The state governments are responsible for the implementation and monitoring of the resources. The NFSB fails to address adequate nutrition. The Government must amend the NFSB to adopt a broader approach to food security for all in India. For a detailed analysis of the NFSB, see Human Rights in India: Status Report 2012, WGHR.

29 It was 438 grams per person per day in 2010. (For detailed article visit: http://articles.economictimes.indiatimes.com/2011-12-16/news/30525320_1_foodgrain-production-national-food-security-mission-tonnes)

30 Current status of malnourishment (2011) is indicated by the fact that 42% of children under 5 years of age are underweight and 59% are

stunted. Naandi, HUNGaMA Survey Report, available at www.hungamaforchange.org/FlierA4copy.pdf. Of the total population, 21% remains undernourished. Food and Agriculture Organisation of the United Nations, India, available at <http://www.fao.org/countries/55528/en/ind>.

31 Vide order dt. 10.5.2011 in WP (C) 196

32 Current (2011) number of farmers' suicides per

annum is 14,027.

33 Appointed by order of the Supreme Court in 2005 in WP (C) 196 of 2001.

34 See various orders passed by Supreme Court in WP (C) 196 of 2001, Peoples Union for Civil Liberties (PUCL) vs. Union of India.

35 Samatha vs. State of Andhra Pradesh (1997).

36 S. Jagannath vs. Union of India (1996).

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|----------------------------|---|---------------|---|--|-------------|--------|----------------------|-------------------------|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Right to Water and Sanitation

| | | | | | | | | | | |
|----------------|--|--|---|--|---|--|--|--|---|---|
| UPR2- 76 | Continue working on the welfare of children and women. | | CRC (2004) @ para 52, 53, 62; Sp Rapp RTF (2006) @ para 13, 18, 20, 21, 23, 26, 43, 45, 48(c); CEDAW (2007) @ para 29, 40, 41; CERD (2007) @ para 13, 24; CESCR (2008) @ para 34, 74; Sp Rapp FoR (2009) @ para 19, 23; Sp Rapp THW (2010) @ para 99; | 1) Amend National Water Policy 2012, to reverse the trend towards privatization of water, and bring in a human rights approach; 2) Achieve 11th FYP target of access to safe, regular, and free drinking water for all; ³⁷ 3) Access to safe, regular and free drinking water to all dalits; ³⁸ 4) Improve sanitation coverage, measured by number of sanitary toilets ³⁹ per 1000 population; ⁴⁰ 5) Reduce number of childhood deaths resulting from diarrhea; ⁴¹ 6) Prevent destruction of traditional water sources by industrial pollution, and development interventions; 7) Introduce aquifer management approach to irrigation, to ensure drinking water sources are not depleted; 8) Ensure enactment of State legislations protecting groundwater sources from private and commercial exploitation. ⁴² | Total expenditure in 11th FYP on Rajiv Gandhi Drinking Water Mission was Rs. 46,722 crores. | Protection of Civil Rights Act, 1955; SC and ST (Prevention of Atrocities) Act, 1989; Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, Water (Prevention and Control of Pollution) Act, 1974; Municipal Solid Wastes (Management and Handling) Rules, 2000; State level Panchayati Raj Legislations. | Rajiv Gandhi Drinking Water Mission, including NRDWP ⁴³ and TSC; ⁴⁴ Integrated Watershed Management Programme. | Central Ground Water Board monitors the data relating to depletion and recharge of aquifers across the country; Officer of the Registrar General and Census Commissioner; NCSC and NCST. | Right to water has been held to be a fundamental right under Article 21 of the Constitution in several Court decisions. ⁴⁵ | Ministry of Drinking Water and Sanitation, and cognate State Departments; Ministry of Housing and Urban Poverty Alleviation; Ministry of Urban Development; Ministry of Rural Development; Responsibility for upkeep of drinking water schemes in rural areas lies upon PRIs and Village Water and Sanitation Committees. |
| UPR2- 148 | Provide every possible support and assistance to the national project for rural health to strengthen the relationship between health and indicators such as sanitation and personal hygiene. | | | | | | | | | |
| UPR2- 138, 139 | Ensure that every household enjoys the right and access to safe and sustainable drinking water and sanitation; in particular in rural areas. | | CEDAW (2010) @ para 29, 35(b); Sp Rapp Health (2010) @ para 2. | | | | | | | |

Legend: HRC-CCPR (1997)= Report of the Committee on Civil and Political Right to the UN Human Rights Committee on India, 1997; CRC (2004)= Report of the Committee on Child Rights to the UN Human Rights Committee on India, 2004; CERD (2007)= Report of the Committee on Elimination of Racial Discrimination to the UN Human Rights Committee on India, 2007; CEDAW (2007)= Report of the Committee on Elimination of All Forms of Discrimination Against Women to the UN Human Rights Committee on India, 2007; CESCR (2008)= Report of the Committee on Economic Social and

Cultural Rights to the UN Human Rights Committee on India, 2008; Sp Rapp EJE (2012)= Press Statement of Special Rapporteur on extrajudicial, summary and arbitrary executions on his Country Mission to India, 2012; Report of NHRC on UPR2= Submission of the National Human Rights Commission to the UN Human Rights Committee on India's UPR2; Gol Report on UPR2= Report of the Government of India to the UN Human Rights Committee on India's UPR2, March 2012; Sp Rapp HRD (2011)= Statement of the Special Rapporteur on the situation of Human Rights Defenders, country visit

to India in January 2011; 12th FYP document= Draft Twelfth Five Year Plan document, December 2012; Sp Rapp THW (2010)= Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Mission to India, 2010; Sp Rapp RTF (2006)= Report of the Special Rapporteur on the Right to Food, Country Mission to India, 2006; Sp Rapp FoR (2009)= Report of the Special Rapporteur on freedom of religion or belief, Mission to India, 2009.

37 The Eleventh FYP had set a target of safe drinking water for all by 2009. According to the Twelfth FYP draft document, this target has not been achieved, and 88% of the population has access to an "improved source of drinking water".

38 At present, only 15.2% of dalit (ST) households have access to safe drinking water. Twelfth FYP document, Volume 3, para 24.90.

39 The term 'sanitary toilets' is being used to describe toilets which are pour flush, connected by a designated sewage line to a sewage treatment and disposal facility, and

are in conformity with the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

40 According to the 2011 Census, 625 million people, or 51% of India's population, defecates in the open, of which 67% is in rural areas and 14% is in urban areas. It is claimed that the sanitation coverage has been increased from 22% in 2001, to 68% in December 2010.

41 According to UNICEF, the combined effects of inadequate sanitation, unsafe water supply and poor personal hygiene are responsible for 88% of childhood death from diarrhea.

42 According to the 12th FYP document, 80% of rural drinking water comes from groundwater sources.

43 National Rural Drinking Water Programme

44 Total Sanitation Campaign.

45 See, for instance, State of Karnataka vs. Appa Balu Ingale (1.12.1992) (citation); Chameli Singh vs. State of Uttar Pradesh (1996) 2 SCC 549; M.K. Balakrishnan vs. Union of India & Ors. (28.4.2009) (citation); S. Jagannath vs. Union of India (1996).

Monitoring Table of UPR Recommendations: 3. Access to Justice

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? | |
|---------------------------|--|---|--|---|---|--|--------|--|-------------------------|--|---|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | | |
| UPR1-11; UPR2-54 | Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights. | | Report of NHRC on UPR2 @ para 19; CEDAW (2007) @ para 64. | 1) National Action Plan on Human Rights be framed, with a specific component on women, in terms of recommendations made by treaty bodies and special procedures from time to time. 2) Gol should prepare a Status of women Report. | NHRC in its report to HRC on UPR2 notes that there has been no response from Gol, and so it has started working on the plan on its own. | | | | | Nil | | Government of India, Ministry of Home Affairs; NHRC. |
| UPR1-13; UPR2-86, 88 | Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based discrimination; continue awareness-raising and continuous strengthening of the relevant legal and institutional frameworks. | | CERD (2007) @ para 15, 18; CEDAW (2007) @ para 13, 21, 33, 35, 65; CESCR (2008) @ para 52, 55, 65. | 1) Enactment of a positive omnibus law against discrimination. ¹ 2) Review and revision of school text books at primary, middle and senior secondary level, to ensure that gender stereotypes are not reinforced in school curricula. 3) Sexuality education (as opposed to mere sex education) be introduced to instill understanding of gender differences and respect. 4) awareness raising through informal/ popular education to reach general population across rural and urban areas; 5) Component on gender training of law enforcement officials, judiciary, and legal professionals be further strengthened. | Budget allocations are made, but there is little monitoring of content and impact of human rights education (HRE). | Protection of Human Rights Act under Section 12 mandates the NHRC and SHRCs to spread human rights literacy among various sections of society. See also Section 4(l) of the Legal Services Authorities Act, 1987, which places similar duty on Legal Aid boards. | Nil | Monitoring of HRE, if any, is done by civil society organisations. | N.A. | | Ministry of Human Resource Development, with Central and State Education Boards; NALSA and State Legal Services Boards. | |

¹ Omnibus law against discrimination of marginalized communities, and protecting their freedom of choice, which encompasses within it private/ non-state actors, and goes beyond traditional categories of caste and gender, and includes women's sexuality rights and right to choice, persons with disabilities, SOGI (sexual orientation gender identities) and so on, in order to create an environment for autonomy and dignity.

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---|--|---|--|---|--|---|---|---|-------------------------|---|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR1- 16 | Fully integrate a gender perspective in the follow-up process to the UPR. | | CEDAW (2007) @ para 53; CESCR (2008) @ para 58; GoI Report on UPR2 @ para 79-81. | 1) Monitoring of all recommendations should include women as a component; 2) UPR specific consultations be held with women's organisations 3) Ad hoc committees be set up at grassroots level to develop indicators and monitor implementation. | Specific commitment not made. | | | | | | Ministry of Law and Justice along with NHRC and SHRCs; civil society organisations. |
| UPR2- 74, 76, 77, 79, 81, 83, 84, 86, 87, 144 | Continue incorporating the gender perspective in programmes and development plans with positive measures, to allow women to participate on an equal footing with men in all developmental efforts; | | CEDAW (2007) @ para 37, 53; CERD (2007) @ para 17; CESCR (2008) @ para 55, 58, 65. | Conduct a thorough review of flagship programmes such as ASHA, ICDS, Indira Awas Yojana, Rajiv Awas Yojana, etc. to examine their impact on discrimination against women, and review inclusion of women therein. | Efforts have been made to bring gender perspective into all areas of development in 12th FYP. However, draft plan not adopted yet. | None. | National Policy for Empowerment of Women 2001; National Mission for Empowerment of Women 2010. | Monitoring of budgets from gender perspective is being done by civil society. | Nil | | Planning Commission, Ministry of Finance, cognate State authorities. |
| | Continue to promote its many initiatives for the eradication of all forms of discrimination against women, promoting equal treatment independent of caste, tribe or other considerations. | | CESCR (2008) @ para 55, 58, 65. | | As above. | Other than generic legislation, there is no specific legislation on eradication of discrimination against women belonging to marginalised groups. | As above. | Disaggregated data on access of women to development schemes is not available at present. | Nil | | As above. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 82, 130 | Re-examine the budgets, and provide more resources for the enjoyment of economic and social rights for vulnerable groups like women. | | CEDAW (2007) @ para 33, 53. | <ol style="list-style-type: none"> 1) Examine allocation of budgets to women specific schemes, which are currently impoverished, such as reparations for rape victims, Section 357 A CrPC, PWDVA, and so on;² 2) Examine allocation of budgets to women and girls in general schemes; 3) Utilization of these budgets be monitored and reviewed. | Efforts have been made to bring gender perspective into all areas of development in 12th FYP. However, draft plan not adopted yet. | None. | National Policy for Empowerment of Women 2001; National Mission for Empowerment of Women 2010. | Monitoring of budgets from gender perspective is being done by civil society. | Nil | | Planning Commission, Ministry of Finance, cognate State Authorities. |
| UPR2- 162 | Continue implementation of a non-discriminatory and inclusive policy and guarantee quality education to all girls and boys in the country. | | CRC (2004) @ para 32; CEDAW (2007) @ para 31, 33; CESCR (2008) @ para 58, 80. | <ol style="list-style-type: none"> 1) Ratio of girls to boys at the level of middle, senior secondary, and higher education; 2) Generate disaggregated data on access to education by girls and women, especially after the primary level. | Various schemes in place under RTE, such as Kasturba Gandhi Balika Vidyalaya, National Programme for Education of Girls at Elementary level under Sarva Shiksha Abhiyan, etc. | Right to Education Act. | Gol has committed to education for all, with special emphasis on reducing illiteracy rates among women. | Census and NSSO data is being collected on literacy among women, enrollment of girl students at various levels of schooling. | Nil | | Ministry of Women and Child Development, Ministry of Education, with cognate State Departments. |

2 Reparative Justice for Rape Victims in India, Dr. Dipa Dube and Bhagwan R. Gawali, in International Journal of Advanced Research in Management and Social Sciences, September 2012.

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Violence Against Women

| | | | | | | | | | | | |
|------------------|--|--|--|--|--|--|--|--|-----|--|--|
| UPR1-11; UPR2-54 | Establish and implement a National Human Rights Plan which includes concrete measures to eliminate violence against women. | | Report of NHRC on UPR2 @ para 19; CEDAW (2007) @ para 64. | 1) National Action Plan on Human Rights be framed, with a specific component on women; 2) Govt should prepare a Status of women Report. | 1) Detailed recommendations made by Verma Committee to amend criminal laws; 2) Criminal Amendment Act 2013 introduces new offences- stalking, voyeurism, acid attack; 3) Protection of Children from Sexual Offences Act, 2012 passed Section 357A CrPC; ³ 4) Protection of Women from Domestic Violence Act; (5) Dowry Prohibition Act; etc; 5) National Policy for Empowerment of Women 2001; National Mission for Empowerment of Women 2010. | | | | Nil | | Government of India; Ministry of Home Affairs; NHRC. |
|------------------|--|--|--|--|--|--|--|--|-----|--|--|

³ Recent amendments have been made to CrPC introducing Section 357A, which mandates State governments to prepare a Victim Compensation Scheme for providing funds for rehabilitation of victims of crime.

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 41, 105, 106 | Enact comprehensive reforms (including legislative, civil and criminal measures) to address sexual violence against women and children, and to remedy limitations in the definition of rape and the medico forensic procedures adopted for rape cases. | | HRC-CCPR (1997) @ para 16, 21, 23; CERD (2007) @ para 15; CESCR (2008) @ para 65, 77; CEDAW (2008) @ paras 9, 25; Sp Rapp EJE (2012) para D) (10). | 1) Long pending comprehensive amendments in criminal law regarding sexual assault; 2) The proposed Communal Violence (Prevention, Control, and Rehabilitation of Victims) Bill, currently pending enactment, should incorporate sexual assault in mass crimes, comprehensive system for reparations for victims of such crimes, and gender sensitive evidentiary and procedural rules; 3) Criminal injuries compensation under S. 357A CrPC for sexual assault- budgetary allocation be made; (3) Single window crisis response centres should be set up in every district which are capable of addressing all situations of violence against women; 4) Country-wide audit of shelter homes for women, to enhance their availability and functioning at the district level. | Victim rehabilitation schemes under S. 357A CrPC, where set up, are presently impoverished. Schemes such as "Parivartan" (Delhi police) remain underfunded and on the verge of lapse. | 1) Detailed recommendations made by Verma Committee to amend criminal laws; 2) Criminal Amendment Act 2013 introduces new offences- stalking, voyeurism, acid attack; 3) Protection of Children from Sexual Offences Act, 2012 passed Section 357A CrPC 4) Protection of Women from Domestic Violence Act; (5) Dowry Prohibition Act; etc. | National Policy for Empowerment of Women 2001; National Mission for Empowerment of Women 2010. | Monitoring is being done of violent crimes against women by NCRB, NCW, and civil society organisations. | Numerous directions from Courts regarding violence against women and the responsibility of state machinery to reduce the same. (2) Supreme Court declares 'two-finger test' on rape victims as an illegal medical procedure. | | Ministry of Women and Child Development; Ministry of Law and Justice; Cognate State Departments; High Courts in their supervisory capacity. |

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 41, 79, 85, 88, 155 | Enact and strictly enforce comprehensive reforms, to address all acts of violence against women, including female feticide and female infanticide, and further strengthen measures to eliminate traditional harmful practices which are discriminatory against women and girls, in particular, child marriages, dowry related murders and "honour" killings. | | HRC-CCPR (1997) @ para 16; CRC (2004) @ paras 10, 30, 34, 57, 58, 59, 61; CERD (2007) @ paras 15, 18, 24; CEDAW (2007) @ paras 11, 21, 27, 35, 39, 41; CESCR (2008) @ paras 25, 37, 56, 65, 73, 77, 80. | 1) PNNDT law should not infringe reproductive rights of women; 2) NCRB to maintain disaggregated data on female feticide, honour killings, misuse of kidnapping laws as a tool for honour related crimes, and other specific crimes against women. 3) Enact a positive law against discrimination, protecting women's right to choice (see above under gender equality); 4) Ensure there is no dilution of Child Marriage Act, such as, through the proposed enactment of an "early marriage" law. | Not available. | Maternity Benefit Act, 1961; Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003; Child Marriage Act; Medical Termination of Pregnancy Act, 1971. Recommendations of Verma Committee pending. | National Policy for Empowerment of Women 2001; National Mission for Empowerment of Women 2010; Janani Suraksha Yojana; National Rural Health Mission. | Monitoring is being done of harmful traditional practices which result in violent crimes against women and feticide, by NCRB, NCPCR, NCW, and civil society organisations. | Numerous Court decisions, including on PNNDT Act, ⁴ illegality of khap panchayats ⁵ and many other issues. | | Ministry of Women and Child Development; Ministry of Law and Justice; Ministry of Health and Family Welfare; Cognate State departments; High Courts in their supervisory capacity. |
| UPR1-13; UPR2-86, 88 | Strengthen human rights education; undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices, traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls. | | CRC (2004) @ paras 10, 30, 57-61; CERD (2007) @ paras 15, 18; CEDAW (2007) @ paras 11, 13, 21, 33, 27, 35, 65; CESCR (2008) @ paras 27, 52, 55, 56, 65, 67. | See footnote for detailed indicators. ⁶ | Budget allocations are made, but there is little monitoring of content and impact of human rights education (HRE). | Protection of Human Rights Act under Section 12 mandates the NHRC and SHRCs to spread human rights literacy among various sections of society. See also Section 4(l) of the Legal Services Authorities Act, 1987, which places similar duty on Legal Aid boards. | Nil | Monitoring of HRE, if any, is done by civil society organisations. | N.A. | | Ministry of Human Resource Development, with Central and State Education Boards; NALSA and State Legal Services Boards. |

4 For more details visit <http://www.rajswashya.nic.in/PCPNNDT.htm>.

5 Arumugham Servai vs. State of Tamil Nadu, Criminal Appeal No. 958 of 2011, judgment dated 19.4.2011 passed by Supreme Court of India.

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 80 | Improve women empowerment and emancipation, and provide them with a bigger role to play in the society. | | CERD (2007) @ para 17; CEDAW (2007) @ para 37, 43. | Training of women PRIs, ASHA, anganwadi workers, etc. to ensure more qualitative political participation of women. | No specific budgetary commitments made. | Legislation relating to reservation for women in PRIs is in place. | National Policy for Empowerment of Women, 2001; National Mission for Empowerment of Women 2010 | Monitoring is being done by civil society organisations | Nil | | National Commission for Women; political parties; civil society organisations. |
| UPR2- 37, 42 | Consider expediting the process to pass the 108th Constitutional Amendment Bill which seeks to reserve a significant portion of seats for women at the Lower House and state legislative assemblies, the Women's Reservation Bill and the amendments to Panchayati Raj Act. | | CERD (2007) @ para 17; CEDAW (2007) @ para 43. | Ensure enactment of long-pending law relating to reservations for women in State and Central Legislatures. | While there is obvious progress in representation of women in PRIs, the Bill for 33% reservation for women in Central and State legislatures is pending since 1996. Political parties have not taken any concrete steps towards developing women leadership. | | | Monitoring of role of women in PRIs is being done by civil society organisations. | Nil | | Ministry of Panchayati Raj, Ministry of Women and Child Development, cognate State departments; Members of Parliament and State Legislatures; Political parties. |

6 (1) Consult with women's groups/ women leaders (both traditional and modern) within communities, to identify areas of personal laws where urgent law reform is required. (2) Enactment of a positive omnibus law against discrimination and protecting right to choice of women. (3) Review and revision of school text books at primary, middle and senior secondary level, to ensure that gender stereotypes are not reinforced in school curricula. (4) Sexuality education (as opposed to mere sex education) be introduced to instill understanding of gender differences and respect. (5) Awareness raising through informal/ popular education to reach general population across rural and urban areas; (6) Component on gender training of law enforcement officials, judiciary, and legal professionals be further strengthened.

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/ interventions made by the Independent Institutions | Who is responsible for the implementation? |
|-----------------------------------|---|---|---|---|---|-------------|--------|---|---|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR1- 6, UPR2- 19, 21, 23, 37, 38 | Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. | | CEDAW (2007) @ para 60; Sp Rapp HRD (2011) @ pg 5. | 1) Disaggregated data on crimes against women, along with proportion of cases which end up in conviction, reveals a different story. Conviction rate in rape cases, for example, is 26%, which is much lower than the national average of 33%; ⁷ 2) Implementation of Verma Committee recommendations by Parliament will be an important indicator. | Gol has taken a position that Indian judicial system provides necessary and sufficient redressal to women, and there is no need for ratification of Optional Protocol to CEDAW. | | | Monitoring of dysfunction of judicial system w.r.t. crimes against women is done by civil society organisations and NCRB. | No judicial pronouncement on requirement of ratification of Optional Protocol to CEDAW. | | Members of Parliament, through Parliamentary Standing Committee, Ministry of Law and Justice, Ministry of Home Affairs, Ministry of Women and Child Development; High Courts in their supervisory capacity. |

CEDAW

⁷ For more details refer to 'Crime Against Women', Chapter 5, Crime in India 2012. Available at <http://www.ncrb.gov.in>.

| Number of Recommendations | Summary of Recommendations | Was the Same Recommendation Made by Other Mechanisms? | | Possible Indicators/ Data to Track Progress of Implementation | Current Status: Type of Measure/Intervention Made by the State | | | | | Current Status: Type of measures/interventions made by the Independent Institutions | Who is responsible for the implementation? |
|---------------------------|---|---|--|--|--|---|---|--|---|---|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 2, 22, 23 | Remove reservations to the Article 16(1) of the Convention on Elimination of All Forms of Discrimination against Women. | | CEDAW (2007) @ para 11, 55. | | Gol remains committed to its position that there is a necessity to protect personal religious laws in the sphere of family, marriage, and family property. | | | Civil Society organisations; National Commission for Women and National Commission for Minorities. | Numerous Court decisions on rights of women to equality within the family, and with respect to family property, including on enactment of common civil code, ⁸ illegality of khap panchayats, ⁹ marital and other family property rights of women, etc. | | Ministry of Women and Child Development; Ministry of Law and Justice; Ministry of Social Justice and Empowerment; cognate State Departments; High Courts in their supervisory capacity; NCW and NCM; Law Commission of India. |
| UPR1-17; UPR2-31 | Follow up on CEDAW recommendations to amend the Special Marriage Act in the light of article 16 and the Committee's general recommendation 21 on giving equal rights to property accumulated during marriage. | | CEDAW (2007) @ para 11, 55; CESCR (2008) @ para 16. | 1) Mechanism for monitoring of specific personal laws, in consultation with women's groups/ women leaders within communities, to identify inconsistencies with international and constitutional law where urgent law reform is required. 2) Ban of khap panchayats. | Nil | Special Marriage Act not amended; Continued operation of personal laws in the areas of marriage and property rights of women; Amendments to Hindu Succession law are a beginning. | Gol has adopted "hands off" policy towards personal laws which directly impact women. | | | | |

8 Sarla Mudgal (citation), John Vallamattom's case (AIR 2003 SC 2902).

9 Arumugham Servai vs. State of Tamil Nadu, Criminal Appeal No. 958 of 2011, judgment dated 19.4.2011 passed by Supreme Court of India.

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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Trafficking; Trafficking in Women and Children (also in Labour)

| | | | | | | | | | | | |
|-----------------------------------|--|--|---|---|---|--|---|--|--|--|---|
| UPR2- 72, 107, 108, 109, 110, 111 | Accelerate efforts to combat human trafficking and rehabilitate victims of trafficking. | | CRC (2004) @ paras 74, 75; CESCR (2008) @ para 27, 66. | 1) An estimated three-fourths of women and children in sex work are brought through trafficking. The number of women and children in sex work are 2.8 million of which 36% are children; ¹⁰ | Budget allocations are made under the Ujjawala Scheme. Prevention of trafficking elements are also found in MGN-REGA. | Legal Services Authorities Act, 1987; Immoral Trafficking Prevention Act, 1956; Criminal Amendment Act 2013 redefines trafficking in Sec 370 of IPC. | National Plan of Action to Combat trafficking and Commercial Sexual Exploitation of Women and Children 1998; National Plan of Action for Children 2004; UJ-JAWALA 2007; MGN-REGA. | National commission for Women; National Commission on Protection of Child Rights; NCRB; civil society organisations. | Prajwala vs. Union of India. ¹¹ | | Ministry of Women and Child Development; Ministry of Law and Justice; Ministry of Home Affairs; Members of Parliament through Parliamentary Standing Committee. |
| | Ensure full and consistent implementation of laws to provide adequate protection to trafficking victims. | | CRC (2004) @ paras 74, 75; CESCR (2008) @ para 27, 66; See also UN Convention on Transnational Organized Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons especially trafficking in Women and Children; SAARC Convention on Preventing and Combating Trafficking of Women and Children for Prostitution. | 2) Increase in number of convictions of people involved in trafficking and forced labour; 3) Increase in number of anti-trafficking units of Gol (presently 104); 4) Enactment of proposed amendments to the ITPA, currently pending before the Parliamentary Standing Committee. | | | | | | | |

¹⁰ Girls and Women in Prostitution in India (2002– 2004) a study by Gram Niyojan Kendra (GNK) for Ministry of Women and Child Development.

¹¹ Prajwala vs Union Of India & Ors. on 4 March, 2009, Supreme Court of India. Writ Petition(C) No. 56 of 2004

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|---------------------------|---|---|---------------|---|--|-------------|---|------------------------------|-------------------------|--|---|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| | Consider possibility of inviting Special Rapporteur on trafficking in persons, especially in women and children | NA | NA | Accept request of Special Rapporteur on Trafficking pending since 2010. | NA | NA | At a policy level, Gol has extended a standing invitation to all Special Rapporteurs. | Civil society organisations. | NA | | Ministry of External Affairs, with Ministry of Women and Child Development. |

Family Laws

| | | | | | | | | | | | |
|-----------------------|---|--|---|--|---------------|--|--|--|--|--|---|
| UPR1- 17; UPR2- 31 | Amend the Special Marriage Act before its next review. | | CEDAW (2007) @ para 55; CESCR (2008) @ para 16. | 1) Enactment of a positive omnibus law against discrimination; 2) Proactive programmes that develop, empower and enhance women's autonomy, choice and dignity, such as vocational training and skill development at middle school level, positive inputs into girls and girl students, and so on; | Not available | Special Marriage Act not amended; Continued operation of personal laws in the areas of marriage and property rights of women continue to operate. | National Policy for Empowerment of Women 2001; National Mission for Empowerment of Women 2010; and schemes thereunder. | Monitoring is being done of harmful traditional practices which result in violent crimes against women by NCRB, NCPDR, NCW, and civil society organisations. | Numerous Court decisions, including on enactment of common civil code, ¹² marital and other family property rights of women, illegality of khap panchayats and many other issues. | | Ministry of Women and Child Development; Ministry of Law and Justice; Ministry of Social Justice and Empowerment; cognate State departments; High Courts in their supervisory capacity. |
| UPR2- 87 | Continue to promote the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations. | | CERD (2007) @ para 18; CEDAW (2007) @ para 35, 55. | 3) Allocation of budgets for such schemes, and their effective utilization. (4) Consult with women's groups/ women leaders within communities, to identify areas of personal laws where urgent law reform is required. | | | | | | | |

¹² Smt. Sarla Mudgal, President, Kalyani & Ors. vs. Respondent: Union of India & Ors. Supreme Court of India. Date of Judgment 10/05/1995.

¹³ Arumugham Servai vs. State of Tamil Nadu, Criminal Appeal No. 958 of 2011, judgment dated 19.4.2011 passed by Supreme Court of India.

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|---------------------------|---|---|---|--|--|--|--------|--|-------------------------|--|--|
| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 41, 85, 88 | Enact and strictly enforce comprehensive reforms to address sexual violence and all acts of violence against women, and eliminate traditional harmful practices which are discriminatory against women and girls, in particular child marriages, dowry related murders and honour killings. | | HRC-CCPR (1997) @ para 16; CRC (2004) @ para 10, 30, 57-61; CERD (2007) @ paras 15, 18; CEDAW (2007) @ paras 11, 21, 27, 35, 55, 57; CESCR (2008) @ paras 25, 26, 65, 67, 73, 77, 80. | | | | | | | | |
| UPR2- 86, 88 | Undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices, traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls. | | CRC (2004) @ paras 10, 30, 57-61; CERD (2007) @ paras 15, 18; CEDAW (2007) @ paras 11, 13, 21, 27, 35, 55, 57; CESCR (2008) @ paras 25, 55, 65, 67. | <ol style="list-style-type: none"> 1) Review and revision of school text books at primary, middle and senior secondary level, to ensure that gender stereotypes are not reinforced in school curricula; 2) Sexuality education (as opposed to mere sex education) be introduced to instill understanding of gender differences and respect; 3) Awareness raising through informal/ popular education to reach general population across rural and urban areas; 4) Component on gender training of law enforcement officials, judiciary, and legal professionals be further strengthened. | Budget allocations are made, but there is little monitoring of content and impact of human rights education (HRE). | Protection of Human Rights Act under Section 12 mandates the NHRC and SHRCs to spread human rights literacy among various sections of society. See also Section 4(l) of the Legal Services Authorities Act, 1987, which places similar duty on Legal Aid boards. | Nil | Monitoring of HRE, if any, is done by civil society organisations. | NA | Ministry of Women and Child Development; Ministry of Human Resource Development, with Central and State Education Boards; NALSA and State Legal Services Boards. | |

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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 89 | Study the possibility of eliminating any criminalisation of same sex relations. | | CESCR (2008) @ 52. | 1) Enactment of a positive omnibus law against discrimination; 2) Mapping of transgender population and its socio-economic status, towards enactment of law to protect their interests; 3) Repeal of Section 377 IPC and enactment of laws protecting SOGI persons from violent crimes, including sexual assault and harassment. | Not available. | S. 377 still remains on statute books; Till such time as the law exists, it is very difficult to enact laws which protect SOGI communities from violent crimes, including sexual assault and harassment. | No consistent policy within Gol on subject of de-criminalisation. 12th FYP document makes a policy statement regarding socio-economic mapping of transgender communities, and enactment of law to protect their rights. | Monitoring is being done by civil society organisations only. | Decision of Supreme Court on constitutional validity of S. 377 IPC is awaited. | | Ministry of Law and Justice; Ministry of Health and Family Welfare; Members of Parliament. |
| UPR2- 72 | Ensure that laws are fully and consistently enforced to provide adequate protections for LGBT citizens. | | 12th FYP document Volume III @ para 23.71. | | | | | | | | |
| UPR2- 90 | Take measures to address violence and discrimination directed towards persons based on their sexual orientation, especially related to employment. | | | | | | | | | | |

Legend: HRC-CCPR (1997)= Report of the Committee on Civil and Political Right to the UN Human Rights Committee on India, 1997; CRC (2004)= Report of the Committee on Child Rights to the UN Human Rights Committee on India, 2004; CERD (2007)= Report of the Committee on Elimination of Racial Discrimination to the UN Human Rights Committee on India, 2007; CEDAW (2007)= Report of the Committee on Elimination of All Forms of

Discrimination Against Women to the UN Human Rights Committee on India, 2007; CESCR (2008)= Report of the Committee on Economic Social and Cultural Rights to the UN Human Rights Committee on India, 2008; Sp Rapp EJE (2012)= Press Statement of Special Rapporteur on extrajudicial, summary and arbitrary executions on his Country Mission to India, 2012; Report of NHRC on UPR2= Submission of the National Human Rights Commission

to the UN Human Rights Committee on India's UPR2; Gol Report on UPR2= Report of the Government of India to the UN Human Rights Committee on India's UPR2, March 2012; Sp Rapp HRD (2011)= Statement of the Special Rapporteur on the situation of Human Rights Defenders, country visit to India in January 2011; 12th FYP document= Draft Twelfth Five Year Plan document, December 2012.

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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |

Death Penalty

| | | | | | | | | | | | |
|---------------------------------------|--|--|---|--|-----|---|---|--|---|--|---|
| UPR2- 91, 93, 94, 95, 96, 97, 98, 100 | Respect the de facto moratorium on the death penalty which had been in place since 2004, and introduce as quickly as possible a de jure moratorium on executions, with a view to abolishing the death penalty. | | <p>UNGA resolutions;¹</p> <p>Resolution 1989/64 of ESC;</p> <p>HRC-ICCPR (1997) @ para 20;</p> <p>Sp Rapp EJE (2012) @ para B (1) (d), D (13).</p> | <p>1) Reduce number of crimes where capital punishment is provided² and completely remove provision for mandatory death sentences;³</p> <p>2) Delay in execution be recognised as a ground for grant of mercy petitions under Articles 72 and 161;</p> <p>3) Legislation to be introduced prohibiting death sentence for mentally ill persons;</p> <p>4) Maintain and publish in public domain data regarding number of executions, number of persons on death row, pendency of mercy petitions, and their socio-economic background;</p> <p>5) Reconsideration of all cases decided relying upon Ravji case,⁴ and compensation and redress to those found to have been victims of miscarriage of justice as a result of this judgment and otherwise.</p> | Nil | JuveNile Justice (Care and Protection of Children) Act, 2000; Legal Services Authorities Act, are protective legislations. However, the IPC (for 9 separate offences) and at least 14 other special/ local legislations provide for death penalty, including mandatory death sentence under 3 legislations. | No policy decision appears to be on record regarding abolition of death penalty or a moratorium thereon. Most recent execution took place in February 2013. | Monitoring of death sentences is done only by civil society organisations; no official data is maintained in the public domain regarding the number of persons on death row, their socio-economic background, the number of mercy petitions pending, and the number of executions carried out. | Constitutional validity of death penalty has been upheld by Supreme Court in numerous decisions. ⁵ | | Ministry of Home Affairs, Ministry of Law and Justice; Supreme Court of India and the High Courts in their writ jurisdiction as well as their supervisory capacity; NALSA and cognate State legal services authorities; President of India and State Governors. |
|---------------------------------------|--|--|---|--|-----|---|---|--|---|--|---|

1 On 18 December 2007, the United Nations General Assembly voted 104 to 54 in favour of resolution A/RES/62/149, which proclaims a global moratorium on the death penalty. On 18 December 2008, the General Assembly adopted another resolution (A/RES/63/168) reaffirming its previous call for a global moratorium on capital punishment. Once again on 21 December 2010, the 65th General Assembly adopted a third resolution (A/RES/65/206). The fourth resolution was passed as recently as on 21st November 2012. India has not voted in favour of any of these resolutions.

2 At present, there are nine offences in the Indian Penal Code punishable by death. In addition, the death penalty is provided in at least 14 special or local laws, of which three are successive anti-terror laws. See *The Death Penalty in India: A Lethal Lottery- A study of supreme court judgments in death penalty cases 1950-2006*; Amnesty International (2008).

3 There are 3 laws which provide mandatory death sentences in case of conviction- Arms Act, 1959, Narcotic Drugs and Psychotropic Substances Act, 1985, and SC and ST (Prevention of Atrocities) Act, 1989.

4 See V. Venkatesan, *A case against the death penalty*, Frontline, Sept 7th, 2012. In the case Ravji @ Ram Chandra v. State of Rajasthan (1996) 2 SCC 175, the Supreme Court wrongly interpreted the 'rarest of rare' criteria laid down by the Constitution Bench in the Bachan Singh case. Following this decision, at least 13 death sentences have been imposed by the Supreme Court, until the mistake was discovered by another bench in 2009. These 13 persons are presently on death row and their mercy petitions are pending with the President of India.

5 See *Jagmohan Singh v. State of U.P.* (AIR 1973 SC 947), *Bachan Singh v. State of Punjab* (180) 2 SCC 684, *Smt. Shashi Nayar v Union of India* (AIR 1992 SC 395)

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| | | National | International | | Budgetary | Legislative | Policy | Monitoring mechanism | Judicial pronouncements | | |
| UPR2- 92, 99, 100 | Abolish capital punishment by repealing death penalty from its legal regime, and commute existing death sentences to life imprisonments terms. | | UNGA resolutions ; Resolution 1989/64 of ESC; HRC-ICCPR (1997) @ para 20; Sp Rapp EJE (2012) @ para B(1)(d), D(13). | 1) Reduce number of crimes where capital punishment is provided; 2) Legislation be introduced prohibiting death sentence for mentally ill persons. | Nil | As above. | As above. | As above. | No judicial pronouncement, other than the dissenting opinion in Bachan Singh case. | | All of the above, including Members of Parliament. |
| UPR2- 95, 101 | Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to definitive abolishment of the death penalty. | | UNGA resolutions; Resolution 1989/64 of ESC; HRC-ICCPR (1997) @ para 20; Sp Rapp EJE (2012) @ para B(1) (d), D(13). | As above. | No budgetary, legislative, policy or other steps have been taken regarding ratification of the Second Optional to ICCPR. | | | | | | Ministry of Home Affairs. |

Legend: UNGA= United Nations General Assembly; HRC-CCPR (1997)= Report of the Committee on Civil and Political Right to the UN Human Rights Committee on India, 1997; Sp Rapp EJE (2012)= Press Statement of Special Rapporteur on extrajudicial, summary and arbitrary executions on his Country Mission to India, 2012.

Basic facts about the UPR¹

Annex A

What is the Universal Periodic Review?

The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.

How was the UPR established?

The UPR was established when the Human Rights Council was created on 15 March 2006 by the UN General Assembly in resolution 60/251. This mandated the Council to "undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States". On 18 June 2007, one year after its first meeting, members of the new Council agreed to its institution-building package (A/HRC/RES/5/1) providing a road map guiding the future work of the Council. One of the key elements of this package was the new Universal Periodic Review. The mechanism was further refined during the review process through resolution 16/21 and decision 17/119. These two documents provided the necessary modifications of modalities for the review in the second and subsequent cycles.

What is the goal of the UPR?

The ultimate goal of UPR is the improvement of the human rights situation in every country with significant consequences for people around the globe. The UPR is designed to prompt, support, and expand the promotion and protection of human rights on the ground. To achieve this, the UPR involves assessing States' human rights records and addressing human rights violations wherever they occur. The UPR also aims to provide technical assistance to States and enhance their capacity to deal effectively with human rights challenges and to share best practices in the field of human rights among States and other stakeholders.

When will States have their human rights records reviewed by the UPR?

During the first cycle, all UN Member States have been reviewed, – with 48 States reviewed each year. The second cycle, which officially started in May 2012 with the 13th session of the UPR Working Group, will see 42 States reviewed each year. The reviews take place during the sessions of the UPR Working Group (see below) which meets three times a year. The order of review remains the same as in the first cycle and the number of States reviewed at each session is now 14 instead of 16.²

Who conducts the review?

The reviews are conducted by the UPR Working Group which consists of the 47 members of the Council; however any UN Member State can take part in the discussion/dialogue with the reviewed States. Each State review is assisted by groups of three States, known as "troikas", who serve as rapporteurs. The selection of the troikas for each State is done through a drawing of lots following elections for the Council membership in the General Assembly.

What are the reviews based on?

The documents on which the reviews are based are: 1) information provided by the State under review, which can take the form of a "national report"; 2) information contained in the reports of independent human rights experts and groups, known as the Special Procedures, human rights treaty bodies, and other UN entities; 3) information from other stakeholders including national human rights institutions and non-governmental organizations.

How are the reviews conducted?

Reviews take place through an interactive discussion between the State under review and other UN Member States. This takes place during a meeting of the UPR Working Group. During this discussion any UN Member State can pose questions, comments and/or make recommendations to the States under review. The troikas may group issues or questions to be shared with the State under review to ensure that the interactive dialogue takes place in a smooth and orderly manner. The duration of the review was three

hours for each country in the Working Group during the first cycle. From the second cycle onwards the time has been extended to three hours and thirty minutes.

Can non-governmental organizations (NGOs) participate in the UPR process?

Yes. NGOs can submit information which can be added to the "other stakeholders" report which is considered during the review. Information they provide can be referred to by any of the States taking part in the interactive discussion during the review at the Working Group meeting. NGOs can attend the UPR Working Group sessions and can make statements at the regular session of the Human Rights Council when the outcome of the State reviews are considered. OHCHR has released "Technical guidelines for the submission of stakeholders"

What human rights obligations are addressed?

The UPR will assess the extent to which States respect their human rights obligations set out in: (1) the UN Charter; (2) the Universal Declaration of Human Rights; (3) human rights instruments to which the State is party (human rights treaties ratified by the State concerned); (4) voluntary pledges and commitments made by the State (e.g. national human rights policies and/or programmes implemented); and, (5) applicable international humanitarian law.

What is the outcome of the review?

Following the review by the Working Group, a report is prepared by the troika with the involvement of the State under review and assistance from the OHCHR. This report, referred to as the "outcome report", provides a summary of the actual discussion. It therefore consists of the questions, comments and recommendations made by States to the country under review, as well as the responses by the reviewed State.

How is the review adopted?

During the Working Group session half an hour is allocated to adopt each of the "outcome reports" for the States reviewed that session. These take place no sooner than 48 hours after the country review. The reviewed State has the opportunity to make preliminary comments on the recommendations choosing to either accept or note them. Both accepted and noted recommendations are included in the report. After the report has been

¹ Information accessed from the official OHCHR website, accessed on 08 July 2013, from: www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx

² The second and subsequent cycles will last 4.5 years (para. 3, resolution A/HRC/RES/16/21).

adopted, editorial modifications can be made to the report by States on their own statements within the following two weeks. The report then has to be adopted at a plenary session of the Human Rights Council. During the plenary session, the State under review can reply to questions and issues that were not sufficiently addressed during the Working Group and respond to recommendations that were raised by States during the review. Time is also allotted to member and observer States who may wish to express their opinion on the outcome of the review and for NHRIs, NGOs and other stakeholders to make general comments.

What steps are taken as follow up to the review?

The State has the primary responsibility to implement the recommendations contained in the final outcome. The UPR ensures that all countries are accountable for progress or failure in implementing these recommendations. During the second review the State is expected to provide information on what they have been doing to implement the recommendations made during the first review as well as on any developments in the field of human rights. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with the country concerned. If necessary, the Council will address cases where States are not co-operating.

What happens if a State is not cooperating with the UPR?

The Human Rights Council will decide on the measures it would need to take in case of persistent non-co-operation by a State with the UPR.



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HUMAN RIGHTS COUNCIL
Eighth session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

India

Addendum

Response of the Government of India to the recommendations made
by delegations during the Universal Periodic Review of India*

A/HRC/8/26/Add.1
Page 2

RESPONSE OF THE GOVERNMENT OF INDIA TO THE RECOMMENDATIONS
MADE BY DELEGATIONS DURING THE UNIVERSAL
PERIODIC REVIEW OF INDIA

Government of India has examined the recommendations made by delegations during the
Universal Periodic Review of India and has the following observations to make:

| <i>S. No.</i> | <i>Recommendation</i> | <i>Response of India</i> |
|-------------------|--|--|
| 1. | Expedite ratification of the Convention against Torture (United Kingdom France, Mexico, Nigeria, Italy, Switzerland, Sweden) and its Optional Protocol (United Kingdom); | The ratification of the Convention against Torture is being processed by Government of India. |
| 2. | Continue to fully involve the national civil society in the follow-up to the UPR of India, as was done for its preparation (United Kingdom); | Government of India accepts this recommendation |
| 3. | Continue energizing existing mechanisms to enhance the addressing of human rights challenges (Ghana); | Government of India accepts this recommendation |
| 4. | Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals(Ghana); | Government of India is committed to continue its constructive engagement with international human rights bodies and relevant stakeholders in its pursuit of realization of all human rights for all. |
| 5. | Maintain disaggregated data on caste and related discrimination (Canada, Belgium, Luxembourg); | Extensive disaggregated data, including on caste, are available in the public domain. |
| 6. | Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Brazil); | The Constitution of India provides for direct access to the Supreme Court and High Courts for redressal of violations of any fundamental right, for any individual or group of individuals. In addition, we have several other statutory mechanisms to address such violations including the National Human Rights Commissions and the State Human Rights Commissions. There is also a separate National Commission and State Commissions for Women which <i>inter alia</i> have a mandate to address cases of violations of women rights. There exists, therefore, effective legal and constitutional framework to address individual cases of violations within India. |

* The present document was not edited before being sent to the United Nations translation services.

| <i>S. No.</i> | <i>Recommendation</i> | <i>Response of India</i> |
|---------------|--|--|
| 7. | Consider signature and ratification of ILO Conventions No. 138 and 182 (Brazil, Netherlands, Sweden); | Government of India fully subscribes to the objectives and purposes of the Convention on the Rights of the Child (to which India is a party) as well as the ILO Conventions No. 138 and 182 (which India is yet to ratify). India fully recognizes that the child has to be protected from exploitation of all forms including economic exploitation. Towards this end, Government of India has taken a wide range of measures including prescribing minimum age of 14 years for employment in hazardous occupations, as domestic helps, at eateries as well as in certain other areas. Regulatory provisions regarding hours and conditions of employment have also been made. Recently, a National Commission for the Protection of Child's Rights has been set up for speedy trial of offences against children or of violation of child's rights. The present socio-economic conditions in India do not allow prescription of minimum age for admission to each and every area of employment or to raise the age bar to 18 years, as provided in the ILO Conventions. Government of India remains committed to progressively implement the provisions of Article 32 of the Convention on the Rights of the Child, particularly paragraph 2 (a), in accordance with its national legislation and international obligations. |
| 8. | Share best practices in the promotion and protection of human rights taking into account the multi-religious, multi-cultural and multi-ethnic nature of Indian society (Mauritius); | Government of India accepts this recommendation |
| 9. | Review the reservation to article 32 of the Convention on the Rights of the Child (the Netherlands); | Government of India fully subscribes to the objectives and purposes of the Convention on the Rights of the Child. India fully recognizes that the child has to be protected from exploitation of all forms including economic exploitation. Towards this end, Government of India has taken a wide range of measures including prescribing minimum age of 14 years for employment in hazardous occupations, as domestic helps, at eateries as well as in certain other areas. Regulatory provisions regarding hours and conditions of employment have also been made. Recently, a National Commission for the Protection of Child's Rights has been set up for speedy trial of offences against children or of violation of child's rights. The present socio-economic conditions in India do not allow prescription of minimum age for admission to each and every area of employment. Government of India remains committed to progressively implement the provisions of Article 32 of Convention on the Rights of the Child, particularly paragraph 2 (a), in accordance with its national legislation and international obligations. |
| 10. | Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/results of best practices in addressing poverty (Algeria); | India is committed to the realization of the right to development of all its people and is pursuing this by providing an environment for inclusive and accelerated growth and social progress within the framework of a secular and liberal democracy. |

| <i>S. No.</i> | <i>Recommendation</i> | <i>Response of India</i> |
|---------------|---|--|
| 11. | Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation (Mexico); | Government of India accepts this recommendation |
| 12. | Ratify the Convention on Enforced Disappearances (Nigeria); | India signed the Convention for Protection of All Persons from Enforced Disappearance on the day it opened for signature last year. The process of its ratification is underway. |
| 13. | Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination (Italy); | Government of India recognizes the role of human rights education in combating discrimination. India has adopted a National Action Plan for Human Rights Education to promote awareness about human rights among all sections of the society. Specific target groups, such as schools, colleges and universities, have been identified and human rights education has been made part of curricula. Government officials, armed forces, prison officials and law officers are also being sensitised to the protection of human rights. Regular training programmes are organized by the National Human Rights Commission as well as State Human Rights Commissions. Awareness campaigns are also run by NGOs. |
| 14. | Extend standing invitation to special procedures (Latvia, Switzerland); | India has been regularly receiving and will continue to receive Special Rapporteurs and other Special Procedures mechanisms of Human Rights Council taking into account its capacity, the priority areas for the country as well as the need for adequate preparations for such visits. |
| 15. | Receive as soon as possible the Special Rapporteur on the question of torture (Switzerland); | India has been regularly receiving and will continue to receive Special Rapporteurs and other Special Procedures mechanisms of Human Rights Council taking into account its capacity, the priority areas for the country as well as the need for adequate preparations for such visits. |
| 16. | Fully integrate a gender perspective in the follow-up process to the UPR (Slovenia); | Government of India accepts this recommendation |
| 17. | Follow up on CEDAW recommendations to amend the Special Marriage Act in the light of article 16 and the Committee's general recommendation 21 on giving equal rights to property accumulated during marriage (Slovenia); | With regard to Article 16(1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Government of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any community without its initiative and consent. With regard to Article 16(2) of the Convention on the Elimination of All Forms of Discrimination Against Women, Government of India declares that it agrees to the principle of compulsory registration of marriages. However, failure to get the marriage registered will not invalidate the marriage particularly in India with its variety of customs, religions and level of literacy. |

| <i>S. No. Recommendation</i> | <i>Response of India</i> |
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| 18. Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated (Tunisia). | The Constitution of India seeks to secure to all its citizens "justice (social, economic and political); liberty (of thought, expression, belief, faith and worship); equality (of status and of opportunity); and to promote among them fraternity assuring the dignity of the individual and the unity and integrity of the Nation". Legislative and administrative measures of the Government of India are guided by this objective. In this context, the Government of India accepts the recommendation made. |

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WGHR Assessment of Implementation of UPR I Recommendations

| S. No. | Recommendation | Response of India in its UPR II Report | Current status | Further measures required |
|--------|---|--|---|---|
| 1. | Expedite ratification of the Convention against Torture (United Kingdom France, Mexico, Nigeria, Italy, Switzerland, Sweden) and its Optional Protocol (United Kingdom) | To enable ratification of the UNCAT, the "Prevention of Torture Bill 2010" was introduced and passed by the Lower House of Parliament (Lok Sabha) in May 2010. The Select Committee of the Upper House (Rajya Sabha) has made certain recommendations which are currently being examined by Government. Although India has not yet ratified the Convention, Article 21 and other Articles of the Constitution of India and the relevant provisions under the Indian Penal Code, 1860, provide for adequate safeguards. The Supreme Court of India, through its judgements, has also laid down exacting standards on this issue. | The Rajya Sabha Select Committee finalised its recommendations as well as an alternate draft of the Prevention of Torture Bill (PTB) in a report which was presented to the Rajya Sabha in December 2010. To date, more than two years later, the Ministry of Home Affairs has not publicly released any comment on the Committee's draft. As the Bill has been significantly altered in the Committee's draft, it has to be placed before, discussed, and passed by both Houses of Parliament. During UPR II, the Government of India accepted the recommendation to " <i>finalise the ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.</i> " This promise cannot be fulfilled unless Indian Government brings a comprehensive Bill in the Parliament. | It is crucial that there is no dilution of the Bill as amended by the Select Committee. Any dilution will stand foul of India's obligations under CAT and undermine meaningful ratification. In addition, there is an urgent need to address the shortcomings that remain, in spite of the Committee's suggested amendments. It is imperative that the Bill is revised with due deliberation that fully takes into account all the remaining gaps to ensure that PTB is in total conformity with CAT. |
| 2. | Continue to fully involve the national civil society in the follow-up to the UPR of India, as was done for its preparation (United Kingdom); | The various Ministries/ Departments involve the national civil society, as appropriate, in the formulation, implementation and assessment process relating to their respective policies, programmes and schemes. These include the process to operationalise of the recommendations of the UPR process. We will continue to involve the national civil society in this process. For e.g. with respect to the highly successful national employment programme initiative namely Mahatma Gandhi National Rural Employment Guarantee Act, 2005, it is worth mentioning that states have reported that social audit has been conducted in 91% of the Gram Panchayats. 244,000 reports on Social Audit have been uploaded on the MGNREGA website. | There were no debriefing sessions or consultations, initiated by the government, with civil society after UPR I in 2008 until early 2012. However, due to concerted civil society efforts, Gol representatives participated actively in a national workshop on the UPR organised by civil society in April 2011. The Gol upheld its commitment of posting its draft report for UPR II on the Ministry of External Affairs (MEA) website in January 2012, inviting comments from civil society. The MEA also held a number of meetings with civil society in New Delhi but very few of the recommendations made at these meetings were incorporated into the government's final UPR II report. | The government should initiate, soon after UPR II hearings, public efforts to hold regional and national broad-based consultations with civil society and independent experts on the implementation of recommendations made at UPR II. In addition, Gol's draft report for UPR III should be made available at the MEA website, for comments well before the deadline for its submission to OHCHR. The NHRC is strongly recommended to continue to consult civil society and submit its own independent reports for India's UPR III. |
| 3. | Continue energizing existing mechanisms to enhance the addressing of human rights challenges (Ghana); | Government has continued to energize the various institutions/ mechanisms for protection and promotion of Human Rights. Some of the legislative and other initiatives address directly the human rights challenges India faces. The judiciary has also played its part to impart new momentum through its far-reaching pronouncements. In spite of a number of serious challenges, India will continue to promote and strengthen human rights. | There is no real evidence of the government continuing to 'energise' the various institutions/mechanisms for protection and promotion of human rights. In fact, much remains to be done with regard to India's human rights institutions. For instance, most basically, at present, state-level human rights commissions are established only in 20 states, so there is not even a human rights commission in every state of the country. Of the established commissions, many are short-staffed and/or do not have a Chair. Long-standing grievances of the lack of independence, transparency in appointments, diversity, and inadequate responses of India's human rights institutions have not been addressed to date. The judiciary continues to play its role actively, but the perennial problem of lack of implementation of judicial pronouncements has not been properly tackled. | In brief, WGHR suggests that any further action to 'energize' existing mechanisms is geared towards strengthening institutional responses. Close attention should be given to the appointment procedures to ensure independence and autonomy of these institutions, in line with India's pledge at the UN GA regarding the independence of national human rights institutions. It is strongly recommended that the national and state human rights commissions are made to draft and submit their annual reports on time every year; and central and state governments make it a practice to table and debate the reports in Parliament and state assemblies. Concerted efforts are needed to ensure the executive branch properly implements the orders and judgments of the courts. |
| 4. | Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals(Ghana); | Gol is engaging with domestic and international Human Rights procedures/mechanism at various levels so as to attain internationally recognized human rights goal. Judiciary in India has also played an important role in taking cognizance of international instruments on human rights through its judgments. For e.g. in 2007, the National Commission for the Protection of Child Rights (NCPCR) was established to ensure that all legislative and administrative measures are in consonance with the child rights perspective as enshrined in the Constitution of India and the Convention on the Rights of the Child. | This is a broad recommendation which requires a sustained approach on many levels. The recent announcement by the Gol to extend a standing invitation to special procedures is a very good step. However, the continued and endemic delay in the Gol's reporting to treaty bodies, in particular to the Human Rights Committee, is an issue of concern. | In brief, WGHR recommends that the government strengthens the level and quality of engagement with both domestic and international human rights bodies, and increases consultation on human rights issues with all relevant stakeholders. The Gol should submit all its reports to treaty bodies in time, in line with India's pledge at the GA to cooperate with UN treaty bodies. It should submit its long overdue report to the Human Rights Committee at the earliest. |

| S. No. | Recommendation | Response of India in its UPR II Report | Current status | Further measures required |
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| 5. | Maintain disaggregated data on caste and related discrimination (Canada, Belgium, Luxembourg); | India's programme of affirmative action is without parallel in scale and dimension in human history. In the Census of 2011, extensive data has been collated. Indian Census has always provided data/investigations of anthropological nature such as the socio-economic survey of villages, preparation of ethnographic notes on SC/ST etc. Data on weaker sections/minorities in the society is also available extensively in the public domain. | Some of the key areas where disaggregated data on caste is still missing are: (i) crimes committed against SC and ST women; (ii) position of employment in the private sector and entrepreneurship; and (iii) access to health and civic amenities. Regarding crimes against SCs and STs, the existing data collected by the National Crime Records Bureau (NCRB) does not reveal the true nature and extent of violence as many crimes against SCs don't fall under the NCRB's official category of 'crimes against SCs'. For example, there is no official disaggregated data on: custodial violence, illegal detention, torture, violence against women other than rape, bonded labour, child labour, manual scavenging (no data available at all). | It is strongly recommended that the government monitors through its surveys/ alternative mapping exercises the current practices of caste-based discrimination (CBD) as well as economic and social conditions of communities affected by CBD, disaggregated gender wise. |
| 6. | Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Brazil); | The Constitution of India provides for direct access to the Supreme Court and High Courts for redressal of violations of any fundamental right, for any individual or group of individuals. In addition, we have several other statutory mechanisms to address such violations including the National Human Rights Commissions and the State Human Rights Commissions. There is also a separate National Commission and State Commissions for Women which <i>inter alia</i> have a mandate to address cases of violations of women rights. There exists, therefore, effective legal and constitutional framework to address individual cases of violations within India. Also India has been supportive and responsive to the various International Human Rights mechanism such as that of confidential complaint and of visits of Special Rapporteur. | There is still no move from the government to sign and ratify the CEDAW Optional Protocol. | The CEDAW Optional Protocol (OP) provides mechanisms to enhance state compliance to CEDAW. It is a remedy available where justice remains wanting despite exhaustion of all domestic remedies, and not prematurely or in substitution of domestic remedies. The recommendations of CEDAW under the OP typically provide structural solutions, and cannot be viewed as disturbing the hierarchy of the judicial system, or being parallel to them, or indeed substituting the domestic mechanisms. Indeed, countries with strong and multiple mechanisms of redress, similar to India, have ratified the OP CEDAW for this reason. WGHR fully supports signature and ratification of the OP. |
| 7. | Consider signature and ratification of ILO Conventions No. 138 and 182 (Brazil, Netherlands, Sweden); | Government of India fully subscribes to the objectives and purposes of the Convention on the Rights of the Child (to which India is a party) as well as the ILO Conventions No. 138 and 182. At the time of accession to Convention on Rights of Child, Government made a declaration to Article 32 of the Convention stating " <i>Measures would be undertaken to progressively implement the provisions of Article 32 since it is not practical immediately to prescribe minimum age for admission to each and every area of employment in India.</i> " Given the socio-economic conditions in the country, a multi-pronged strategy for elimination of child labour has been adopted, which emphasises on Legislative measures; general development programmes for the benefit of families of child labour; and project-based action in areas of high concentration of child labour. As per Child Labour (Prohibition & Regulation) Act, 1986, children below the age of 14 years are prohibited for employment in hazardous occupations/processes specified in the Act. Consequently, India has not ratified these two ILO Conventions since minimum age is fixed at 18 years. The Government is working on the modalities of ratifying these ILO Conventions, particularly on No. 182. However, it is pertinent to point out that the Government issued three notifications in the last five years, expanding the list of banned and hazardous processes and occupations in Schedule II of the Child Labour (Prohibition and Regulation) Act, 1986. The number of occupations listed in Part A now is 18 and the number of processes listed in Part B is 65. Further, the worst forms of child labour are already prohibited under various Acts such as Bonded Labour System (Abolition) Act, 1976, Immoral Traffic Prevention Act-1956, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988 and Child Labour (Prohibition & Regulation) Act. | In August 2012, the Union Cabinet of India approved the Child & Adolescent Labour (Prohibition) Act putting a blanket ban on employment of children under the age of 14 years and on employing anybody below 18 years in hazardous occupation. The National Commission for the Protection of Child Rights is a Commission has very limited judicial powers, restricting it to conduct speedy trials against the offenders. | The Indian Government must ensure proper implementation of the 2012 Act. The government needs to invest in child labour elimination programs, better child tracking systems, inter-departmental coordination and convergence of services, legislative provisions to regulate placement agencies and other relevant measures. There should be better functioning of the Child Welfare Committees, proper rehabilitation of rescued children, and prosecution of the accused employers. |
| 8. | Share best practices in the promotion and protection of human rights taking into account the multi-religious, multi-cultural and multi-ethnic nature of Indian society (Mauritius); | Best Practices are being included in the body of UPR – II for sharing with Human Rights Council. | India's national report for UPR II is a reiteration of existig law, policies and programmes, which do not, in themselves, constitute best practices, unless there is a clear recognition of the obstacles faced in their implementation and evidence that the GoI is moving towards overcoming these. | See current status. |

| S. No. | Recommendation | Response of India in its UPR II Report | Current status | Further measures required |
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| 9. | Review the reservation to article 32 of the Convention on the Rights of the Child (the Netherlands); | Response at S.No. 7 above applies to this issue as well. | The government acknowledged child labour is undesirable and in August 2012, approved the Child & Adolescent Labour (Prohibition) Act putting a blanket ban on employment of children under the age of 14 years and on employing anybody below 18 years in hazardous occupation. | The legal scenario has changed as being at school and not at work is now a Fundamental Right for all children (Art. 21A) backed by a powerful Right to Free and Compulsory Education Act, 2009. Implementation of the Child & Adolescent Labour (Prohibition) Act to corroborate with the provisions under RTE Act needs to be ensured. |
| 10. | Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/results of best practices in addressing poverty (Algeria); | The central vision of the 11th Plan (2007-2012) is to trigger a development process which ensures broad-based improvement in the quality of life of the people in an inclusive manner. It includes several inter-related components, including rapid growth that reduces poverty and creates employment opportunities, access to essential services in health and education, equality of opportunity, empowerment through education, environmental sustainability, recognition of women's agency and good governance. In fact, there is now a mandatory requirement that all Cabinet proposals should specifically mention how 'equity' will be served by the proposal under discussion. As can be seen from our UPR – II, several policies and programmes have been put in place to address such inequities. | While it is true that the GoI is aware of the urgent need for inclusive development, the government has not addressed the root causes that are responsible for exclusion. This is leading to deepening growing economic and social inequities, even while a strong economic growth rate is sustained. | The root causes of exclusion are embedded in the current economic growth model. The 11th Plan (2007-2012) remains obsessed with the 'growth at all costs' approach. The government must consider revisiting the current model of development. The alternative is to achieve growth through social justice which has never been given any serious consideration. Unless a radical rethinking takes place, that places the realisation of human rights as a primary objective of government policies, there is every likelihood that economic and social inequities will grow in the coming years. |
| 11. | Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation (Mexico); | India has always taken into account the recommendations made by the treaty bodies and special procedures and, in accordance to our socio economic conditions, we have strived to implement these recommendations. While the National Human Rights Commission (NHRC) is in the process of drafting a National Action Plan for Human Rights, various Ministries have fully integrated human rights issues in their own National Plans in their respective spheres. For e.g. India has a National Action Plan for Children. This has led to focus on promotion and protection feeding into the overall national commitment to protect and promote of human rights. | The NHRC has been tasked with drafting a national action plan for human rights (NAP). In 2008, the NHRC stated that the NAP was under preparation and that a draft would be circulated to members of the NHRC core group of NGOs for comments. However, the process seems to have been abandoned, with no visible outputs. The NHRC's stakeholders' report for UPR II states that the NHRC <i>"has started to draft a plan, on which it will consult civil society and other stakeholders"</i> . The GoI report for UPR II as well as its Annexure I containing the action taken report on UPR I Recommendations make no mention of the NAP. There has clearly been no forward movement on the NAP for many years. Regarding the NAP for Children, referred to in India's UPR II report, there is an existing plan dated 2005 which set numerous targets to be achieved by 2010. Most of these targets have not been achieved. | WGHR strongly recommends that the NHRC monitors the implementation of recommendations made by UN treaty bodies and special procedures. It is strongly suggested that the government requests the NHRC to prioritise the drafting of a NAP. The finalisation of this plan, however, has to be based on broad-based consultations with civil society across India. A new NAP for Children will also have to be drafted with new targets. |
| 12. | Ratify the Convention on Enforced Disappearances (Nigeria); | India has signed the Convention for Protection of all Persons from Enforced Disappearance. Government is studying the extent of changes in the domestic laws that would be required to bring domestic legislation compatible with the Convention. The Constitution, however, continues to provide strong protection in such matters and guarantees the right to approach the higher courts by way of Habeas Corpus petitions. Indian courts have also been awarding compensation in such cases even though our domestic laws do not have any such provision. | Since UPR I, there have been no signs of a process of ratification, including any visible discussions on an enabling legislation, despite large-scale enforced disappearances in the country. The government is also yet to undertake an attempt to codify enforced disappearance as a criminal offence in domestic law. Existing provisions are not being used to penalize those implicated in enforced disappearances. In cases where initial progress is made, the government does not grant the required sanction to prosecute security forces personnel. | The government should expedite the process of ratification of the <i>Convention on Enforced Disappearances</i> . |
| 13. | Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination (Italy); | The National curriculum for school education of National Council of Educational Research and Training (NCERT) has included the human rights education component in social science subjects. In order to create human rights education sensitivity and skills amongst the teachers in schools, a module for teacher training programme has also been prepared by the taskforce of the NHRC for this purpose. NHRC has continued to play an active role in raising all round human rights literacy and awareness including month-long internship programmes for University students and programmes focussed on public servants especially police in collaboration with the Administrative Training Institutes and Police Training Institutions. Human rights education, as indeed every aspect of our policies and schemes, is sensitive to gender and Scheduled Castes and Scheduled Tribes and Other Backward Classes. | There is no official proof of a national action plan of action for human rights education being in place. Moreover, the government did not respond to the evaluations after the UN decade for human rights education, as well as after the implementation of the first phase of the UN World Programme on human rights education in 2010. | The development of a national policy and action plan for human rights education in schools and colleges. is urgently required. |

| S. No. | Recommendation | Response of India in its UPR II Report | Current status | Further measures required |
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| 14. | Extend standing invitation to special procedures (Latvia, Switzerland); | India has extended a standing invitation to Special Procedures in September 2011 in accordance to our voluntary pledges and commitments made to the HRC in May 2011. | WGHR very much welcomes the significant step taken by the GoI to extend a standing invitation to special procedures. It also commends the government's openness and support during the visit of the UN Special Rapporteur (SR) on the situation of human rights defenders in January 2011 and the visit of the SR on extrajudicial, summary or arbitrary executions in March 2012. The visit of the SR on sale of children, child prostitution and child pornography – initially scheduled for April 2012 – has been postponed. | WGHR urges the GoI to ensure that there are regular visits of Special Rapporteurs to India, including in priority mandates that have made repeated requests. For example, Working Group on arbitrary detention (5 requests); SR on torture (3); Working Group on enforced or involuntary disappearances (2); SR on racism (2) as well as mandates on economic, social and cultural rights such as the SR on adequate housing. The visit of the SR on sale of children should be rescheduled at the earliest. |
| 15. | Receive as soon as possible the Special Rapporteur on the question of torture (Switzerland); | Since we have extended a Standing Invitation to the Special Procedures, we will schedule this visit depending on mutual convenience. | The Special Rapporteur on Torture made a request in 1993, followed by reminders in 2007 and 2010. As far as we are aware, there has been no response as yet from the government. | Given the fact that custodial torture remains endemic in India, and torture prevention legislation appears to be a standstill, it is crucial for the government to allow the SR on torture to visit India without further delay and demonstrate the same openness that was shown to the SR on human rights defenders and the SR on extrajudicial executions. |
| 16. | Fully integrate a gender perspective in the follow-up process to the UPR (Slovenia); | Women related issues and gender perspective has been fully integrated into India's policies in various spheres and in the follow-up to the UPR process. A detailed account of all our policies, including gender budgeting, and legislative developments has been given in the UPR II report. It will be seen that all policies have strong gender perspective. | Although the government has accepted this recommendation, no consultations or reviews with civil society organisations to discuss the process of integrating a gender perspective have been organised following India's first review. | It is crucial to integrate a gender perspective in the UPR process, so that women's concerns are well represented, and thereby addressed. WGHR strongly recommends that the government prioritises the holding of consultations with civil society organizations, and women's groups in particular, at the earliest. |
| 17. | Follow up on CEDAW recommendations to amend the Special Marriage Act in the light of article 16 and the Committee's general recommendation 21 on giving equal rights to property accumulated during marriage (Slovenia); | India is working towards making registration of all marriages compulsory. This direction comes from the Supreme Court which in its judgment in the case of Seema v. Ashwini Kumar (2006) directed that registration of marriages of all persons, irrespective of their religion, who are citizens of India should be made compulsory in their respective States. In this context, 19 States have already taken necessary legislative measures for compulsory registration of marriages. Mandatory registration of the wife in all property owned or acquired by the husband is another progressive step taken by many State Governments. Further, government financed asset ownership schemes have women's ownership of assets. Accordingly, in housing schemes like the Indira Awaas Yojana (IAY) or the Rajiv Gandhi Gramin LPG Vitak (RGGLPGV) Scheme, the allotment is done in the name of the female member of the households or in the joint names of husband and wife. Further, the amendment of the Hindu Succession Act in 2005 was an important legal reform which will contribute towards economic empowerment of women, giving daughters equal rights in the ancestral property. | It must be noted that this recommendation is tied to India's declarations to articles 5 (a) and 16 (1) of CEDAW. There has been no follow-up on these recommendations to date. | The issue of equal rights to property accumulated during marriage remains unanswered. GoI must provide clarity on the steps it has taken to ensure that women have an equal share to matrimonial property. The schemes outlined by GoI pertain to assets provided by the state to households, and does not answer the recommendation in question. Likewise, the question of compulsory registration of marriage is not related to joint ownership of matrimonial property. It is important to mention however, that there are divergent views regarding the merits of compulsory registration of marriage, which in the context of India, will adversely impact women whose marital status is unclear. It is of great concern that the government's report links marriage registration to citizens, and not persons – this is inconsistent with the marriage laws that are not limited to citizens alone. It must be mentioned that the CEDAW Committee in 2007, has strongly recommended withdrawal of India's declarations to articles 5 (a) and 16 (1) of CEDAW, and called for the review its policy of non-interference in personal laws. It is clarified here that the <i>Special Marriage Act, 1954</i> is a secular law, not a personal law. This recommendation needs to be reiterated to allow equality within marriage and family, including in relation to matrimonial property. . |
| 18. | Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated (Tunisia). | Constitutional guarantees, legislation, judicial pronouncements, policies and programmes and civil society have strived to address the issue of providing its diverse population fundamental rights, justice, welfare, protection, human rights, affirmative action, inclusive economic growth and all requirements to lead a life of dignity and prosperity as well as promoting the unity and integrity of the Nation. In spite of a number of serious challenges, India remains deeply committed to human rights and has taken significant strides towards these goals. Our recent efforts have been documented in the UPR – II report. | This is a broad recommendation which requires a sustained approach on many levels. India's UPR II report fails to outline such a sustained approach. What is required, in addition to a listing of laws, policies and programmes, is an honest recognition of the tremendous human rights realisation gaps that exist in the country. | The extensive range of measures needed to fulfill this recommendation require a comprehensive 'indivisibility of human rights approach' at all levels of government. Given India's disturbing socio-economic realities, a sustained effort to implement economic, social and cultural rights, including the right to food, housing, education and health, is required. Details of measures needed to achieve this enormous task are too extensive to be summarized here. |



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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

India

* The annex to the present report is circulated as received.



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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its thirteenth session from 21 May to 4 June 2012. The review of India was held at the 8th meeting on 24 May 2012. The delegation of India was headed by Goolam E. Vahanvati, Attorney General of India. At its 13th meeting, held on 30 May 2012, the Working Group adopted the report on India.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of India: Kuwait, Mauritius and Mexico.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21 of 25 March 2011, the following documents were issued for the review of India:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/13/IND/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/IND/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/IND/3; and Corr.1).
4. A list of questions prepared in advance by the Czech Republic, Denmark, Germany, Ireland, the Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to India through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of India stated that India saw the universal periodic review (UPR) mechanism as one of constructive engagement. The fact that the delegation consisted of experts from various ministries of the Central Government bore testimony to India's commitment to this process.
6. The delegation outlined the methodology used in the preparation of the National Report which included an extensive and inclusive consultation process involving various Ministries of the Government, experts and civil society. The report was posted on the website and made accessible to the general public. Ranbir Singh, Vice-Chancellor of National Law University, Delhi, was given the task of preparing this report with the extensive involvement of various stakeholders.
7. The annexures in the national report highlighted the evolution of fundamental rights in India's Constitution through judicial pronouncements over the years. This reflected a vibrant and evolving Constitution, which placed human rights in the forefront of governance.
8. The delegation highlighted some significant developments in the field of human rights. The Right to Information Act (RTI) had revolutionized the concept of good governance. Several seminal laws brought in a rights-based approach to subjects which were fundamental to human existence, inter alia, work and employment, education and food

security. These included the landmark Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the Right to Education Act of 2009 and the National Food Security Bill.

9. Transparency in governance was brought about through the RTI, Citizens Charter and E-governance. The right to approach the Supreme Court for enforcement of fundamental rights was elevated by the Constitution to the status of a fundamental right. Also, enforcement of social, economic and political rights was advanced by the effective use of "public interest litigation".

10. Terrorism and insurgency posed existential threats. Left-wing extremism and violence was an internal challenge which was being met with resolve coupled with compassion and people-oriented development.

11. The Armed Forces Special Powers Act (AFSPA) 1948 was held to be constitutional by the Supreme Court. Several checks and balances had been introduced with strict guidelines when dealing with terrorists and insurgents, and that violations were dealt with swiftly and transparently. The implementation of this Act remained under constant review.

12. The delegation referred to India's standing invitation to special procedures of the Council and stated that in 2011 Christoph Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions, visited India. The Supreme Court and National Human Rights Commission (NHRC) promptly looked into allegations of enforced disappearances. Also, India had been working closely with the United Nations Office on Drugs and Crime to strengthen response against trafficking in persons.

13. For centuries, India had welcomed all religious denominations, minorities and refugees, including the Jewish community which had lived in India for thousands of years without discrimination, and the Zorastrians/Parsis over hundreds of years or, more recently, refugees from Tibet, Sri Lanka, Myanmar and other countries. India's practices on refugees were far more developed, caring and humane than that provided for in the current international regime.

14. The last four years had seen tremendous strides in focusing on groups needing special attention including children, women, the disabled, the elderly, minorities, Scheduled Castes and Scheduled Tribes.

15. India's efforts in the sphere of social and economic advancement had been significant. Poverty had declined by 9 per cent in a decade. MGNREGA played an extremely crucial role and provided 54 million households with employment in 2010 and 2011. Forty-eight per cent of the employment created was for women. The declining trend in the unemployment rate between the years 2004–05 and 2009–10 was equally visible among Scheduled Castes and Scheduled Tribes and minorities.

16. India was also striving to achieve the Millennium Development Goals. It was on course to meet the universal primary education goals. The infant mortality rate decreased appreciably from 58 per thousand live births in 2005 to 47 in 2010. The maternal mortality rate was down from 254 in 2004 to 212 per 100,000 live births in 2008, though much more needed to be done.

17. The Right to Education Act made primary education a fundamental right and required the State to provide, by law, free and compulsory education to all children of the age of 6 to 14 years. This Act contained several visionary changes, including the requirement that schools must admit a minimum of 25 per cent of children who belong to weaker sections and disadvantaged groups. This was a significant step towards social and cultural integration and elimination of disparities in the country.

18. The success of Government's programmes such as Sarvashiksha Abhiyan has led to high levels of enrolment in schools.

19. Equal emphasis had been placed on children's well-being with enhancement of their food and nutrition through mid-day meals programmes in schools; and also on the availability of teachers and their retention. Civil society had contributed positively in this regard.

20. Rural habitation with access to primary schools had increased from 87 per cent in 2002 to 99 per cent in 2008. Female literacy showed considerable improvement by nearly 50 per cent in the last decade. Marginalized and minority group trends were also converging towards the national average in terms of literacy rate.

21. While the figures of child labour dropped sharply in the last decade, the problem of children who were neither working nor studying continued. In 2007, the National Commission for the Protection of Child Rights was established.

22. With regard to empowerment of women, the delegation stated that over one million of the over 3 million elected local representatives in Panchayats or village-level self-government were women. Gender was being mainstreamed through several initiatives, including gender budgeting in all Government policies and programmes. A National Mission for Empowerment of Women was launched in March 2010.

23. India's programme of affirmative action was unique in scale and dimension. The guarantee of equality in the Constitution was a positive mandate for eradication of inequalities and discrepancies.

24. Several recent steps have been taken to impact positively on the lives of the Scheduled Castes as well as the tribal population. Under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as of February 2012, India had settled 2.72 million claims out of the 3.17 million filed, or 86 per cent of the total claims and 1.25 million titles distributed. The Prime Minister's new 15-point programme for the welfare of minorities was being actively pursued. Certain proportion of development projects was being earmarked for minorities' concentration areas.

25. The delegation stated that more than 90 per cent of all households used improved sources of drinking water in 2008–09.

26. The National Food Security Bill was a historic initiative in ensuring food security, as it marked a paradigm shift from welfare to a rights-based approach. People had access to adequate quantity and quality of food at affordable prices, enabling them to live a life of dignity. About two thirds of the population would be entitled to receive subsidized food grains under Targeted Public Distribution System. There was special focus on women, children and other Special Groups.

27. The Public Service Delivery Acts enacted by more than 12 states of India guaranteed specified service standards to the vulnerable sections of the society. "Aadhaar" would give a unique identity to all residents to ensure streamlined and effective access to social and organized infrastructure.

28. The delegation stated that India's establishment of the National Green Tribunal was yet another innovative action widely welcomed internationally.

29. The delegation stated that in 2011, Margaret Sekkagya, Special Rapporteur on the situation of human rights defenders, visited India. It mentioned the Government's active association with civil society and the increasing and important role that civil society and human rights defenders are playing in the area of human rights. The media, civil society and other activists have helped the Government to be vigilant against transgressions. The

National Human Rights Commission strived to strengthen human rights practices and served as the moral compass of the nation.

30. Freedom of religion was guaranteed under article 25 of the Constitution. The problem arose when the act of propagating one's religion transgressed the limits and stopped being voluntary, and instead became coercive or induced. Some states had taken exception to this. These issues could be challenged and the person had every right to approach the courts.

31. The delegation thanked the "troika" countries of Kuwait, Mexico and Mauritius for facilitating the process. It reiterated India's pledge of continued engagement with the United Nations and the Council and that over the years has made several contributions to human rights-related bodies in the United Nations.

32. The delegation stated that India was a huge country and by reason of its area and diversity alone there were bound to be problems. India had the ability to self-correct and redress mechanisms were available. The delegation quoted Mahatma Gandhi who said, "You must not lose faith in humanity. Humanity is an ocean. If a few drops of the ocean were dirty, the ocean does not become dirty", and added that India was indeed a vast ocean. It expressed confidence that India would be able to deliver to every person their full rights and entitlements.

B. Interactive dialogue and responses by the State under review

33. During the interactive dialogue, 80 delegations made statements. Many delegations thanked India for the presentation of its comprehensive national report and expressed appreciation for its engagement with the UPR. Recommendations made during the dialogue are to be found in section II of this report.

34. Slovenia regretted that India had yet to amend the Special Marriage Act to provide for equal rights to property accumulated during marriage, in line with the recommendation made by the Committee on the Elimination of Discrimination against Women (CEDAW). It made recommendations.

35. South Africa commended India for progress achieved in human rights, particularly in ensuring that people in rural areas had access to basic services. It inquired about the strategies and measures to deal with the threat of terrorism. South Africa made recommendations.

36. Spain urged India to continue on the path of democratizing its institutions. It made recommendations.

37. Sri Lanka noted India's achievements in the protection of the rights of women, children, minorities and disadvantaged persons. It praised India for its 11th Five-Year Plan and its rights-based approach to food security. Sri Lanka made a recommendation.

38. Sudan congratulated India for its education law of 2009. It also welcomed the constitutional amendment for women, which has set aside for them one third of the seats in Parliament.

39. Sweden stated that India has not ratified the Convention against Torture (CAT) and International Labour Organization (ILO) conventions No. 138 and 182. It regretted India's measures to limit freedom of expression. Sweden remained concerned by the high rate of maternal mortality in spite of its decline over the past years. Sweden made recommendations.

40. Switzerland stated that early marriages remained a reality despite legislative measures prohibiting such practices. There must be compliance with international standards when maintaining internal security. Switzerland made recommendations.
41. Thailand commended India for taking measures to eliminate discrimination against and to empower marginalized and vulnerable groups. Thailand made recommendations.
42. Timor-Leste noted that the Prevention of Torture Bill had been passed in the Lower House of Parliament. However, the Select Committee of the Upper House identified several shortcomings with the Bill. It highlighted that initiatives had been taken to ensure the protection of women's rights. It made recommendations.
43. Trinidad and Tobago commended India for the National Green Tribunal Act, the Sexual Harassment Bill, 2010, the Right to Education Act, the Scheduled Tribes and other Forest Dwellers Act and the Right to Information Act. It made recommendations.
44. Turkey encouraged India to strengthen the mandate of the national human rights institution and to sign the Second Option Protocol to the International Covenant on Civil and Political Rights (ICCPR). It wished to better understand the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights (ICESR) on equality and non-discrimination and also requested information on the status of the ratification of CAT.
45. Ukraine requested India to elaborate on measures for persons with special needs, and inquired about the adoption of the Bill on protection of women against sexual harassment in the workplace. It made a recommendation.
46. United Arab Emirates inquired about the measures put in place to confront crimes of trafficking in persons and to what extent were these measures effective. It made a recommendation.
47. The United Kingdom of Great Britain and Northern Ireland inquired about India's response to concerns raised by Special Rapporteurs and treaty bodies over domestic security legislation; noted that India's National Human Rights Commission and civil society had reported a significant numbers of cases torture cases involving police and security authorities; and called on India to continue to safeguard the right of legitimate non-governmental organizations (NGOs) to operate without undue restrictions. It made recommendations.
48. The United States of America raised concern about the stringent application of the Foreign Contribution Regulation Act, which has created significant challenges to the funding of legitimate NGOs, as well as about the widespread impunity. It made recommendations.
49. Uruguay welcomed the progress made for the protection of women; the right to education Act; the rights-based approach to food security; and the reduction of child mortality. It encouraged India to continue its efforts in these areas. Uruguay made recommendations.
50. Uzbekistan noted the positive results achievements in the areas of the protection of women and children's rights as well as the disabled persons. It highlighted the work done for free and compulsory education of children but hoped that more could be done in the area of illiteracy.
51. Venezuela (Bolivarian Republic of) appreciated the progress achieved in the area of socioeconomic development. It commended India for its efforts in transparent management and in strengthening the right to information. Venezuela made recommendations.

52. Viet Nam commended India for its seriousness in implementing the first UPR cycle recommendations. It praised its rapid economic growth, poverty reduction, food security, job creation and improved access to public health and education. Viet Nam made recommendations.
53. Algeria noted India's efforts to improve the protection of workers against exploitation in employment abroad and requested clarification on the contents and policies adopted for this purpose. It made recommendations.
54. Angola paid tribute to India's recent reforms on human rights. It welcomed the signature of CAT, the signature and the ratification of the United Nations Convention against Transnational Organized Crime, as well those measures to ensure increased access to justice. It made a recommendation.
55. Argentina applauded progress achieved in the areas of child protection and in the promotion of free and compulsory education. It made recommendations.
56. Australia noted that, despite India's early ratification of the Convention on the Rights of Persons with Disabilities, disabled children remained the least educated. It expressed regret that India had not ratified CAT and was particularly concerned about the pending Draft Prevention of Torture Bill. It made recommendations.
57. Austria requested to know how India monitored the application of anti-conversion laws in federal states and what measures were taken to ensure that these laws did not infringe on the right to freedom of religion. It made recommendations.
58. Bahrain expressed appreciation for India's programmes on the rights of women and children; the national campaign for empowerment of women and gender equality; and for the measures taken for victims of human trafficking. It made recommendations.
59. Bangladesh congratulated India for the steps taken in the promotion and protection of human rights, and in this regard identified as significant steps the enactment of the Right to Information Act, the Right to Education and the National Food Security Bill.
60. Belarus noted that India had achieved progress in decreasing child mortality and combating human trafficking. It encouraged India to invite the Special Rapporteur on human trafficking. Belarus made a recommendation.
61. Belgium applauded the positive endeavours made by India to promote human rights. It inquired about the specific measures India intended to introduce to improve maternal health and health of children. Belgium made recommendations.
62. Bhutan commended India for its progress in the education sector. It urged India to strengthen efforts in tackling poverty and enhancing access to basic social services.
63. Botswana commended India for the initiatives taken since their first review and in particular the enactment of the Right to Education in line with the Convention on the Rights of the Child (CRC); and ratification of the United Nations Convention against Transnational Organized Crime and its two Protocols. It made recommendations.
64. Brazil welcomed the Right to Education Act and the ruling of the Delhi High Court that the criminalization of homosexuality was a violation of fundamental rights. It welcomed the Protection of Women Against Sexual Harassment at Work Place Bill and India's introduction of a constitutional amendment to ensure women's participation in Parliament. Brazil made recommendations.
65. Canada asked India to provide information as to the status of caste-based discrimination, the reforms under way and progress achieved, particularly with regard to the Christian and Muslim Dalits who were not granted access to affirmative action based on their religion. It noted that India was yet to ratify CAT. It made recommendations.

66. Chad inquired about India's understanding of secularism. Chad made a recommendation.

67. Chile commended the adoption of the National Green Tribunal Act; the Right to Education Act; the policy incorporating a gender perspective and the measures to assist vulnerable castes. It encouraged India to continue its efforts to address discrimination. Chile made recommendations.

68. China appreciated India's efforts to safeguard the rights and interests of women and children, to provide free and compulsory education for children and to reduce its infant and maternal mortality rates. In other areas, China welcomed steps taken protecting employment rights and those of the elderly.

69. Cuba noted India's progress in implementing the recommendations from its first review. It recognized the progress shown in the different areas including rural health. Cuba made recommendations.

70. The Czech Republic expressed regret that ongoing legislative procedures continued to delay India's ratification of CAT. It expressed its appreciation of India's cooperation with international mechanisms. It made recommendations.

71. Ecuador stated that India had made significant changes in human rights in areas which included universal education, empowerment of women, food sovereignty, social inclusion and the fight against discrimination. Ecuador made a recommendation.

72. Egypt expressed interest in India's National Rural Employment Guarantee Act and requested more information. It made recommendations.

73. Finland expressed its appreciation for India's policies and programmes to improve maternal health. However, it raised its concern over maternal deaths due to unsafe abortions. It made recommendations.

74. India stated that the Convention against Torture may only be ratified once the definition of torture was fully reflected in domestic legislation. The Lok Sabha passed the Prevention against Torture Bill in 2010 but the Rajya Sabha referred the Bill to a Select Committee whose report was being examined. Nevertheless, there were sufficient provisions in Indian law prohibiting torture, including the Indian Penal Code. Also, the right to life under article 21 of the Constitution encompassed the right to live with dignity. The provisions in the Constitution and Criminal Procedure Code against self-incrimination, the obligation to produce an arrestee before a magistrate within 24 hours of such arrest and to ensure that the arrestee is informed of the grounds of arrest, provide further safeguards.

75. Freedom of speech and expression was a fundamental right, guaranteed by the Constitution, with accepted restrictions. India's vibrant media bore testimony to this. The Information Technology Act amended in 2011 had no provision to restrict or block Internet contents. Removal of illegal contents, including child pornography, should not be construed as restricting Internet freedom; such restrictions were addressed towards cyber-security, essential for increasing e-commerce and Internet use.

76. The delegation stated that through MGNREGA, over 12 billion person-days of work had been generated with a total expenditure of over US\$ 30 billion, benefitting 54 million families. It also provided a safety net to the 92 per cent of workers who are unorganized, mostly in rural areas.

77. The death penalty was imposed with strong procedural safeguards when life imprisonment appeared inadequate. The President of India and the Governors of the respective states had the power to grant pardons, reprieves, remission or suspension for any offence. Statistics on the death penalty and commutations granted were provided.

78. With regard to the protection of lesbian, gay, bisexual or transsexual (LGBT) persons, the delegation stated that article 15 of the Constitution clearly prohibited discrimination on grounds of religion, race, caste, sex or place of birth. Article 16 provided for equality of opportunity in matters of public employment. The Delhi High Court judgment in 2009 had decriminalized consensual sex between adults of the same sex in private. Transgender persons also had the right to be listed as "other" rather than "male" or "female" on electoral rolls and voter identity cards.

79. The norms of the Right to Education Act and Sarva Shiksha Abhiyaan ensured inclusion of children with disabilities in mainstream education. It made education accessible, ensured physical mapping, educational placement, provision of aids and appliances, training of teachers etc. Of the 3 million children identified, 2.6 million had been enrolled, 20,000 teachers and 24,000 voluntary supporters appointed, 751,000 schools made barrier free.

80. In response to an inquiry about the time frame for passing the Constitutional Amendment Bill reserving one third seats in the Lok Sabha and the State Assemblies for women, the delegation stated that the Rajya Sabha passed the bill in 2010 and it was currently in the Lok Sabha. It was therefore not appropriate for it to comment on the time frame.

81. The adequate and comprehensive legislative provisions existed to protect human rights defenders (HRDs). The highest court of the land could be invoked directly for violation of human rights. NHRC also had several measures focusing on protection of HRDs.

82. With regard to restrictions imposed by the Foreign Contributions Regulation Act, the delegation stated that it welcomed foreign funds for charitable purposes, subject to regulation, to ensure that no money was diverted to terrorist financing or money laundering. This is incumbent on India as a member of the Financial Action Task Force.

83. Regarding the AFSPA, the delegation reiterated that the issue had already been covered in the opening statement.

84. India's federal structure required a bottom-up approach for developing a national plan reflecting a range of views. While the NHRC had been entrusted with this task, it had to be an inclusive process bringing together different strands of policy perspectives. Various ministries had already woven human rights issues into their own action plans.

85. The delegation stated that India recognized the problem of child labour and was committed to progressively eliminating it in a coordinated and sustainable manner. As a result of the approach taken, child labour had declined by 45 per cent in the last five years.

86. The delegation reiterated India's commitment to strengthen implementation of Domestic Violence Act of 2005.

87. Securing equal rights to property acquired during marriage was a complex subject with every religion having its own specific approach to this issue. An amendment to Hindu Marriage Act was before Parliament.

88. The delegation stated that a socio-economic caste census was under way and would take into account multiple dimensions of deprivations for arriving at specific entitlements under Government programmes and schemes.

89. The delegation stated that more than 84 per cent of households had drinking water. According to the Joint Monitoring Programme Report 2012 by WHO and UNICEF, India was on track to achieving its Millennium Development Goal (MDG) target of safe drinking water. To ensure equitable access, specific percentages of the National Rural Drinking Water Programme allocations were earmarked for Scheduled Castes and Tribes

concentrated habitations. The Total Sanitation Campaign of 1999 aimed to ensure sanitation facilities in rural areas to eradicate the practice of open defecation and ensuring clean environment.

90. France inquired about the number of people sentenced to death and the status of their cases. France made recommendations.

91. Germany appreciated India's commitment to implementing the recommendations of the first cycle of the UPR. Germany made recommendations.

92. Ghana urged India to expedite the drawing up of new legislation to replace the Persons with Disabilities Act, 1995, and echoed the concern of the Office of the United Nations High Commissioner for Refugees (UNHCR) about the lack of a national refugee protection framework. Ghana made recommendations.

93. Greece requested further information on the Mahatma Gandhi National Rural Employment Guarantee Act, the Right to Information Act and the Right to Education Act. It made recommendations.

94. The Holy See stated that there were areas of life where implementation of human rights was called for, for example, in reducing the number of people living below the poverty line. The Holy See made recommendations.

95. Honduras expressed concern at the disparity in quality and access to health services between rural and urban areas, as well as over high maternal mortality. Honduras made recommendations.

96. Hungary expressed concerns over child labour and the disparity in enrolment and dropout rates in primary schools. It made recommendations.

97. Indonesia welcomed India's robust legislative and regulatory measures, particularly those aimed at ratifying CAT. It noted with appreciation the enactment of new legislation providing for free and compulsory education. Indonesia made recommendations.

98. The Islamic Republic of Iran praised India's broad consultation process in the preparation of its report and took positive note of the enactment of the National Green Tribunal Act. It made recommendations.

99. Iraq appreciated India's consultative methodology in preparing its national report. It noted the adoption of legislation to protect women from sexual harassment in the workplace, as well as a second law on the national courts. Iraq made recommendations.

100. Ireland stated that only 11 out of 28 states had a State Commissioner for Protection of Child Rights. It considered a comprehensive approach to addressing discrimination in law and in practice. Ireland made recommendations.

101. Italy noted India's human rights challenges which it identified as capital punishment, the functioning of the judiciary, prolonged detentions, potential abuses by police forces, including alleged cases of torture, and sectarian violence against religious minorities. Italy made recommendations.

102. Japan welcomed the adoption of legislation protecting children from sexual offences and the taking into account of treaty-body recommendations when developing anti-discrimination mechanisms. It appreciated steps taken to provide human rights education to teachers, but noted that prejudices against children of specific castes persisted. Japan made recommendations.

103. Kuwait commended the results obtained under India's 11th Action Plan, as well as the adoption of plans to combat poverty and unemployment and to provide free education. Kuwait made recommendations.

104. Kyrgyzstan highlighted and supported India's actions in the protection of children's rights. It requested further information on measures adopted by the Supreme Court to strengthen standards in combating torture. Kyrgyzstan made a recommendation.

105. The Lao People's Democratic Republic commended India's struggle for its social and economic transformation within the framework of a democracy. It noted India's important initiatives to secure human rights at the national, regional and international levels. It made a recommendation.

106. Liechtenstein noted the concern of the Committee on Economic, Social and Cultural Rights (CESCR) at the lack of progress in eliminating traditional practices and provisions of personal-status laws that were harmful and discriminatory to women and girls. Liechtenstein made recommendations.

107. Luxembourg expressed concern at the high maternal mortality rate. It inquired about the steps India intended to take to achieve Millennium Development Goal 5, to end persistent discrimination against women and to combat endemic malnutrition in rural areas. Luxembourg made a recommendation.

108. Malaysia noted that despite insurmountable challenges, India had managed to improve the quality of life of its vast population. It commended India's action on all human rights issues in the United Nations. Malaysia made recommendations.

109. Maldives recognized India's efforts regarding gender equality, and made recommendations.

110. Mauritius recognized the need for India to transform its economy, but invited it to take heed of what Mahatma Gandhi meant when he said that India lives in its villages. It should therefore ensure the participation of local populations in development projects.

111. Mexico noted the progress and efforts made by India to promote and protect human rights. It particularly recognized India's openness to international cooperation through the open and standing invitation to all of the special procedures of the universal system of human rights. Mexico made recommendations.

112. Morocco congratulated India on all the initiatives taken since its first UPR to address different areas of human rights. It made a recommendation.

113. Mozambique stated that India's commitment to human rights was visible in its many achievements and its holistic approach, particularly in the fields of gender equality, the rights of children, the elderly and persons with disabilities, and the rights to health and education.

114. Myanmar noted the adoption of legal measures to protect India's natural resources and environment. Myanmar was keen to learn from India's best practices in poverty eradication and rural development. Myanmar made recommendations.

115. Nepal commended India for the legislative and institutional measures for the promotion and protection of human rights. It also stated that initiatives such as the empowerment of women, was encouraging and efforts to ensure transparency and good governance was commendable. Nepal made a recommendation.

116. The Netherlands acknowledged India's continued commitment to improving its human rights record. It thanked India for responding to its advanced questions. Netherlands made recommendations.

117. Nicaragua noted with satisfaction progress made by India in implementing the recommendations from its first review. It Nicaragua made a recommendation.

118. Norway stated that child labour was preventing children from accessing education. It welcomed the de facto moratorium and public debate on capital punishment. Norway made recommendations.

119. Paraguay noted progress made by India in consolidating policies on human rights, including enacting legislation to protect the environment and to guarantee the right to education. It welcomed India's ratification of the United Nations Convention against Transnational Organized Crime and its two Optional Protocols. Paraguay made a recommendation.

120. The Philippines wished to learn about the National Green Tribunal in promoting and protecting the right to a healthy environment, and the Mahatma Gandhi National Rural Employment Guarantee Act as a development strategy to guarantee the right to work.

121. Portugal welcomed the expansion of the list of banned and hazardous processes and occupations of the Child Labour Act. However, further efforts were needed to tackle this violation of children's rights. It welcomed the de facto moratorium on capital punishment. Portugal made recommendations.

122. Qatar noted the achievements to ensure the rule of law. It applauded the initiatives to guarantee the enjoyment of the right to education. It commended India for its economic plan 2007-2012, adopted to bring about comprehensive development. Qatar made recommendations.

123. The Republic of Korea welcomed new and draft legislation in the areas of education and the protection of women in the workplace. It noted with satisfaction India's invitation to the special procedures mandate holders. It was concerned about the delay in ratifying CAT. It made recommendations.

124. The Russian Federation welcomed measures adopted by India to defend and ensure the rights of vulnerable groups. It made a recommendation.

125. Saudi Arabia commended India for its efforts to improve food security and public health and which had resulted in reduced child and maternal mortality, and reduced cases of polio and HIV. It made recommendations.

126. Senegal noted legislation adopted on women and children's rights, education, employment, access to information, the environment and access to justice; and well as action taken by India to ensure civil and political rights and economic, social and cultural rights. Senegal made recommendations.

127. Singapore supported India's commitment to promoting racial and religious tolerance. It congratulated India on sustaining rapid economic growth, thereby lifting millions of people out of poverty and advancing the rights to food, housing, education and health. Singapore made a recommendation.

128. Slovakia welcomed the steps taken by India towards ensuring greater political participation of women, the establishment of a national commission to protect children's rights and the standing invitation to special procedures. Slovakia made recommendations.

129. Costa Rica highlighted progress made in protecting human rights. It made recommendations.

130. India stated, with regard to ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), that effective legal and constitutional framework to address violations of the rights of individuals existed. The Constitution provided for direct access to individuals to the Supreme Court and the High Courts. Other statutory mechanisms also provided adequate redress.

131. On the Communal Violence Bill, the delegation stated that India was a land of diversity covering all major religions, where minorities enjoyed the highest level of protection. Sporadic acts of violence were dealt with swiftly and effectively. Being a matter of federal polity, the Central Government had to take on board views of all Indian states, some of which believed that the existing laws were adequate to address communal violence, as seen from declining incidence.

132. With regard to the prosecution of Armed Forces, it was emphasized that the Army and paramilitary forces maintained continuous vigilance to prevent human rights violations. The Army established the Human Rights Cell even before the NHRC was established.

133. India's practices with regard to refugees was one of tolerance and understanding, and to provide hospitality and protection to those who approach it.

134. The human rights curriculum in schools and modules to create human rights sensitivity and skill were in place among teachers, public officials and law enforcement agencies.

135. The RTI promoted human rights by enabling any citizen to seek any information from public authorities. This information could include any document, notes and even drafts on Government records. It had not only led to effective enforcement and proper governance but was also used for accessing the courts under articles 32 or 226 of the Constitution.

136. India took serious exception to and rejected totally the intervention that stated that the judiciary lacked transparency. The judiciary had taken an incredible role with regard to enforcement of fundamental rights and had never been accused of not being transparent. The delegation acknowledged that there were aspects of delay, but emphasized that efforts were being made to address this issue.

137. The head of the delegation stated that he represented an India built on the solid foundations laid after independence, a new India, which was confident but not over-confident, a country proud of its strengths and at the same time willing to acknowledge and address weaknesses. It was an India which was self-assured but not arrogant, a country which was sensitive and humane without being weak or apologetic, and an India determined to promote and protect the human rights of its people in its secular democratic polity.

II. Conclusions and/or recommendations**

138. **The recommendations formulated during the interactive dialogue and listed below will be examined by India who will provide its responses in due time, but no later than the 21st session of the Human Rights Council in September 2012. These responses will be included in the outcome report adopted by the Human Rights Council at its 21st session:**

- 138.1. **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance and the Statute of the International Criminal Court (Spain);**

** Conclusions and recommendations have not been edited.

- 138.2. Intensify the efforts working towards the MDG5, including by withdrawing its reservation to Article 16 in Convention on the Elimination of All Forms of Discrimination against Women, and by ensuring access to information and counselling on SRHR as set out in its National Population Policy (Sweden);
- 138.3. Expedite the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and adopt robust domestic legislation to this effect (United Kingdom of Great Britain and Northern Ireland);
- 138.4. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and end impunity for security forces accused of committing human rights violations (United States of America);
- 138.5. Continue efforts to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its optional protocol, and the International for the Protection of All Persons from Enforced Disappearances; and ratify ILO Conventions No. 169 and no. 189 (Iraq);
- 138.6. Accelerate its domestic procedure for ratification including the adoption of the Prevention against Torture Bill by its Parliament (Republic of Korea);
- 138.7. Ratify promptly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Italy);¹
- 138.8. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment as soon as possible (Maldives);
- 138.9. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of its Committee, in accordance with articles 31 and 32 (Uruguay);
- 138.10. Accede to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; ratify the Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers (Uruguay);
- 138.11. Consider the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 138.12. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that the instrument of ratification is fully consistent with the Convention (Australia);

¹ The recommendation made during the interactive dialogue was stated as follows: "Italy recommends prompt ratification of the Convention against Torture and relevant protocols."

- 138.13. Ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Rome Statute of the International Criminal Court (Austria);
- 138.14. Ratify the Rome Statute of the International Criminal Court, including its Agreement on Privileges and Immunities (Slovakia);
- 138.15. Finalise the ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Botswana);
- 138.16. Ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its Optional Protocol (Brazil);
- 138.17. Expedite ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Czech Republic);
- 138.18. Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Portugal);
- 138.19. Ratification of the Optional Protocol to the Convention on the Elimination of Discrimination against Women (Brazil);
- 138.20. Evaluate the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Chile);
- 138.21. Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Czech Republic);
- 138.22. Remove reservations to the Article 16(1) of the Convention on Elimination of All Forms of Discrimination against Women (Finland);
- 138.23. Withdraw its reservations to Convention on the Elimination of All Forms of Discrimination against Women and consider signing and ratifying its Optional Protocol (Republic of Korea);
- 138.24. Ratify, in the shortest time, the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and adopt related internal legislation (France);
- 138.25. Consider the recommendation made by UNHCR to ratifying the Conventions relating to refugees and stateless persons (Ghana);
- 138.26. Ratification of ILO Conventions Nos. 138 concerning Minimum Age for Admission to Employment; 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; 169 concerning Indigenous and Tribal Peoples in Independent Countries; 155 concerning Occupational Safety and Health and the Working Environment and 170 concerning Safety in the use of Chemicals at Work (Ghana);

- 138.27. Continue to take legislative as well as policy measures to combat child labour and to ratify ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments (Portugal);
- 138.28. Ratify Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the ILO Conventions no. 138 and 182 concerning child labour (Sweden);
- 138.29. Accelerate the ratification process of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);
- 138.30. Consider an early ratification of the third Optional Protocol to the Convention on the Rights of the Child, on a communication procedure (Slovakia);
- 138.31. Amend the Special Marriage Act before its next review (Slovenia);
- 138.32. Conform its national legislation to international norms on the prevention of torture, to speed up the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and receive the Special Rapporteur on Torture (Switzerland);
- 138.33. Take the necessary measures to ensure that the existing national legislation against torture and cruel and inhumane and degrading treatment incorporates the highest international standards in this area (Costa Rica);
- 138.34. Prioritise the review and implementation of the Prevention Against Torture Bill, ensuring that it complies with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Maldives);
- 138.35. Review the law on the special powers of the armed forces to align it with its obligations under the International Convention on Civil and Political Rights (Switzerland);
- 138.36. Consider introducing a new bill to the Parliament, taking into full consideration of the suggestions of the Select Committee, and take further actions towards the ratification of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Timor-Leste);
- 138.37. Consider expediting the process to pass the 108th Constitutional Amendment Bill which seeks to reserve a significant portion of seats for women at the Lower House and state legislative assemblies and consider the ratification of the Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women (Timor-Leste);
- 138.38. Consider signing and ratifying the Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women (Costa Rica);

- 138.39. Strengthen legislations to combat sexual offences against minors (Algeria);
- 138.40. Strengthen protection of children's rights, including the ratification of the Convention on the Rights of the Child, by improving mechanisms and resources for the implementation of existing legislation, and by demonstrating higher conviction rates for crimes against children such as sexual exploitation, child labour, child forced-labour and child trafficking (Canada);
- 138.41. Enact comprehensive reforms to address sexual violence and all acts of violence against women, including "honour" crimes, child marriage, female feticide and female infanticide, and to remedy limitations in the definition of rape and the medico forensic procedures adopted for rape cases (Canada);
- 138.42. Enact those pending bills that are aimed at empowering women, including the women's Reservation Bill and the amendments to Panchayati Raj Act (Netherlands);
- 138.43. Enact a law on the protection of human rights defenders, with emphasis on those defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes (Czech Republic);
- 138.44. Repeal the Armed Forces Special Powers Act or adopt the negotiated amendments to it that would address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance to international standards (Slovakia);
- 138.45. Carry out an annual review of the 1958 Armed Forces Special Powers Act aiming to gradually reduce its geographic scope (France);
- 138.46. Effectively implement existing legislation on child labour in line with India's international obligations and strengthen the judicial powers of the National Commission for Protection of Child Rights (Germany);
- 138.47. Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons (Germany);
- 138.48. Adopt the Prevention of Communal and Targeted Violence Bill addressing issues such as accountability of civil servants, standards of compensation for victims and elements of command responsibilities (Germany);
- 138.49. Reconsider laws and bills on religious conversion in several Indian states in the light of freedom of religion or belief in order to avoid the use of vague or broad terminology and discriminatory provisions (Germany);
- 138.50. Reconsider current local legislation on freedom of religion, that uses vague or broad terminology and discriminatory provisions, and impedes the possibility for conversion of faith for those who wish to do so (Netherlands);

- 138.51. Continue its efforts to further spread in the country the model of rural growth in the Mahatma Gandhi National Rural Employment Guarantee Act (Greece);
- 138.52. Enhance the coordination of both the central and state governments in an effective manner in order to guarantee the smooth implementation of the 2010 Right of Children to Free and Compulsory Education Act (Indonesia);
- 138.53. Enact comprehensive anti-discrimination legislation and ensure that there are adequate means of redress (Ireland);
- 138.54. Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive and health, as well as, concrete measures to eliminate violence against women (Spain);
- 138.55. Continue with action to include human rights education in the school curricula (Sri Lanka);
- 138.56. Implement the 2011 recommendations of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to ensure the high standards and independence of India's National Human Rights Institutions (United Kingdom of Great Britain and Northern Ireland);
- 138.57. Intensify its efforts and measures to consolidate the state of law and its national mechanisms on human rights (Viet Nam);
- 138.58. Further coordination among relevant national authorities and human rights institutions (Egypt);
- 138.59. Intensify efforts in providing capacity building and training programmes on human rights for its law enforcement officials as well as judicial and legal officials in the rural areas (Malaysia);
- 138.60. Improve training on human rights by addressing law enforcement, especially police officers (Iraq);
- 138.61. Set up State and District Commissioners for the Protection of Child Rights in all States and Districts (Ireland);
- 138.62. Strengthen the process for ensuring independent and timely investigation mechanisms to address and eliminate corruption; and provide for and facilitate increased accountability and transparency in this process (United States of America);
- 138.63. Continue including civil society participation in the UPR process (Nicaragua);
- 138.64. A fully integrated gender perspective in the follow up of this UPR (Norway);
- 138.65. Implement Treaty Body recommendations and develop a National Action Plan to eliminate all forms of discrimination (Slovenia);
- 138.66. Continue cooperating with Special Procedures and accept in particular requests for visits from Special Rapporteurs (Belgium);
- 138.67. Adopt the recommendations of the Special Rapporteur on the situation of human rights defenders and the necessary measures to its

- recognition and protection, guaranteeing that the human rights violations are timely, effectively and independently investigated (Spain);
- 138.68. Implement the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern defenders of women's and children's rights, defenders of minorities rights, including Dalits and Adivasi, and right to information activists (Norway);
- 138.69. Allow the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, whose request had been pending for 18 years, in line with India's standing invitation issued in 2011 to all Special Procedures of the HRC (Hungary);
- 138.70. Continue cooperating with the United Nations and other international organisations and share good experience and practices with other countries in order to overcome the remaining challenges (Lao People's Democratic Republic);
- 138.71. Continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups particularly by ensuring effective implementation of relevant laws and measures through proper and active coordination among line ministries, national and state governments; by extending disaggregated data to caste, gender, religion, status and region; and by increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training (Thailand);
- 138.72. Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens (United States of America);
- 138.73. Monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes (Japan);
- 138.74. Address the inequities based on rural-urban divide and gender imbalance (Botswana);
- 138.75. Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the scheduled castes and scheduled tribes and minorities are well achieved (Ghana);
- 138.76. Continue working on the welfare of children and women (Nepal);
- 138.77. Continue the procedures and measures taken to enable women to be equal partners and participants in development (Qatar);
- 138.78. Continue to promote the right to equal opportunity for, and at, work (Holy See);

- 138.79. Continue its legal efforts in the protection of women and children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities (Iran);
- 138.80. Improve women empowerment and emancipation, and provide them with a bigger role to play in the society (Kuwait);
- 138.81. Redouble efforts on ensuring gender equality and take measures to prevent gender discrimination (Bahrain);
- 138.82. Review the budgets and social laws taking into account gender issues (Morocco);
- 138.83. Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights (Venezuela (Bolivarian Republic of));
- 138.84. Continue to promote its many initiatives for the eradication of all forms of discrimination against women (Trinidad and Tobago);
- 138.85. Further strengthen measures to eliminate traditional harmful practices which are discriminatory against women and girls in particular child marriages, dowry related murders and honour killings (Chile);
- 138.86. Continue following-up on steps taken to eliminate discrimination against women, including through awareness raising and continuous strengthening of the relevant legal and institutional frameworks (Egypt);
- 138.87. Continue to promote the rights of women in their choice of marriage and their equality of treatment independently of caste and tribe or other considerations (Holy See);
- 138.88. Strictly enforce the legal provisions prohibiting harmful and discriminatory practices that violate the rights of women and girls, and that it undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices, traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls (Liechtenstein);
- 138.89. Study the possibility of eliminating any criminalisation of same sex relations (Argentina);
- 138.90. Take measures to address violence and discrimination directed towards persons based on their sexual orientation, especially related to employment (Canada);
- 138.91. Establish a moratorium on executions with a view to abolishing the death penalty (Ireland);
- 138.92. Abolish capital punishment and commute existing death sentences to life imprisonments terms (Slovakia);
- 138.93. Respect the *de facto* moratorium on the death penalty which had been in place since 2004 (Spain);
- 138.94. Consider abolishing the death penalty or establishing a moratorium (Chile);

- 138.95. Maintain *de facto* moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to definitive abolishment of the death penalty (France);
- 138.96. Introduce as quickly as possible a *de jure* moratorium on executions (Belgium);
- 138.97. Adopt a *de jure* moratorium on capital punishment with a view to abolishing the death penalty (Italy);
- 138.98. Establish an official moratorium against the death penalty and take the necessary measures in view of its abolition (Switzerland);
- 138.99. Study the possibility of repealing the death penalty from its legal regime (Argentina);
- 138.100. Make the *de facto* moratorium into a permanent one with a view to abolishing the death penalty (Norway);
- 138.101. Consider adhering to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Portugal);
- 138.102. Take effective measures to dissuade child marriage and to protect the fundamental rights of the children (Switzerland);
- 138.103. Take more efforts to prevent children from sexual exploitation and separation from families, and give them the opportunity and assistance to grow up in an environment of freedom and dignity (Bahrain);
- 138.104. Introduce legislation to prohibit corporal punishment of children in all settings (Liechtenstein);
- 138.105. Adopt comprehensive legislation on fighting all forms of sexual harassment in relation to women and children (Kyrgyzstan);
- 138.106. Take the necessary legislative, civil and criminal measures to provide the appropriate protection to women, and children that are victims of sexual abuse (Mexico);
- 138.107. Accelerate its efforts on combatting human trafficking (Iran);
- 138.108. Reinforce efforts to protect and rehabilitate the victims of trafficking (Ukraine);
- 138.109. Continue stepping up efforts in the area of fighting trafficking as well as consider the possibility of inviting the Special Rapporteur on trafficking in persons, especially in women and children, to visit the country (Belarus);
- 138.110. Continue to strengthen its efforts to combat trafficking in persons by providing the necessary budget to establish a larger number of local bodies to combat this scourge (Paraguay);
- 138.111. Implement monitoring mechanisms to stop people trafficking (Holy See);
- 138.112. Ban all forms of child labour for children from ages 6 to 14 (Ireland) and ratify ILO Conventions No. 138 and no. 182 (Ireland);

- 138.113. Amend the Child Labour Act to ban child labour, and to sign and ratify ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments (Norway);
- 138.114. Continue the implementation of the national child labour project aiming at the rehabilitation of child labourers (Angola);
- 138.115. Extend the minimum age to 18 years for any form of labour that prevents children from accessing a full education (Ireland);
- 138.116. Implement the recommendations included in the OHCHR report on street children (A/HRC/19/35) (Hungary);
- 138.117. Continue to carry out policies aimed at improving its judicial system, reforming the law enforcement bodies and reducing the level of crime and corruption (Russian Federation);
- 138.118. Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities, Dalits and other casts (Holy See);
- 138.119. Guarantee effective access to justice in cases of human rights violations committed by security forces personnel with regard to the use of torture (Spain);
- 138.120. Implement effective judiciary proceedings making possible the bringing to justice security forces personnel who have committed human rights violations (France);
- 138.121. Solve remaining cases of human rights violations and create an independent committee to receive claims against the police that were referred to by the Special Rapporteur on Human Rights Defenders (Iraq);
- 138.122. Further promote equal access to justice for all, including by reducing backlog and delays in the administration of cases in court, providing more legal aids to the poor and marginalized, as well as increasing the use of alternative measures to pre-trial detention (Thailand);
- 138.123. Take legislative action to ensure every person's right to freely choose one's religion in line with the Indian Constitution and effectively and swiftly prosecute acts of violence against religious minorities (Austria);
- 138.124. Abolish anti-conversion laws in relation to religion and grant access to justice to victims of religious violence and discrimination (Italy);
- 138.125. Strengthen the Federal Government's effort to guarantee freedom of religion to everyone in this world largest democracy (Holy See);
- 138.126. Ensure that measures limiting freedom of expression on the internet is based on clearly defined criteria in accordance with international human rights standard (Sweden);
- 138.127. Ensure a safe working environment for journalists and take proactive measures to address the issue of impunity, such as swift and independent investigations (Austria);

- 138.128. Align its national regulations with the ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments (Hungary);
- 138.129. Continue its efforts and actions in promoting social security and labour policy (Iran);
- 138.130. Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities (Viet Nam);
- 138.131. Take the necessary measures to ensure birth registration on a universal basis, particularly for persons living in extreme poverty, belonging to religious minorities or in remote areas (Mexico);
- 138.132. Ensure timely registration of all births (Holy See);
- 138.133. Continue its measures in order to increase opportunities for consultations on child rights issues with relevant stakeholders (Iran);
- 138.134. Make efforts to eliminate the large gap that exists between the rich and the poor (Chad);
- 138.135. Allocate more resources in sectors that provide basic services such as health, education and employment opportunities (Malaysia);
- 138.136. Introduce a strategy to promote food security (Saudi Arabia);
- 138.137. Continue to implement plans adopted in the area of housing and rehabilitation, particularly the plan launched in 2011 aimed at preventing the construction of new slums (Algeria);
- 138.138. Ensure that every household enjoys the right to safe drinking water and sanitation (Slovenia);
- 138.139. Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas (Myanmar);
- 138.140. Continue to strengthen its poverty alleviation strategies, as well as its child protection strategies, particularly against the exploitation of children (South Africa);
- 138.141. Continue consolidating its programmes and socio-economic measures essential to achieve poverty reduction and social exclusion to the utmost wellbeing of its people (Venezuela (Bolivarian Republic of));
- 138.142. Continue efforts to eradicate poverty and to better living conditions as well as increase job opportunities (Kuwait);
- 138.143. Further strengthen the efforts in poverty eradication, paying special attention to the rural population (Myanmar);
- 138.144. Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of its people, especially women and children (Singapore);
- 138.145. Continue encouraging socio economic development and poverty eradication (Cuba);

- 138.146. Continue its efforts aimed at improving the level of public health in the country to attain better results in the area of health and access to health (Saudi Arabia);
- 138.147. Establish measures at the national and state level to remove obstacles in terms of access by the population to pain palliative medicines (Uruguay);
- 138.148. Provide every possible support and assistance to the national project for rural health to increase the standard of nutrition and improve public health and to strengthen the relationship between health and indicators such as sanitation and personal hygiene; (United Arab Emirates);
- 138.149. Meet the stated commitment from the Common Minimum Program of 2004 to dedicate 3 percent of India's GDP to health and 6 percent to education (Slovenia);
- 138.150. Take further practical steps to reduce the high level of maternal and child mortality, inter alia, through better access to maternal health services (Austria);
- 138.151. Further efforts towards addressing the challenge of maternal and child mortality (Egypt);
- 138.152. Strengthen its efforts to improve maternal health and acts to effectively balance the skewed sex-ratio among children, including by combating female foeticide (Norway);
- 138.153. Take further measures to ensure all women without any discrimination access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortion and gender-sensitive comprehensive contraceptive services (Finland);
- 138.154. Contribute to further reduction of maternal mortality through the establishment of an independent organ to accelerate programmes and projects in this area (Honduras);
- 138.155. Intensify its efforts to sensitize and train medical professionals on the criminal nature of prenatal sex selection with a view to ensuring stringent enforcement of the legal prohibition of such practice (Liechtenstein);
- 138.156. Take effective measures to fully implement National Rural Health Missions (Honduras);
- 138.157. Continue to strengthen its programmes and initiatives geared towards guaranteeing the rights to health and education (Cuba);
- 138.158. Redouble its efforts in the field of education and health (Senegal);
- 138.159. Increase the budget allocated to health from 1 percent of the GDP to 2 percent (Luxembourg);
- 138.160. Further promote children's right to education (Greece);
- 138.161. Reinforce its efforts in provision of free and compulsory primary education (Slovakia);

- 138.162. Continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all the girls and boys in its country (Ecuador);
- 138.163. Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far (Japan);
- 138.164. Ensure universal, compulsory and free education, carrying out on a priority basis measures aimed at eradicating discrimination, particularly discrimination that affects girls, marginal groups and persons with disabilities (Mexico);
- 138.165. Continue its efforts to promote the right to children's education and ensure the importance of the principles of children's education in the country (Qatar);
- 138.166. Prioritise efforts to ensure that children with disabilities are afforded the same right to education as all children (Australia);
- 138.167. Ensure better protection for persons with disabilities and the elderly (Senegal);
- 138.168. Carry on its efforts in environmental and health policies, and continue to enforce its legislative measures on food security (Iran);
- 138.169. Continue its efforts to achieve balance between its counterterrorism strategies and the need to forestall the spread of xenophobia (Trinidad and Tobago).
139. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex*[English only]***Composition of the delegation**

The delegation of India was headed by Mr. Goolam E. Vahanvati, Attorney General of India, and composed of the following members:

- Mr. Dilip Sinha, Ambassador / Permanent Representative of India to United Nations, Permanent Mission of India, Geneva;
- Mr. Asoke Kumar Mukerji, Special Secretary, Ministry of External Affairs, New Delhi;
- Mr. Nilanjan Sanyal, Additional Secretary, Ministry of Women and Child Development, New Delhi;
- Dr. Kheya Bhattacharya, Deputy Permanent Representative, Permanent Mission of India, Geneva;
- Professor Ranbir Singh, Vice Chancellor, National Law University, New Delhi;
- Mrs. Rashmi Goel, Joint Secretary, Ministry of Home Affairs, New Delhi;
- Mr. T.S. Tirumurti, Joint Secretary, Ministry of External Affairs, New Delhi;
- Mr. A.K. Sharma, Consul General, Permanent Mission of India, Geneva;
- Mr. S. Suresh Kumar, Joint Secretary, Ministry of Home Affairs, New Delhi;
- Mr. Dinesh Kumar Jain, Joint Secretary, Ministry of Rural Development, New Delhi;
- Mr. Tuhin Kanta Pandey, Joint Secretary, Planning Commission, New Delhi;
- Mr. Sanjeev Kumar, Joint Secretary, Ministry of Social Justice and Empowerment, New Delhi;
- Dr. Neeru Chadha, Joint Secretary, Ministry of External Affairs, New Delhi;
- Mr. Dheeraj Kumar, Director, Ministry of Minority Affairs, New Delhi;
- Mrs. Gloria Gangte, First Secretary, Permanent Mission of India, Geneva;
- Ms. Rohita Mishra, Under Secretary, Ministry of External Affairs, New Delhi;
- Ms. Nabanita Chakrabarti, Second Secretary, Permanent Mission of India, Geneva;
- Mr. Lavanya Kumar, Third Secretary, Permanent Mission of India, Geneva;
- Mr. Eldos Punnose, Attache, Ministry of External Affairs, New Delhi.



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Report of the Working Group on the Universal Periodic Review*

India

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

List of Recommendations Accepted by the Government of India

Recommendations

Continue to strengthen its poverty alleviation strategies, as well as its child protection strategies, particularly against the exploitation of children.

(South Africa)

Continue with action to include human rights education in the school curricula.

(Sri Lanka)

Take effective measures to dissuade child marriage to protect the fundamental rights of the children.

(Switzerland)

Further promote equal access to justice for all, including by reducing backlog and delays in the administration of cases in court, providing more legal aids to the poor and marginalized.

(Thailand)

Continue to promote its many initiatives for the eradication of all forms of discrimination against women.

(Trinidad and Tobago)

Reinforce efforts to protect and rehabilitate the victims of trafficking.

(Ukraine)

Implement monitoring mechanisms to stop people trafficking.

(Holy See)

Accelerate efforts on combating human trafficking.

(Iran)

Provide every possible support and assistance to the national project for rural health to raise the standard of nutrition and improve public health and to strengthen the relationship between health and indicators such as sanitation and personal hygiene.

(United Arab Emirates)

Continue consolidating programmes and socio-economic measures essential to achieve poverty reduction and social exclusion to the utmost well-being of its people.

(Venezuela)

Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights.

(Venezuela)

Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities.

(Viet Nam)

Continue the implementation of the National Child Labour Project (NCLP) aiming at the rehabilitation of child labourers.

(Angola)

Recommendations

Study the possibility of eliminating any criminalisation of same sex relations.

(Argentina)

Prioritise efforts to ensure that children with disabilities are afforded the same right to education as all children.

(Australia)

Take further practical steps to reduce the high level of maternal and child mortality, *inter alia*, through better access to maternal health services.

(Austria)

Redouble efforts on ensuring gender equality and take measures to prevent gender discrimination.

(Bahrain)

Take more efforts to prevent children from sexual exploitation and separation from families and give them the opportunity and assistance to grow up in an environment of freedom and dignity.

(Bahrain)

Continue cooperating with Special Procedures and accept, in particular, requests for visits from Special Rapporteurs.

(Belgium)

Address the inequities based on rural-urban divide and gender imbalance.

(Botswana)

Finalise the ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

(Spain, Sweden, Switzerland, Timor-Leste, UK and Northern Ireland, USA, Australia, Austria, Botswana, Brazil, Czech Republic, Indonesia, Iraq, Italy, Maldives, Portugal, Republic of Korea)

Make efforts to eliminate the large gap that exists between the rich and the poor.

(Chad)

Continue to strengthen/develop programmes and initiatives geared towards guaranteeing the rights to health and education.

(Cuba)

Continue encouraging socio-economic development and poverty eradication.

(Cuba)

Continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all girls and boys in the country.

(Ecuador)

Further efforts towards addressing the challenge of maternal and child mortality.

(Egypt)

Further coordination among relevant national authorities and human rights institutions.

(Egypt)

Recommendations

Continue following-up on steps taken to eliminate discrimination against women, including through awareness-raising and continuous strengthening of the relevant legal and institutional frameworks.

(Egypt)

Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved.

(Ghana)

Continue its efforts to further spread in the country the model of rural growth in the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA).

(Greece)

Further promote children's right to education.

(Greece)

Strengthen the Federal Government's efforts to guarantee freedom of religion to everyone in this world's largest democracy.

(Holy See)

Take effective measures to fully implement National Rural Health Mission (NRHM).

(Honduras)

Enhance the coordination of both [the central and state governments] in an effective manner in order to guarantee the smooth implementation of the 2010 Right of Children to Free and Compulsory Education Act.

(Indonesia)

Continue legal efforts in the protection of women as well as children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities.

(Iran)

Carry on efforts with respect to environmental and health policies, and continue efforts and undertake measures to adopt the bill on food security and strengthen the Public Distribution System (PDS).

(Iran)

Continue measures to increase opportunities for consultations on child rights issues with relevant stakeholders.

(Iran)

Continue efforts and actions in the promotion of social security and labour policy.

(Iran)

Improve training on human rights on addressing law enforcement especially by police officers.

(Iraq)

Intensify efforts in providing capacity-building and training programmes on human rights for its law enforcement officials as well as judicial and legal officials in the rural areas.

(Malaysia)

Recommendations

Continue efforts to eradicate poverty and better living conditions as well as increase job opportunities.

(Kuwait)

Improve women empowerment and emancipation, and provide them with a bigger role to play in the society.

(Kuwait)

Continue cooperating with the UN and other International Organisations and share good experiences and practices with other countries in order to overcome the remaining challenges.

(Lao PDR)

Introduce legislation to prohibit corporal punishment of children.

(Liechtenstein)

Allocate more resources in sectors that provide basic services such as health, education and employment opportunities.

(Malaysia)

Re-examine the budgets and social laws taking into account gender issues.

(Morocco)

Further strengthen the efforts in poverty eradication, paying special attention to the rural population.

(Myanmar)

Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas.

(Myanmar)

Continue working on the welfare of children and women.

(Nepal)

Continue including civil society participation in the UPR process.

(Nicaragua)

A fully integrated gender perspective in the follow up of this UPR.

(Norway)

Continue its efforts with regard to education for children and take the necessary measures to allow women to participate on an equal footing with men in all developmental efforts.

(Qatar)

Introduce a strategy to promote food security.

(Saudi Arabia)

Redouble its efforts in the field of education and health.

(Senegal)

Ensure better protection for persons with disabilities and the elderly.

(Senegal)

Recommendations

Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of the people, especially women and children.

(Singapore)

Reinforce efforts in provision of free and compulsory primary education.

(Slovakia)

Take the necessary legislative, civil and criminal measures to provide the appropriate protection to women, and children that are victims of sexual abuse.

(Mexico)

Continue to promote the right to equal opportunity for work and at work.

(Holy See)

Continue to promote the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations.

(Holy See)

Ensure a safe working environment for journalists.

(Austria)

Continue efforts aimed at improving the level of public health in the country to attain better results in the area of health and access to health.

(Saudi Arabia)

Strengthen its efforts to improve maternal health and act to effectively balance the skewed sex-ratio among children, including by combating female foeticide.

(Norway)

Take further measures to ensure that all women without any discrimination have access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortion and gender-sensitive comprehensive contraceptive services.

(Finland)

Intensify its efforts to sensitize and train medical professionals on the criminal nature of pre-natal sex selection with a view to ensuring stringent enforcement of the legal prohibition of such practice.

(Liechtenstein)

Strengthen legislations to combat sexual offences against minors.

(Algeria)

Intensify efforts towards the MDG 5 by ensuring access to information and counseling on SRHR as set out in the National Population Policy.

(Sweden)

Subject-wise Classification of India's UPR I and II Recommendations¹

Annex F

| I. ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND RIGHT TO DEVELOPMENT | | |
|--|--|--------------|
| Number ² | Recommendation | Status |
| RIGHT TO DEVELOPMENT (in general) | | |
| UPR 1 | | |
| 10 | Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/ results of best practices in addressing poverty. | Accepted |
| 18 | Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated. | Accepted |
| UPR 2 | | |
| 75 | Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved. | Accepted |
| 83 | Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights. | Accepted |
| 145 | Continue encouraging socio-economic development and poverty eradication. | Accepted |
| 18 | Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and ratify the International Convention for the Protection of All Persons from Disappearance. | Not accepted |
| Rural Development | | |
| UPR 2 | | |
| 51 | Continue its efforts to further spread in the country the model of rural growth in the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). | Accepted |
| 59 | Intensify efforts in providing capacity-building and training programmes on human rights for its law enforcement officials as well as judicial and legal officials in the rural areas. | Accepted |
| 74 | Address the inequities based on rural-urban divide and gender imbalance. | Accepted |
| 139 | Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas. | Accepted |
| 143 | Further strengthen the efforts in poverty eradication, paying special attention to the rural population. | Accepted |

¹ Note on how to use this Table:

- Recommendations made during UPR I remain binding on the Indian Government during UPR II, and therefore are marked 'accepted' in the table.
- Recommendations made during UPR II that have been accepted by the Indian Government are marked as 'accepted'.
- The recommendations made during UPR II which the Indian Government has not accepted are marked as 'not accepted'.
- Certain recommendations made during UPR II have been accepted by the Indian Government in a revised form. The revised portions (which have been changed by the Indian Government) are highlighted, and the recommendations are marked as 'accepted in revised form'.

² The number indicated in this column is drawn from the official Human Rights Council documents listing the UPR I recommendations accepted in 2008 (Report of the Working Group on the Universal Periodic Review: India – Addendum, 2008, A/HRC/8/26/Add.1, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/161/58/PDF/G0816158.pdf?OpenElement>) and the UPR II recommendations made to India in May 2012 (Report of the Working Group on the Universal Periodic Review: India, 2012, A/HRC/21/10, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/151/08/PDF/G1215108.pdf?OpenElement>).

| Number | Recommendation | Status |
|---|--|--------------|
| 148 | Provide every possible support and assistance to the national project for rural health to raise the standard of nutrition and improve public health and to strengthen the relationship between health and indicators such as sanitation and personal hygiene. | Accepted |
| 156 | Take effective measures to fully implement National Rural Health Mission (NRHM). | Accepted |
| ERADICATION OF POVERTY | | |
| UPR 1 | | |
| 10 | Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/ results of best practices in addressing poverty. | Accepted |
| UPR 2 | | |
| 83 | Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights. | Accepted |
| 130 | Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities. | Accepted |
| 134 | Make efforts to eliminate the large gap that exists between the rich and the poor. | Accepted |
| 140 | Continue to strengthen its poverty alleviation strategies, as well as its child protection strategies, particularly against the exploitation of children. | Accepted |
| 141 | Continue consolidating programmes and socio-economic measures essential to achieve poverty reduction and social exclusion to the utmost well-being of its people. | Accepted |
| 142 | Continue efforts to eradicate poverty and better living conditions as well as increase job opportunities. | Accepted |
| 143 | Further strengthen the efforts in poverty eradication, paying special attention to the rural population. | Accepted |
| 144 | Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of the people, especially women and children. | Accepted |
| 145 | Continue encouraging socio-economic development and poverty eradication. | Accepted |
| RIGHT TO ADEQUATE HOUSING AND LAND | | |
| UPR 1 | | |
| 18 | Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated. | Accepted |
| UPR 2 | | |
| 130 | Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities. | Accepted |
| 142 | Continue efforts to eradicate poverty and to better living conditions as well as increase job opportunities. | Accepted |
| 144 | Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of its people, especially women and children. | Accepted |
| 137 | Continue to implement plans Accepted in the area of housing and rehabilitation, particularly the plan launched in 2011 aimed at preventing the construction of new slums | Not accepted |

| Number | Recommendation | Status |
|------------------------|---|--------------------------|
| RIGHT TO FOOD | | |
| UPR 2 | | |
| 136 | Introduce a strategy to promote food security. | Accepted |
| 148 | Provide every possible support and assistance to the national project for rural health to raise the standard of nutrition and improve public health and to strengthen the relationship between health and indicators such as sanitation and personal hygiene. | Accepted |
| 168 | Carry on efforts <u>with respect to</u> environmental and health policies, and continue <u>efforts and undertake measures to adopt the bill on food security and strengthen the Public Distribution System (PDS).</u> ³ | Accepted in revised form |
| RIGHT TO HEALTH | | |
| UPR 2 | | |
| 135 | Allocate more resources in sectors that provide basic services such as health, education and employment opportunities. | Accepted |
| 146 | Continue efforts aimed at improving the level of public health in the country to attain better results in the area of health and access to health. | Accepted |
| 148 | Provide every possible support and assistance to the national project for rural health to raise the standard of nutrition and improve public health and to strengthen the relationship between health and indicators such as sanitation and personal hygiene. | Accepted |
| 155 | Intensify its efforts to sensitize and train medical professionals on the criminal nature of pre-natal sex selection with a view to ensuring stringent enforcement of the legal prohibition of such practice. | Accepted |
| 156 | Take effective measures to fully implement National Rural Health Mission (NRHM). | Accepted |
| 157 | Continue to strengthen/develop programmes and initiatives geared towards guaranteeing the rights to health and education. | Accepted |
| 158 | Redouble its efforts in the field of education and health. | Accepted |
| 168 | Carry on efforts <u>with respect to</u> environmental and health policies, and continue <u>efforts and undertake measures to adopt the bill on food security and strengthen the Public Distribution System (PDS).</u> ⁴ | Accepted in revised form |
| 54 | Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive health, as well as, concrete measures to eliminate violence against women. | Not accepted |
| 147 | Establish measures at the national and state level to remove obstacles in terms of access by the population to pain palliative medicines. | Not accepted |
| 149 | Meet the stated commitment from the Common Minimum Program of 2004 to dedicate 3 percent of India's GDP to health and 6 percent to education | Not accepted |
| 159 | Increase the budget allocated to health from 1 percent of the GDP to 2 percent. | Not accepted |

³ This recommendation made by Iran was worded as under: "Carry on its efforts in environmental and health policies, and continue to enforce its legislative measures on food security".

⁴ This recommendation made by Iran was worded as under: "Carry on its efforts in environmental and health policies, and continue to enforce its legislative measures on food security".

| Number | Recommendation | Status |
|---------------------------------------|--|--------------------------|
| Sexual and Reproductive Health | | |
| UPR 2 | | |
| 150 | Take further practical steps to reduce the high level of maternal and child mortality, inter alia, through better access to maternal health services. | Accepted |
| 151 | Further efforts towards addressing the challenge of maternal and child mortality. | Accepted |
| 152 | Strengthen its efforts to improve maternal health and act to effectively balance the skewed sex-ratio among children, including by combating female foeticide. | Accepted |
| 153 | Take further measures to ensure that all women without any discrimination have access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortion and gender-sensitive comprehensive contraceptive services. | Accepted |
| 155 | Intensify its efforts to sensitize and train medical professionals on the criminal nature of prenatal sex selection with a view to ensuring stringent enforcement of the legal prohibition of such practice. | Accepted |
| 54 | Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive health, as well as, concrete measures to eliminate violence against women. | Not accepted |
| 154 | Contribute to further reduction of maternal mortality through the establishment of an independent organ to accelerate programmes and projects in this area. | Not accepted |
| RIGHT TO WATER AND SANITATION | | |
| UPR 2 | | |
| 76 | Continue working on the welfare of children and women. | Accepted |
| 139 | Further accelerate the sanitation coverage and the access to safe and sustainable drinking water in rural areas. | Accepted |
| 148 | Provide every possible support and assistance to the national project for rural health to raise the standard of nutrition and improve public health and to strengthen the relationship between health and indicators such as sanitation and personal hygiene. | Accepted |
| 138 | Ensure that every household enjoys the right to safe drinking water and sanitation. | Not accepted |
| RIGHT TO CLEAN ENVIRONMENT | | |
| UPR 2 | | |
| 168 | Carry on efforts with respect to environmental and health policies, and continue efforts and undertake measures to adopt the bill on food security and strengthen the Public Distribution System (PDS). ⁵ | Accepted in revised form |
| 26 | Ratification of ILO Conventions Nos. 138 concerning Minimum Age for Admission to Employment; 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; 169 concerning Indigenous and Tribal Peoples in Independent Countries; 155 concerning Occupational Safety and Health and the Working Environment and 170 concerning Safety in the use of Chemicals at Work. | Not accepted |

⁵ This recommendation made by Iran was worded as under: "Carry on its efforts in environmental and health policies, and continue to enforce its legislative measures on food security".

| Number | Recommendation | Status |
|--|---|--------------|
| RIGHT TO WORK AND LABOUR RIGHTS (see also: Child Labour in Part III B) | | |
| UPR 1 | | |
| 7 | Consider signature and ratification of ILO Conventions No. 138 and 182. | Accepted |
| UPR 2 | | |
| 51 | Continue its efforts to further spread in the country the model of rural growth in the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). | Accepted |
| 78 | Continue to promote the right to equal opportunity for work and at work. | Accepted |
| 129 | Continue efforts and actions in the promotion of social security and labour policy. | Accepted |
| 10 | Accede to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; ratify the Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers. | Not accepted |
| Trafficking (see also: Trafficking in Women and Children in Part III B) | | |
| UPR 2 | | |
| 107 | Accelerate efforts on combating human trafficking. | Accepted |
| 108 | Reinforce efforts to protect and rehabilitate the victims of trafficking. | Accepted |
| 111 | Implement monitoring mechanisms to stop people trafficking. | Accepted |
| RIGHT TO EDUCATION (see also: Right to Non-discrimination in Education in Part III B) | | |
| UPR 1 | | |
| 13 | Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination. | Accepted |
| UPR 2 | | |
| 52 | Enhance the coordination of both the central and state governments in an effective manner in order to guarantee the smooth implementation of the 2010 Right of Children to Free and Compulsory Education Act. | Accepted |
| 55 | Continue with action to include human rights education in the school curricula. | Accepted |
| 135 | Allocate more resources in sectors that provide basic services such as health, education and employment opportunities. | Accepted |
| 157 | Continue to strengthen/develop programmes and initiatives geared towards guaranteeing the rights to health and education. | Accepted |
| 158 | Redouble its efforts in the field of education and health. | Accepted |

| Number | Recommendation | Status |
|--|--|--------------------------|
| 160 | Further promote children's right to education. | Accepted |
| 161 | Reinforce efforts in provision of free and compulsory primary education. | Accepted |
| 162 | Continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all girls and boys in the country. | Accepted |
| 166 | Prioritise efforts to ensure that children with disabilities are afforded the same right to education as all children. | Accepted |
| 54 | Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive health, as well as, concrete measures to eliminate violence against women. | Not accepted |
| 149 | Meet the stated commitment from the Common Minimum Program of 2004 to dedicate 3 percent of India's GDP to health and 6 percent to education | Not accepted |
| 163 | Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far. | Not accepted |
| 164 | Ensure universal, compulsory and free education, carrying out on a priority basis measures aimed at eradicating discrimination, particularly discrimination that affects girls, marginal groups and persons with disabilities. | Not accepted |
| 165 | Continue its efforts to promote the right to children's education and ensure the importance of the principles of children's education in the country. | Not accepted |
| BIRTH REGISTRATION | | |
| UPR 2 | | |
| 131 | Take the necessary measures to ensure birth registration on a universal basis, particularly for persons living in extreme poverty, belonging to religious minorities or in remote areas | Not accepted |
| 132 | Ensure timely registration of all births | Not accepted |
| RIGHT TO INFORMATION ACT AND CORRUPTION | | |
| UPR 2 | | |
| 127 | Ensure a safe working environment for journalists. (Deleted portion: and take proactive measures to address the issue of impunity, such as swift and independent investigations.) | Accepted in revised form |
| 62 | Strengthen the process for ensuring independent and timely investigation mechanisms to address and eliminate corruption; and provide for and facilitate increased accountability and transparency in this process. | Not accepted |
| 117 | Continue to carry out policies aimed at improving its judicial system, reforming the law enforcement bodies and reducing the level of crime and corruption. | Not accepted |
| 126 | Ensure that measures limiting freedom of expression on the internet is based on clearly defined criteria in accordance with international human rights standard. | Not accepted |

| II. MILITARISATION AND SECURITY – LAW AND APPARATUS | | |
|--|--|--------------|
| Number | Recommendation | Status |
| ARMED FORCES (SPECIAL POWERS) ACT AND OTHER SPECIAL SECURITY LAWS | | |
| UPR 2 | | |
| 35 | Review the law on the special powers of the armed forces to align it with its obligations under the International Convention on Civil and Political Rights. | Not accepted |
| 44 | Repeal the Armed Forces Special Powers Act or adopt the negotiated amendments to it that would address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance to international standards. | Not accepted |
| 45 | Carry out an annual review of the 1958 Armed Forces Special Powers Act aiming to gradually reduce its geographic scope. | Not accepted |
| TORTURE (see also in Part III A) | | |
| UPR 1 | | |
| 1 | Expedite ratification of the Convention against Torture and its Optional Protocol. | Accepted |
| 15 | Receive as soon as possible the Special Rapporteur on the question of torture. | Accepted |
| UPR 2 | | |
| 15 | Finalise the ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. | Accepted |
| 1 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance and the Statute of the International Criminal Court. | Not accepted |
| 3 | Expedite the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and adopt robust domestic legislation to this effect. | Not accepted |
| 4 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and end impunity for security forces accused of committing human rights violations. | Not accepted |
| 5 | Continue efforts to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its optional protocol, and the International for the Protection of All Persons from Enforced Disappearances; and ratify ILO Conventions No. 169 and no. 189. | Not accepted |
| 7 | Ratify promptly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and relevant protocol. | Not accepted |
| 8 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment as soon as possible. | Not accepted |
| 10 | Accede to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; ratify the Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers. | Not accepted |

| Number | Recommendation | Status |
|--|---|--------------|
| 12 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that the instrument of ratification is fully consistent with the Convention. | Not accepted |
| 16 | Ratify the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment, as well as its Optional Protocol . | Not accepted |
| 17 | Expedite ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. | Not accepted |
| 18 | Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and ratify the International Convention for the Protection of All Persons from Enforced Disappearance. | Not accepted |
| 24 | Ratify, in the shortest time, the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and adopt related internal legislation. | Not accepted |
| 28 | Ratify Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the ILO Conventions no. 138 and 182 concerning child labour. | Not accepted |
| 29 | Accelerate the ratification process of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | Not accepted |
| 32 | Conform its national legislation to international norms on the prevention of torture, to speed up the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and receive the Special Rapporteur on Torture. | Not accepted |
| 33 | Take the necessary measures to ensure that the existing national legislation against torture and cruel and inhumane and degrading treatment incorporates the highest international standards in this area. | Not accepted |
| Prevention against Torture Bill | | |
| UPR 2 | | |
| 6 | Accelerate its domestic procedure for ratification including the adoption of the Prevention against Torture Bill by its Parliament. | Not accepted |
| 34 | Prioritise the review and implementation of the Prevention Against Torture Bill, ensuring that it complies with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment. | Not accepted |
| 36 | Consider introducing a new bill to the Parliament, taking into full consideration of the suggestions of the Select Committee, and take further actions towards the ratification of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | Not accepted |
| ENFORCED DISAPPEARANCES | | |
| UPR 1 | | |
| 12 | Ratify the Convention on Enforced Disappearances. | Accepted |
| UPR 2 | | |
| 1 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance and the Statute of the International Criminal Court. | Not accepted |
| 5 | Continue efforts to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its optional protocol, and the International for the Protection of All Persons from Enforced Disappearances; and ratify ILO Conventions No. 169 and no. 189. | Not accepted |
| 9 | Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of its Committee, in accordance with articles 31 and 32. | Not accepted |

| Number | Recommendation | Status |
|---|--|--------------|
| 11 | Consider the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. | Not accepted |
| 13 | Ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Rome Statute of the International Criminal Court. | Not accepted |
| 18 | Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and ratify the International Convention for the Protection of All Persons from Enforced Disappearance. | Not accepted |
| 20 | Evaluate the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. | Not accepted |
| 24 | Ratify, in the shortest time, the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and adopt related internal legislation. | Not accepted |
| ARBITRARY ARREST AND DETENTION | | |
| UPR 2 | | |
| 169 | Continue its efforts to achieve balance between its counterterrorism strategies and the need to forestall the spread of xenophobia. | Not accepted |
| SEXUAL VIOLENCE (see also: Violence against Women in Part III B) | | |
| UPR 2 | | |
| 79 | Continue legal efforts in the protection of women as well as children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities. | Accepted |
| 106 | Take the necessary legislative, civil and criminal measures to provide the appropriate protection to women, and children that are victims of sexual abuse. | Accepted |
| 41 | Enact comprehensive reforms to address sexual violence and all acts of violence against women, including "honour" crimes, child marriage, female feticide and female infanticide, and to remedy limitations in the definition of rape and the medico forensic procedures Accepted for rape cases. | Not accepted |
| LEGAL IMMUNITY | | |
| Rome Statute of the International Criminal Court (see also in Part IV) | | |
| UPR 2 | | |
| 1 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance and the Statute of the International Criminal Court. | Not accepted |
| 10 | Accede to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; ratify the Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers. | Not accepted |
| 13 | Ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Rome Statute of the International Criminal Court. | Not accepted |
| 14 | Ratify the Rome Statute of the International Criminal Court, including its Agreement on Privileges and Immunities. | Not accepted |

| Number | Recommendation | Status |
|---|---|--------------------------|
| Impunity and Human Rights Violations by Security Forces and Police | | |
| UPR 2 | | |
| 59 | Intensify efforts in providing capacity-building and training programmes on human rights for its law enforcement officials as well as judicial and legal officials in the rural areas. | Accepted |
| 60 | Improve training on human rights on addressing law enforcement especially by police officers. | Accepted |
| 127 | Ensure a safe working environment for journalists. (Deleted portion: and take proactive measures to address the issue of impunity, such as swift and independent investigations.) | Accepted in revised form |
| 4 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and end impunity for security forces accused of committing human rights violations. | Not accepted |
| 44 | Repeal the Armed Forces Special Powers Act or adopt the negotiated amendments to it that would address the accountability of security personnel, the regulation concerning detentions as well as victims' right to appeal in accordance to international standards. | Not accepted |
| 119 | Guarantee effective access to justice in cases of human rights violations committed by security forces personnel with regard to the use of torture. | Not accepted |
| 120 | Implement effective judiciary proceedings making possible the bringing to justice security forces personnel who have committed human rights violations. | Not accepted |
| 121 | Solve remaining cases of human rights violations and create an independent committee to receive claims against the police that were referred to by the Special Rapporteur on Human Rights Defenders. | Not accepted |

| III. ACCESS TO JUSTICE | | |
|---|--|--------------|
| Number | Recommendation | Status |
| A) BARRIERS TO ACCESS TO JUSTICE | | |
| REGRESSIVE LAWS | | |
| UPR 2 | | |
| 32 | Conform its national legislation to international norms on the prevention of torture, to speed up the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and receive the Special Rapporteur on Torture. | Not accepted |
| 33 | Take the necessary measures to ensure that the existing national legislation against torture and cruel and inhumane and degrading treatment incorporates the highest international standards in this area. | Not accepted |
| 41 | Enact comprehensive reforms to address sexual violence and all acts of violence against women, including "honour" crimes, child marriage, female feticide and female infanticide, and to remedy limitations in the definition of rape and the medico forensic procedures Accepted for rape cases. | Not accepted |
| 113 | Amend the Child Labour Act to ban child labour, and to sign and ratify ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments. | Not accepted |

| Number | Recommendation | Status |
|--|---|--------------------------|
| 115 | Extend the minimum age to 18 years for any form of labour that prevents children from accessing a full education. | Not accepted |
| 128 | Align its national regulations with the ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments. | Not accepted |
| VIOLATIONS BY THE POLICE AND RESISTANCE TO REFORM | | |
| UPR 2 | | |
| 59 | Intensify efforts in providing capacity-building and training programmes on human rights for its law enforcement officials as well as judicial and legal officials in the rural areas. | Accepted |
| 60 | Improve training on human rights on addressing law enforcement especially by police officers. | Accepted |
| 62 | Strengthen the process for ensuring independent and timely investigation mechanisms to address and eliminate corruption; and provide for and facilitate increased accountability and transparency in this process. | Not accepted |
| 121 | Solve remaining cases of human rights violations and create an independent committee to receive claims against the police that were referred to by the Special Rapporteur on Human Rights Defenders. | Not accepted |
| JUDICIARY: VACANCIES AND JUDICIAL DELAY | | |
| UPR 2 | | |
| 122 | Further promote equal access to justice for all, including by reducing backlog and delays in the administration of cases in court, providing more legal aids to the poor and marginalized. (Deleted portion: as well as increasing the use of alternative measures for pre-trial detention) | Accepted in revised form |
| 40 | Strengthen protection of children's rights, including the ratification of the Convention on the Rights of the Child, by improving mechanisms and resources for the implementation of existing legislation, and by demonstrating higher conviction rates for crimes against children such as sexual exploitation, child labour, child forced-labour and child trafficking. | Not accepted |
| 47 | Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons. | Not accepted |
| 73 | Monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes. | Not accepted |
| 117 | Continue to carry out policies aimed at improving its judicial system, reforming the law enforcement bodies and reducing the level of crime and corruption. | Not accepted |
| 118 | Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities, Dalits and other castes. | Not accepted |
| EXCESSIVE PRE-TRIAL DETENTION AND PRISONS | | |
| UPR 2 | | |
| 122 | Further promote equal access to justice for all , including by reducing backlog and delays in the administration of cases in court, providing more legal aids to the poor and marginalized. (Deleted portion: as well as increasing the use of alternative measures for pre-trial detention) | Accepted in revised form |

| Number | Recommendation | Status |
|--------------------------------------|--|--------------|
| TORTURE (see also in Part II) | | |
| UPR 1 | | |
| 1 | Expedite ratification of the Convention against Torture and its Optional Protocol. | Accepted |
| 15 | Receive as soon as possible the Special Rapporteur on the question of torture. | Accepted |
| UPR 2 | | |
| 15 | Finalise the ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. | Accepted |
| 1 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance and the Statute of the International Criminal Court. | Not accepted |
| 3 | Expedite the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, and adopt robust domestic legislation to this effect. | Not accepted |
| 4 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and end impunity for security forces accused of committing human rights violations. | Not accepted |
| 5 | Continue efforts to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its optional protocol, and the International for the Protection of All Persons from Enforced Disappearances; and ratify ILO Conventions No. 169 and no. 189. | Not accepted |
| 7 | Ratify promptly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and relevant protocol. | Not accepted |
| 8 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment as soon as possible. | Not accepted |
| 10 | Accede to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; ratify the Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers. | Not accepted |
| 12 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that the instrument of ratification is fully consistent with the Convention. | Not accepted |
| 16 | Ratify the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment, as well as its Optional Protocol . | Not accepted |
| 17 | Expedite ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. | Not accepted |
| 18 | Sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and ratify the International Convention for the Protection of All Persons from Enforced Disappearance. | Not accepted |
| 24 | Ratify, in the shortest time, the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and adopt related internal legislation. | Not accepted |

| Number | Recommendation | Status |
|--|--|--------------------------|
| 28 | Ratify Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the ILO Conventions no. 138 and 182 concerning child labour. | Not accepted |
| 29 | Accelerate the ratification process of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | Not accepted |
| 32 | Conform its national legislation to international norms on the prevention of torture, to speed up the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and receive the Special Rapporteur on Torture. | Not accepted |
| 33 | Take the necessary measures to ensure that the existing national legislation against torture and cruel and inhumane and degrading treatment incorporates the highest international standards in this area. | Not accepted |
| Prevention against Torture Bill | | |
| UPR 2 | | |
| 6 | Accelerate its domestic procedure for ratification including the adoption of the Prevention against Torture Bill by its Parliament. | Not accepted |
| 34 | Prioritise the review and implementation of the Prevention Against Torture Bill, ensuring that it complies with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | Not accepted |
| 36 | Consider introducing a new bill to the Parliament, taking into full consideration of the suggestions of the Select Committee, and take further actions towards the ratification of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | Not accepted |
| IMMUNITY AND LACK OF ACCOUNTABILITY | | |
| UPR 2 | | |
| 127 | Ensure a safe working environment for journalists. (Deleted portion: and take proactive measures to address the issue of impunity, such as swift and independent investigations.) | Accepted in revised form |
| 4 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and end impunity for security forces accused of committing human rights violations. | Not accepted |
| 48 | Adopt the Prevention of Communal and Targeted Violence Bill addressing issues such as accountability of civil servants, standards of compensation for victims and elements of command responsibilities. | Not accepted |
| 119 | Guarantee effective access to justice in cases of human rights violations committed by security forces personnel with regard to the use of torture. | Not accepted |
| 121 | Solve remaining cases of human rights violations and create an independent committee to receive claims against the police that were referred to by the Special Rapporteur on Human Rights Defenders. | Not accepted |
| INADEQUATE LEGAL AID AND ASSISTANCE | | |
| UPR 2 | | |
| 122 | Further promote equal access to justice for all, including by reducing backlog and delays in the administration of cases in court, providing more legal aids to the poor and marginalized. (Deleted portion: as well as increasing the use of alternative measures for pre-trial detention) | Accepted in revised form |
| 47 | Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons. | Not accepted |

| Number | Recommendation | Status |
|---|--|--------------|
| DEATH PENALTY | | |
| UPR 2 | | |
| 91 | Establish a moratorium on executions with a view to abolishing the death penalty. | Not accepted |
| 92 | Abolish capital punishment and commute existing death sentences to life imprisonments terms. | Not accepted |
| 93 | Respect the de facto moratorium on the death penalty which had been in place since 2004. | Not accepted |
| 94 | Consider abolishing the death penalty or establishing a moratorium. | Not accepted |
| 95 | Maintain de facto moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to definitive abolishment of the death penalty. | Not accepted |
| 96 | Introduce as quickly as possible a de jure moratorium on executions. | Not accepted |
| 97 | Adopt a de jure moratorium on capital punishment with a view to abolishing the death penalty. | Not accepted |
| 98 | Establish an official moratorium against the death penalty and take the necessary measures in view of its abolition. | Not accepted |
| 99 | Study the possibility of repealing the death penalty from its legal regime. | Not accepted |
| 100 | Make the de facto moratorium into a permanent one with a view to abolishing the death penalty. | Not accepted |
| 101 | Consider adhering to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. | Not accepted |
| Number | Recommendation | Status |
| B) DISCRIMINATION IN ACCESS TO JUSTICE | | |
| DISCRIMINATION (in general) | | |
| UPR 1 | | |
| 3 | Continue energizing existing mechanisms to enhance the addressing of human rights challenges. | Accepted |
| 10 | Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/ results of best practices in addressing poverty. | Accepted |
| UPR 2 | | |
| 75 | Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved. | Accepted |
| 53 | Enact comprehensive anti-discrimination legislation and ensure that there are adequate means of redress. | Not accepted |
| 54 | Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive health, as well as, concrete measures to eliminate violence against women. | Not accepted |
| 65 | Implement Treaty Body recommendations and develop a National Action Plan to eliminate all forms of discrimination. | Not accepted |

| Number | Recommendation | Status |
|------------------------|--|--------------------------|
| 71 | Continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups particularly by ensuring effective implementation of relevant laws and measures through proper and active coordination among line ministries, national and state governments; by extending disaggregated data to caste, gender, religion, status and region; and by increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training. | Not accepted |
| 72 | Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens. | Not accepted |
| WOMEN | | |
| Gender equality | | |
| UPR 1 | | |
| 11 | Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation. | Accepted |
| 13 | Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination. | Accepted |
| 16 | Fully integrate a gender perspective in the follow-up process to the UPR. | Accepted |
| UPR 2 | | |
| 74 | Address the inequities based on rural-urban divide and gender imbalance. | Accepted |
| 75 | Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved. | Accepted |
| 76 | Continue working on the welfare of children and women. | Accepted |
| 77 | Continue its efforts with regard to education for children and take the necessary measures to allow women to participate on an equal footing with men in all developmental efforts. ⁶ | Accepted in revised form |
| 79 | Continue legal efforts in the protection of women as well as children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities. | Accepted |
| 81 | Redouble efforts on ensuring gender equality and take measures to prevent gender discrimination. | Accepted |
| 82 | Re-examine the budgets and social laws taking into account gender issues. | Accepted |
| 83 | Continue incorporating the gender perspective in programmes and development plans with positive measures to the effective promotion and protection of women's rights. | Accepted |
| 84 | Continue to promote its many initiatives for the eradication of all forms of discrimination against women. | Accepted |
| 86 | Continue following-up on steps taken to eliminate discrimination against women, including through awareness-raising and continuous strengthening of the relevant legal and institutional frameworks. | Accepted |
| 87 | Continue to promote the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations. | Accepted |
| 130 | Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities. | Accepted |
| 144 | Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of the people, especially women and children. | Accepted |
| 162 | Continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all girls and boys in the country. | Accepted |

⁶ The recommendation as originally made by Qatar is worded as under: "Continue the procedures and measures taken to enable women to be equal partners and participants in development (Qatar)"

| Number | Recommendation | Status |
|---|---|--------------------------|
| Political Participation of Women | | |
| UPR 2 | | |
| 80 | Improve women empowerment and emancipation, and provide them with a bigger role to play in the society. | Accepted |
| 37 | Consider expediting the process to pass the 108th Constitutional Amendment Bill which seeks to reserve a significant portion of seats for women at the Lower House and state legislative assemblies and consider the ratification of the Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women. | Not accepted |
| 42 | Enact those Accepted bills that are aimed at empowering women, including the women's Reservation Bill and the amendments to Panchayati Raj Act. | Not accepted |
| CEDAW | | |
| UPR 1 | | |
| 6 | Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. | Accepted |
| 17 | Follow up on CEDAW recommendations to amend the Special Marriage Act in the light of article 16 and the Committee's general recommendation 21 on giving equal rights to property accumulated during marriage. | Accepted |
| UPR 2 | | |
| 2 | Intensify efforts towards the MDG 5 by ensuring access to information and counseling on SRHR as set out in the National Population Policy. (Deleted portion: including by withdrawing its reservation to Article 16 in Convention on the Elimination of All Forms of Discrimination Against Women) | Accepted in revised form |
| 19 | Ratification of the Optional Protocol to the Convention on the Elimination of Discrimination against Women. | Not accepted |
| 21 | Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. | Not accepted |
| 22 | Remove reservations to the Article 16(1) of the Convention on Elimination of All Forms of Discrimination against Women. | Not accepted |
| 23 | Withdraw its reservations to Convention on the Elimination of All Forms of Discrimination against Women and consider signing and ratifying its Optional Protocol. | Not accepted |
| 37 | Consider expediting the process to pass the 108th Constitutional Amendment Bill which seeks to reserve a significant portion of seats for women at the Lower House and state legislative assemblies and consider the ratification of the Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women. | Not accepted |
| 38 | Consider signing and ratifying the Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women. | Not accepted |
| Violence against Women | | |
| UPR 2 | | |
| 79 | Continue legal efforts in the protection of women as well as children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities. | Accepted |
| 106 | Take the necessary legislative, civil and criminal measures to provide the appropriate protection to women, and children that are victims of sexual abuse. | Accepted |
| 155 | Intensify its efforts to sensitize and train medical professionals on the criminal nature of prenatal sex selection with a view to ensuring stringent enforcement of the legal prohibition of such practice. | Accepted |

| Number | Recommendation | Status |
|--|--|--------------|
| 41 | Enact comprehensive reforms to address sexual violence and all acts of violence against women, including “honour” crimes, child marriage, female feticide and female infanticide, and to remedy limitations in the definition of rape and the medico forensic procedures Accepted for rape cases. | Not accepted |
| 54 | Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive health, as well as, concrete measures to eliminate violence against women. | Not accepted |
| 85 | Further strengthen measures to eliminate traditional harmful practices which are discriminatory against women and girls in particular child marriages, dowry related murders and honour killings. | Not accepted |
| 88 | Strictly enforce the legal provisions prohibiting harmful and discriminatory practices that violate the rights of women and girls, and that it undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices, traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls. | Not accepted |
| 105 | Adopt comprehensive legislation on fighting all forms of sexual harassment in relation to women and children. | Not accepted |
| Trafficking in Women and Children (see also: Trafficking in Part I) | | |
| UPR 2 | | |
| 107 | Accelerate efforts on combating human trafficking. | Accepted |
| 108 | Reinforce efforts to protect and rehabilitate the victims of trafficking. | Accepted |
| 111 | Implement monitoring mechanisms to stop people trafficking. | Accepted |
| 72 | Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens. | Not accepted |
| 109 | Continue stepping up efforts in the area of fighting trafficking as well as consider the possibility of inviting the Special Rapporteur on trafficking in persons, especially in women and children, to visit the country. | Not accepted |
| 110 | Continue to strengthen its efforts to combat trafficking in persons by providing the necessary budget to establish a larger number of local bodies to combat this scourge. | Not accepted |
| Family Laws | | |
| UPR 2 | | |
| 87 | Continue to promote the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations. | Accepted |
| 31 | Amend the Special Marriage Act before its next review. | Not accepted |
| 41 | Enact comprehensive reforms to address sexual violence and all acts of violence against women, including “honour” crimes, child marriage, female feticide and female infanticide, and to remedy limitations in the definition of rape and the medico forensic procedures Accepted for rape cases. | Not accepted |
| 85 | Further strengthen measures to eliminate traditional harmful practices which are discriminatory against women and girls in particular child marriages, dowry related murders and honour killings. | Not accepted |
| 88 | Strictly enforce the legal provisions prohibiting harmful and discriminatory practices that violate the rights of women and girls, and that it undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices, traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls. | Not accepted |

| Number | Recommendation | Status |
|--|---|--------------------------|
| LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX | | |
| UPR 2 | | |
| 89 | Study the possibility of eliminating any criminalisation of same sex relations. | Accepted |
| 72 | Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens. | Not accepted |
| 90 | Take measures to address violence and discrimination directed towards persons based on their sexual orientation, especially related to employment. | Not accepted |
| CHILDREN | | |
| Violence against Children (see also: Trafficking in Women and Children in Part III B) | | |
| UPR 1 | | |
| 11 | Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation. | Accepted |
| UPR 2 | | |
| 39 | Strengthen legislations to combat sexual offences against minors. | Accepted |
| 75 | Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved. | Accepted |
| 76 | Continue working on the welfare of children and women. | Accepted |
| 79 | Continue legal efforts in the protection of women as well as children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities. | Accepted |
| 102 | Take effective measures to dissuade child marriage to protect the fundamental rights of the children. | Accepted |
| 103 | Take more efforts to prevent children from sexual exploitation and separation from families and give them the opportunity and assistance to grow up in an environment of freedom and dignity. | Accepted |
| 104 | Introduce legislation to prohibit corporal punishment of children. (Deleted portion: in all settings) | Accepted in revised form |
| 106 | Take the necessary legislative, civil and criminal measures to provide the appropriate protection to women, and children that are victims of sexual abuse. | Accepted |
| 133 | Continue measures to increase opportunities for consultations on child rights issues with relevant stakeholders. | Accepted |
| 40 | Strengthen protection of children's rights, including the ratification of the Convention on the Rights of the Child, by improving mechanisms and resources for the implementation of existing legislation, and by demonstrating higher conviction rates for crimes against children such as sexual exploitation, child labour, child forced-labour and child trafficking. | Not accepted |
| 61 | Set up State and District Commissioners for the Protection of Child Rights in all States and Districts. | Not accepted |
| 105 | Adopt comprehensive legislation on fighting all forms of sexual harassment in relation to women and children. | Not accepted |
| 116 | Implement the recommendations included in the OHCHR report on street children (A/HRC/19/35). | Not accepted |

| Number | Recommendation | Status |
|---------------------|--|---------------|
| Child Labour | | |
| UPR 1 | | |
| 7 | Consider signature and ratification of ILO Conventions No. 138 and 182. | Accepted |
| 9 | Review the reservation to article 32 of the Convention on the Rights of the Child. | Accepted |
| UPR 2 | | |
| 76 | Continue working on the welfare of children and women. | Accepted |
| 114 | Continue the implementation of the National Child Labour Project (NCLP) aiming at the rehabilitation of child labourers. | Accepted |
| 130 | Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities. | Accepted |
| 140 | Continue to strengthen its poverty alleviation strategies, as well as its child protection strategies, particularly against the exploitation of children. | Accepted |
| 144 | Continue to advance the progress already underway on poverty eradication and improve the enjoyment of the most basic human rights of the people, especially women and children. | Accepted |
| 10 | Accede to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; ratify the Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers. | Not accepted |
| 26 | Ratification of ILO Conventions Nos. 138 concerning Minimum Age for Admission to Employment; 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; 169 concerning Indigenous and Tribal Peoples in Independent Countries; 155 concerning Occupational Safety and Health and the Working Environment and 170 concerning Safety in the use of Chemicals at Work. | Not accepted |
| 27 | Continue to take legislative as well as policy measures to combat child labour and to ratify ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments. | Not accepted |
| 28 | Ratify Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the ILO Conventions no. 138 and 182 concerning child labour. | Not accepted |
| 46 | Effectively implement existing legislation on child labour in line with India's international obligations and strengthen the judicial powers of the National Commission for Protection of Child Rights. | Not accepted |
| 112 | Ban all forms of child labour for children from ages 6 to 14 (Ireland) and ratify ILO Conventions No. 138 and no. 182. | Not accepted |
| 113 | Amend the Child Labour Act to ban child labour, and to sign and ratify ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments. | Not accepted |
| Number | Recommendation | Status |
| 115 | Extend the minimum age to 18 years for any form of labour that prevents children from accessing a full education. | Not accepted |
| 128 | Align its national regulations with the ILO Conventions 138 concerning Minimum Age for Admission to Employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and elaborate a timeline for the ratification of these instruments. | Not accepted |

| Number | Recommendation | Status |
|--|--|--------------|
| Right to Non-discrimination in Education (see also: RIGHT TO EDUCATION in Part I) | | |
| UPR 1 | | |
| 13 | Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination. | Accepted |
| UPR 2 | | |
| 52 | Enhance the coordination of both the central and state governments in an effective manner in order to guarantee the smooth implementation of the 2010 Right of Children to Free and Compulsory Education Act. | Accepted |
| 157 | Continue to strengthen/develop programmes and initiatives geared towards guaranteeing the rights to health and education. | Accepted |
| 160 | Further promote children's right to education. | Accepted |
| 161 | Reinforce efforts in provision of free and compulsory primary education. | Accepted |
| 162 | Continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all girls and boys in the country. | Accepted |
| 166 | Prioritise efforts to ensure that children with disabilities are afforded the same right to education as all children. | Accepted |
| 54 | Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive health, as well as, concrete measures to eliminate violence against women. | Not accepted |
| 163 | Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far. | Not accepted |
| 164 | Ensure universal, compulsory and free education, carrying out on a priority basis measures aimed at eradicating discrimination, particularly discrimination that affects girls, marginal groups and persons with disabilities. | Not accepted |
| 165 | Continue its efforts to promote the right to children's education and ensure the importance of the principles of children's education in the country. | Not accepted |
| SCHEDULED CASTES AND SCHEDULED TRIBES | | |
| UPR 1 | | |
| 5 | Maintain disaggregated data on caste and related discrimination. | Accepted |
| 13 | Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination. | Accepted |
| UPR 2 | | |
| 75 | Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved. | Accepted |
| 87 | Continue to promote the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations. | Accepted |
| 5 | Continue efforts to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its optional protocol, and the International for the Protection of All Persons from Enforced Disappearances; and ratify ILO Conventions No. 169 and no. 189. | Not accepted |

| Number | Recommendation | Status |
|---|--|--------------|
| 26 | Ratification of ILO Conventions Nos. 138 concerning Minimum Age for Admission to Employment; 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; 169 concerning Indigenous and Tribal Peoples in Independent Countries; 155 concerning Occupational Safety and Health and the Working Environment and 170 concerning Safety in the use of Chemicals at Work. | Not accepted |
| 47 | Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons. | Not accepted |
| 72 | Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens. | Not accepted |
| 73 | Monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes. | Not accepted |
| 118 | Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities, Dalits and other castes. | Not accepted |
| 163 | Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far. | Not accepted |
| PERSONS WITH DISABILITIES | | |
| UPR 2 | | |
| 167 | Ensure better protection for persons with disabilities and the elderly. | Accepted |
| 164 | Ensure universal, compulsory and free education, carrying out on a priority basis measures aimed at eradicating discrimination, particularly discrimination that affects girls, marginal groups and persons with disabilities. | Not accepted |
| FREEDOM OF RELIGION AND RIGHTS OF RELIGIOUS MINORITIES | | |
| UPR 1 | | |
| 8 | Share best practices in the promotion and protection of human rights taking into account the multi-religious, multi-cultural and multi-ethnic nature of Indian society. | Accepted |
| UPR 2 | | |
| 75 | Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Schedules Tribes and Minorities are well achieved. | Accepted |
| 79 | Continue legal efforts in the protection of women as well as children's rights as well as improve measures to prevent violence against women and girls, and members of religious minorities. | Accepted |
| 87 | Continue to promote the rights of women in their choice of marriage and their equality of treatment independent of caste and tribe or other considerations. | Accepted |
| 125 | Strengthen the Federal Government's efforts to guarantee freedom of religion to everyone in this world's largest democracy. | Accepted |
| 130 | Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities. | Accepted |
| 43 | Enact a law on the protection of human rights defenders, with emphasis on those defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes. | Not accepted |

| Number | Recommendation | Status |
|-------------------------------|---|--------------------------|
| 48 | Adopt the Prevention of Communal and Targeted Violence Bill addressing issues such as accountability of civil servants, standards of compensation for victims and elements of command responsibilities. | Not accepted |
| 49 | Reconsider laws and bills on religious conversion in several Indian states in the light of freedom of religion or belief in order to avoid the use of vague or broad terminology and discriminatory provisions. | Not accepted |
| 50 | Reconsider current local legislation on freedom of religion, that uses vague or broad terminology and discriminatory provisions, and impedes the possibility for conversion of faith for those who wish to do so. | Not accepted |
| 72 | Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens. | Not accepted |
| 118 | Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities, Dalits and other castes. | Not accepted |
| 123 | Take legislative action to ensure every person's right to freely choose one's religion in line with the Indian Constitution and effectively and swiftly prosecute acts of violence against religious minorities. | Not accepted |
| 124 | Abolish anti-conversion laws in relation to religion and grant access to justice to victims of religious violence and discrimination. | Not accepted |
| 169 | Continue its efforts to achieve balance between its counterterrorism strategies and the need to forestall the spread of xenophobia. | Not accepted |
| REFUGEES | | |
| UPR 2 | | |
| 25 | Consider the recommendation made by UNHCR to ratifying the Conventions relating to refugees and stateless persons. | Not accepted |
| HUMAN RIGHTS DEFENDERS | | |
| UPR 2 | | |
| 127 | Ensure a safe working environment for journalists. (Deleted portion: and take proactive measures to address the issue of impunity, such as swift and independent investigations.) | Accepted in revised form |
| 43 | Enact a law on the protection of human rights defenders, with emphasis on those defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes. | Not accepted |
| 67 | Adopt the recommendations of the Special Rapporteur on the situation of human rights defenders and the necessary measures to its recognition and protection, guaranteeing that the human rights violations are timely, effectively and independently investigated. | Not accepted |
| 68 | Implement the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern defenders of women's and children's rights, defenders of minorities rights, including Dalits and Adivasi, and right to information activists. | Not accepted |

| Number | Recommendation | Status |
|---|---|--------------|
| IV. NATIONAL AND INTERNATIONAL MECHANISMS FOR PROTECTION OF HUMAN RIGHTS | | |
| NATIONAL HUMAN RIGHTS INSTITUTIONS | | |
| UPR 1 | | |
| 3 | Continue energizing existing mechanisms to enhance the addressing of human rights challenges. | Accepted |
| 4 | Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals. | Accepted |
| UPR 2 | | |
| 58 | Further coordination among relevant national authorities and human rights institutions. | Accepted |
| 56 | Implement the 2011 recommendations of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to ensure the high standards and independence of India's National Human Rights Institutions. | Not accepted |
| 57 | Intensify its efforts and measures to consolidate the state of law and its national mechanisms on human rights. | Not accepted |
| INTERNATIONAL HUMAN RIGHTS MECHANISMS | | |
| Universal Periodic Review | | |
| UPR 1 | | |
| 2 | Continue to fully involve the national civil society in the follow-up to the UPR of India, as was done for its preparation. | Accepted |
| 8 | Share best practices in the promotion and protection of human rights taking into account the multi-religious, multi-cultural and multi-ethnic nature of Indian Society. | Accepted |
| 16 | Fully integrate a gender perspective in the follow-up process to the UPR. | Accepted |
| UPR 2 | | |
| 63 | Continue including civil society participation in the UPR process. | Accepted |
| 64 | A fully integrated gender perspective in the follow up of this UPR. | Accepted |
| 70 | Continue cooperating with the UN and other International Organisations and share good experiences and practices with other countries in order to overcome the remaining challenges. | Accepted |
| Special Procedures | | |
| UPR 1 | | |
| 11 | Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation. | Accepted |
| 14 | Extend standing invitation to special procedures. | Accepted |
| 15 | Receive as soon as possible the Special Rapporteur on the question of torture. | Accepted |

| Number | Recommendation | Status |
|---|--|--------------------------|
| UPR 2 | | |
| 2 | Intensify efforts towards the MDG 5 by ensuring access to information and counseling on SRHR as set out in the National Population Policy. (Deleted portion: including by withdrawing its reservation to Article 16 in Convention on the Elimination of All Forms of Discrimination Against Women) | Accepted in revised form |
| 66 | Continue cooperating with Special Procedures and accept, in particular, requests for visits from Special Rapporteurs. | Accepted |
| 30 | Consider an early ratification of the third Optional Protocol to the Convention on the Rights of the Child, on a communication procedure. | Not accepted |
| 32 | Conform its national legislation to international norms on the prevention of torture, to speed up the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and receive the Special Rapporteur on Torture. | Not accepted |
| 69 | Allow the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, whose request had been Accepted for 18 years, in line with India's standing invitation issued in 2011 to all Special Procedures of the HRC. | Not accepted |
| 109 | Continue stepping up efforts in the area of fighting trafficking as well as consider the possibility of inviting the Special Rapporteur on trafficking in persons, especially in women and children, to visit the country. | Not accepted |
| 121 | Solve remaining cases of human rights violations and create an independent committee to receive claims against the police that were referred to by the Special Rapporteur on Human Rights Defenders. | Not accepted |
| Rome Statute of the International Criminal Court (see also in Part II) | | |
| UPR 2 | | |
| 1 | Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance and the Statute of the International Criminal Court. | Not accepted |
| 10 | Accede to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; ratify the Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the ILO Convention No. 189 concerning Decent Work for Domestic Workers. | Not accepted |
| 13 | Ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Rome Statute of the International Criminal Court. | Not accepted |
| 14 | Ratify the Rome Statute of the International Criminal Court, including its Agreement on Privileges and Immunities. | Not accepted |

The Working Group on Human Rights in India and the UN (WGHR)

is a national coalition of fourteen human rights organizations and independent experts from India. WGHR works towards the realization of all civil, cultural, economic, political and social rights in India and aims at holding the Indian government accountable for its national and international human rights obligations. At the national level, WGHR seeks to engage with relevant human rights, government, parliamentary, judicial and academic institutions. At the international level, WGHR seeks to facilitate Indian civil society's engagement with the United Nations' human rights instruments and mechanisms.

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