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Introduction

(Methodology and Consultation Process)

This submission is made by the Working Group on Human Rights in India and the UN (WGHR), a coalition of 9 human rights organisations and 2 independent experts from India. It has been endorsed by a coalition of 124 organisations and individuals from across the country, and is the result of an extensive consultation process involving more than 406 people across 4 regional consultations and 1 national consultation.
Implementation of UPR III Recommendations and Overview of Human Rights Situation
Economic, Social and Cultural Rights

Right to Adequate Housing and Land

1. In UPR III, India received 10 recommendations related to Housing and Land Rights. Specific recommendations were made on adequate housing, but not on land.

2. The PMAY scheme to provide ‘Housing for All by 2022’, has faced implementational challenges, extension of timelines and delays, reduced targets, and exclusion of homeless persons. The Affordable Rental Housing Complex 2020 scheme is predicated on a similar PPP model and may exclude those unable to afford such housing.

3. Forced evictions and demolitions of homes of the poor have continued unabated during the COVID-19 pandemic, despite guidance from the UN. Judicial orders have also contributed to the dispossession of vulnerable groups. Almost 16 million people are currently threatened with the risk of displacement.

4. The pandemic has disproportionately affected about four million homeless people and exacerbated their challenges, including livelihood loss and hunger.

5. Land ownership continues to be highly unequal and linked to caste status.

6. Since UPR III, some states have adopted laws that attempt to incorporate a HRBA to housing and land.

Recommendations:

1. Impose an immediate national moratorium on arbitrary forced evictions for any reason, invest adequately in affordable housing, and take steps to reduce homelessness by 2030.

2. Develop a human rights–based national housing policy/law within two years that recognises and upholds the right to adequate housing (as guaranteed in international law and affirmed by the Indian judiciary) and has provisions to prevent evictions and discrimination against marginalized groups.
Right to Food

1. Despite enacting the National Food Security Act 2013 and establishing the Public Distribution System (PDS) India ranks 101st of 116 countries in the Global Hunger Index. This reflects entrenched corruption and inefficacy in the distribution system.

2. The poor and vulnerable continue to suffer exclusion from PDS services, despite linking Aadhaar to bank accounts for Direct Benefit Transfer programs of the GoI. More than 100 million people have been deprived of the PDS rations guaranteed under the NFSA, due to the use of 2011 census figures instead of provisional 2022 census data.

3. The Supreme Court ordered the expansion of PMGKAY to cover those without ration cards but the Govt. has not been able to provide food grains in the PDS as per the provisions of the NFSA to migrant workers and persons with disabilities.

4. The pandemic-induced shutting down of schools led to nutritional loss among children, particularly those from poor socio-economic backgrounds.

Recommendations:

1. Fulfil obligations made under the PMGKAY scheme to provide free food grains for two additional years.

2. Utilise provisional census figures for 2022 to allocate food supplies and include a supply of 5kg pulses and 1L cooking oil every month for eligible households to address protein deficiency and anaemia among women and children.

3. Immediately de-link the transfer of welfare benefits to the poor from the Aadhaar system.

4. Supplement the Mid-Day Meal Scheme for children in schools with breakfast and provide protein-rich foods within one year.

Water and Sanitation

1. Between 2000 and 2018, India ranked 2nd for the most improvement in access to water. GoI is committed to achieve universal sanitation coverage and access to drinking water. However, the largest number of people in the world, 1 billion, live with physical water scarcity and many lack toilets. Only 44% of the population has access to piped water.

2. The Covid-19 pandemic has exposed the lack of access to clean water for those living in poverty, in informal settlements and rural populations.

3. The dumping of municipal solid waste and lack of segregation of waste at source prevent the processing of 90% of generated waste.

4. 70% of waste pickers come from traditionally marginalised communities and suffered disproportionately during the pandemic as they were not included in support measures for frontline workers further exacerbating their existing vulnerabilities.
Recommendations:

1. Institute a system under the National Water Quality Sub-Mission that measures, ranks, and reports on the potability of water on a proactive basis lab infrastructure and creating objective baseline standards.

2. Scale up potable water dispensing points (Water ATMs) in cities to address access for the urban poor, including vulnerable communities.

3. Enact a rights-based, comprehensive policy within one year for waste pickers that ensures the payment of fair wages, access to Govt. welfare schemes, format employment contracts, identity cards and workplace health and safety protections.

Right to Health

1. Despite several recommendations, a lack of adequate budgetary allocation has resulted in deficits in health care infrastructure, excessive out-of-pocket costs, lack of human resources, accountability, legislative oversight, and effective health care policy.

2. The private health sector, unaffordable to large sections of the population is expanding, covering 8% of the population for hospitalizations. Public health insurance schemes including PMJAY provide cover to 50% of the population, leaving 20% of the population uninsured.

3. The healthcare system came under unprecedented strain during COVID-19 pandemic leading to horrific shortages of life-saving infrastructure and equipment at hospitals. ANC services were interrupted despite a Govt. directive; ambulances were unavailable; and women were turned away from facilities during the 1st COVID lockdown.

4. The burden of family planning still disproportionately affects women, with female sterilization being the most common method. Diversion of resources by hospitals during COVID-19, curtailed access to safe abortion services for 1.85 million women.

Recommendations:

1. Raise health expenditure to 2.5% of GDP within two years.

2. Update the Essential Medicines list and strengthen implementation of the price-capping provisions to ensure universal access to medicines and regulate private healthcare.

3. Enact a human rights-based public health emergencies law that imposes clear duties on States to respond to public health emergencies.

4. Enact a National Health Rights Act that guarantees access to primary health care.

5. Urgently address the discrimination and structural marginalisation faced by vulnerable groups in accessing health care.

Right to Education

1. The RTE Act, 2009 guarantees free & compulsory education to all children between 6 to 14 years. The National Education Policy 2020 (NEP), promises to include 3-18 years but it is yet to be implemented across India. Social exclusion, harassment, delayed and insufficient funding; inadequate capacity and infrastructure; lack of cooperation between Centre and State poses challenges in implementation.
2. The NEP despite its claims to make education holistic, affordable, and equitable has come under criticism from experts for leaving out marginalized groups.55

3. The closure of 1.5 million schools due to the COVID-19 pandemic and lockdowns in 2020 impacted 24.7 million children enrolled in schools, leading to a rise in dropouts (especially due to digital divide with only one in 4 children being able to access the internet and digital devices56) and learning losses.57 Prior to the COVID-19 pandemic, 6 million children were already out of school.58

**Recommendations:**

1. Revise the National Education Policy 2020 to ensure the inclusion of all marginalised groups within two years.

2. Amend the Right to Education Act 2009 to include children between the ages of 3–18 years.

3. Ensure that children are brought back into mainstream education post Covid-19 pandemic.59

4. Raise the budget allocation for education to 6% of GDP in line with the NEP 2020.60

**Environment and Climate Change**

1. India’s ranks 168 of 180 countries61 in the Environment Performance Index 2020 and second last on air quality62 with 18% of total deaths in 2019 due to air pollution63. In 2021 there were 1750 deaths64 due to rapid increase in extreme weather events65. A raft of regressive revisions and dilutions in environment and land related laws66 enables exploitation natural resources for commercial purposes for unfettered development.67

2. The draft Environmental Impact Assessment (EIA) Notification 202068 introduced by the Govt. during COVID 19 to overhaul the existent EIA process and dilute legal protections drew widespread opposition69 leading to a joint statement issued by UN Special Procedures questioning its compatibility with India’s obligations under international law.70

**Recommendations:**

1. Immediately review and repeal the Draft EIA Notification 2020 and the proposed amendments to the Forest Conservation Act, 1980.71

2. Review existing policies to institute a robust environmental regime in consultation with all stakeholders, in particular indigenous peoples, local communities, affected persons and experts, and in compliance with international legal standards.

3. Take immediate effective measures to build climate change resilience, ensure disaster risk reduction and implement laws/policies relating to disaster management at the national, state and local levels.

4. Institute a moratorium on diversion of forests, mining activities and commercial exploitation of natural resources until legislative safeguards protecting the environment and rights of the local communities are put in place.
**Labour Rights**

1. Youth unemployment currently stands at 23% and reached a record 35% in 2020. A prolonged crisis of labour in the agriculture section has not been absorbed by the manufacturing sector. 90% of workers do not have regular formal employment.

2. The overall participation rate in the labour force has declined from 53.5% in 2010 to 46.4 in 2021, with the sharpest decline seen in the female participation rate, which fell from 26% to 19% in the same time frame.

3. The Covid-19 pandemic has deepened existing gender and sectoral inequalities in the labour market. Several states passed ordinances that extended work hours from eight to 12 and suspended the operation of existing labour laws. At the request of 10 central labour unions, the ILO urged the Prime Minister to send a clear message to the central and state govs. to uphold India’s international obligations.

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**Recommendations:**

1. Recognise Domestic Workers (Part and Full Time) and include them in India’s four Labour Codes to ensure that labour rights and social security benefits are granted to them.

2. Ratify ILO Convention 189 on Domestic Workers.

3. Immediately enact a National Floor Wage as recommended by the expert group on minimum wages and ensure it is extended to all employment guarantee schemes.

4. Extend the NREGA Act to include urban areas.
Freedom from Torture and Ill-Treatment

1. Despite repeated commitments, accepting UPR recommendations, and pledges during HRC election campaigns, India has still not ratified the Convention Against Torture.

2. Existing penal provisions in the IPC are insufficient to deal with crimes of custodial torture and ill-treatment. The requirement of prior sanction for prosecution under Section 197 CrPC and AFSPA block accountability for torture.

3. The NHRC annual report notes, “custodial violence and torture is so rampant in this country that it can be seen as embedded in the normal way of life.” 1,680 people died in custody in 2020. 18 deaths were recorded due to beating by police while enforcing the Covid-19 lockdown. NCRB statistics for past four years record 331 deaths in police custody. In the past 4 years, 214 cases were registered against police for human rights violations, with 32 custodial deaths and 21 torture cases, but only 3 police personnel have been convicted so far.

4. Members of marginalised, discriminated, and oppressed groups are more vulnerable to custodial torture.

Recommendations:

1. Ratify the UN CAT and its Optional Protocol and enact a comprehensive and effective piece of domestic anti-torture legislation within two years.

2. Institute mechanisms, for independent investigation and prosecution of perpetrators in civilian courts; and appropriate reparations, redress, and remedy for victims.

3. Immediately issue an invitation to the Special Rapporteur on Torture.
Militarism and Security Laws

1. The NHRC has stated that the government has no intention of ratifying the Convention on Enforced Disappearances; despite enforced disappearances not being a criminal offence in domestic law.

2. Several incidents of arbitrary arrests, detentions, media blackouts, internet blockades, harassment and persecution of journalists, restriction on access to information, education, healthcare, and other basic rights were documented following the repeal of Article 370 and Article 35A in Jammu and Kashmir in 2019.

3. The review and repeal of AFSPA 1958 and 1990, enforced in the North-East region and in Jammu and Kashmir, that provides immunity from prosecution to security forces, has been recommended by UN Special Procedures and Treaty Bodies since 1991. After the recent incident of extrajudicial killings by the armed forces in Nagaland, the Chief Ministers of Nagaland, Manipur and Meghalaya called for its repeal.

4. In a PIL seeking justice for 1528 extrajudicial executions in Manipur, due to the denial of prosecution sanctions by the Union, the prosecution of armed forces personnel is pending.

Recommendations:

1. Repeal AFSPA 1958 and 1990 immediately to comply with obligations under the ICCPR and end the culture of impunity.

2. Institute an effective mechanism of redress for victims of violations by security forces, tasked to conduct independent investigations and prosecutions in civilian courts.
Police Reform, Legal Aid and Criminal Justice System

1. On average, there is a vacancy for every 3 judges in the High Courts and 1 in 4 among subordinate judges; prison staff gaps hover at 30% and police vacancies stand at 20%.

2. Prisons and police continue to be governed by archaic laws despite reform directions from the Supreme Court.

3. Between 2018 and 2020, India’s prison population increased by 4.6%, 18 times higher than the global average rate of 0.25%. High inflow of prisoners with 76% awaiting trial is due to increase in arrests, lack of access to early and effective legal aid and inadequate use of alternatives to imprisonment. Prison conditions worsened during the pandemic due to poor prison monitoring.

4. Disproportionate and discriminatory use of force by the police remains high. Nationwide lockdowns during Covid-19 pandemic reported at least 150 incidents of police violence, resulting in the death of at least 15 individuals.

5. Only 12 states have constituted Police Complaints Authorities to inquire into public complaints alleging police misconduct, and these lack sufficient powers to enforce accountability.

Recommendations:

1. Enact modern prisons and police legislations, in line with international standards, and after extensive consultations.

2. Fill vacancies at all levels in a time bound manner, ensuring proportionate representation of vulnerable groups.

3. Prohibit unnecessary arrests, and immediately institute protocols to realize early access to legal aid.

4. Empower Police Complaints Authorities with resources, a strengthened mandate and independence within one year.
Rights of Women

1. Violence against women is pervasive in India, with every 3rd woman reported to have experienced some form of abuse and domestic violence after attaining 15 years of age.\textsuperscript{113} A total of 3,71,503 cases of crime against women were registered during 2020, a decline of 8.3% over 2019.\textsuperscript{113}

2. With only 14.39% of women in parliament,\textsuperscript{114} India ranks below the global average of 24.58% political participation of women.\textsuperscript{115} The Women’s Reservation Bill that aims to reserve 33% seats in the Lok Sabha and all state legislative assemblies for women has remained pending for decades.\textsuperscript{116}

3. Persistent rates of child, early and forced marriages and alarming rates of domestic violence at 31.1% characterise a sexual and reproductive rights situation that is severe for adolescents and young girls.\textsuperscript{117} There is no policy on sexuality education that can address such concerns.\textsuperscript{118}

Recommendations:

1. Increase budgetary and resource allocation and utilisation (infrastructural and human personnel) for effective implementation of all laws\textsuperscript{119} to combat gender-based violence against women and girls.\textsuperscript{120}

2. Expedite comprehensive sexual and reproductive health services for women across ages.\textsuperscript{121}

3. Enact the Women’s Reservation bill in legislative bodies at centre and state level.

4. Ratify the Optional Protocol on Individual Complaints and inquiry mechanisms to CEDAW\textsuperscript{122}.

LGBTQIA+

1. In a 2018 judgement that decriminalised Section 377 of the IPC, the Supreme Court acknowledged the heterogeneity within the LGBTQIA+ community and of the importance of ensuring that rights reflected this.\textsuperscript{123} Over the past 10 years, the rights, and entitlements of Transgender persons, specifically,\textsuperscript{124} have been affirmed by the Supreme Court\textsuperscript{125}, High Courts\textsuperscript{126} and Parliament\textsuperscript{127}.

2. People of gender and sexual minorities face discrimination, harassment, and violence in all spheres of life; compounded by intersecting identities such as caste class and religion.\textsuperscript{128}

3. LGBT persons were heavily impacted by the Covid–19 lockdowns as restrictions on social activities left transgender persons with no earnings, food, or amenities.\textsuperscript{129} Hormone therapy was not classified as essential care and became inaccessible, as was Govt. aid without gender-congruent identity documents.\textsuperscript{130}

Recommendations:

1. Institute annual sensitisation programmes that cover 60% of Central, state, and local government officials, including medical professionals\textsuperscript{131}, on sexual orientation, gender identity, expression, and sex characteristics, through curricula developed in extensive consultations with LGBT community members.

2. Institute horizontal reservations within existing vertical reserved categories for transgender and intersex persons across government institutions; establish a uniform legal documentation process for access to welfare schemes.

3. Provide protection from harassment by the police\textsuperscript{132} and safe shelter homes to all LGBT persons at risk.\textsuperscript{133}
## Child Rights

1. Birth registration is not universalised. Some States achieved 100% birth registration\(^{134}\) while others lag behind, resulting in exploitation and deprivation of rights entitlements of children.\(^{135}\)

2. Increase in child labour\(^{136}\) during COVID and regressive amendments to child labour legislation remain a concern.\(^{137}\) Inspections into child labour cases have been decreasing and prosecutions and convictions remain low.\(^{138}\)

3. An increase of 18.8% in sexual offences\(^{139}\) reflects the poor implementation of POCSO Act.\(^{140}\) Regressive amendments to POCSO have lead towards less disclosure of offences.\(^{141}\)

4. The COVID–19 pandemic has increased the risk of rise in child marriages.\(^{142}\)\(^{143}\) There are concerns being raised about the government’s proposal to raise the age of marriage for girls to 21 years.\(^{144}\)

5. While cases of child trafficking decreased between 2017 and 2019 by 17.5%, there are concerns raised about the proposed trafficking bill leading to more penalization\(^{145}\).

6. The share budget for children has seen a consistent decline over the years\(^{146}\).

### Recommendations:

1. Increase the budget allocation for children in light of increased vulnerabilities during COVID.

2. Bring necessary legislative changes through wider consultation on the issue of age of sexual consent to stop criminalisation of minors in age group of 16–18 years for consensual sexual relationship.

3. Introduce specific guidelines to streamline victim/witness protection and compensation support for victims of child sexual abuse and families undergoing trial.

4. Amend the current legislation on child marriage (PCMA) to define as a child all persons up to 18 years, irrespective of gender.\(^{147}\)

## Scheduled Castes

1. The PoA Act 1989 has been strengthened through amendments in 2016,\(^{148}\) and Special Courts and AJK thanas\(^{149}\) have been established to streamline access to justice for Scheduled Caste and Scheduled Tribes victims of atrocities. However, in 2021 only 170 Exclusive Courts were set up and cases are not being disposed within 60 days as mandated\(^{150}\). The number of Special Public Prosecutors is insufficient to handle the assigned cases.

2. Despite the Govt. repeatedly voicing concern related to development of Dalits, only 38% of the allocated funds in the 2022–23 budget are for targeted schemes.\(^{151}\) In proportion to the population, there remains a gap of allocation of INR 40,634 Crore.\(^{152}\)

3. There is a 16.98% increase in reported atrocity cases under the PoA Act\(^{153}\). Decadal data (Crime in India, 2009–2018) reveals 32.5 % crimes against SCs were not registered under the provisions of the PoA Act across India.

4. Dalit communities are subjected to violent search and seizure operations\(^{154}\) falsified charges\(^{155}\), caste based verbal abuse and humiliation, severe beatings\(^{156}\), inhuman torture\(^{157}\), forced bribery for their release\(^{158}\) and sexual abuses\(^{159}\) following arrest.
Recommendations:

1. Establish Exclusive Special Courts in every district of India, appoint Special Public Prosecutors; set up and regularise mandatory State and District Vigilance Monitoring Committee meetings for the effective implementation of the POA Act.

Scheduled Tribes

1. According to the 2011 census, Scheduled Tribes (STs) account for 8.2% of the overall population. In addition to their rights as citizens, the Constitution protects their distinct identities.\(^{160}\)

2. In recent years, central India has witnessed development\(^{161}\) that has been insensitive to the needs of tribal communities and continues to cause displacement, destroys their cultural identity and resource base, generating multiple conflicts. The UAPA Act has been extensively used against STs.\(^{162}\)

3. Atrocities against STs have increased by 26.5% in 2019\(^{163}\) and by 9.3% in 2020.\(^{164}\) Nomadic and de-notified tribes who are most vulnerable due to their identification as a criminal tribe under colonial rule, continue to face prejudices, discrimination, and criminalisation under the Habitual Offenders Act.

Recommendations:


2. Repeal the Habitual Offenders Act 1952.

3. Strengthen the 5\(^{th}\) and 6\(^{th}\) Schedule provisions of the Constitution, the provisions of the Panchayat Act\(^{165}\), and the ST and Other Traditional Forest Dwellers Act\(^{166}\) and ensure their effective implementation within three years.

4. Ensure that the National Commission for Scheduled Tribes remains autonomous and institute a speedy redressal mechanism within two years.\(^{167}\)

Disability Rights

1. India ratified the UNCRPD in 2007. The UN Committee monitoring the Convention has recommended that India amend its Constitution to explicitly prohibit disability-based discrimination.\(^{168}\)

2. The population of disabled persons is 2.21%.\(^{169}\) Allocations specific to persons with disabilities as a percentage to GDP have shown a declining trend.\(^{170}\) The underutilisation of allocations is also a major concern, with underutilisations rising from 4.90% in 2018–19 to 34.99% in 2020–21.\(^{171}\)

3. Disabled women lose autonomy over their sexual and reproductive rights. Women with psychosocial disabilities are forced into mental institutions, subjected to forced treatment and sterilisation,\(^{172}\) and are frequently reported to suffer physical and sexual violence.\(^{173}\) Children with disabilities continue to be excluded from basic services, with the combination of social and economic marginalisation alongside disabilities creating multiple vulnerabilities.\(^{174}\)

4. The Rights of Persons with Disabilities Act, 2016, contains several discriminatory provisions.\(^{175}\)
**Recommendations:**

1. Ensure the implementation of the provisions on accessibility of the Rights of Persons with Disabilities Act 2016 with regard to buildings, transport, consumer goods & ICT enabled services.
2. Bring domestic laws in line with the provisions of the CRPD, in particular the National Trust Act and the Rehabilitation Council of India Act.
3. Amend the Constitution to prohibit disability-based discrimination in all forms.
4. Decentralize & simplify the Unique Disability Identity card system and its certification process.

**Religious Minorities**

1. The Right to Life, Equality before Law, Non-Discrimination, and Freedom of Faith are constitutionally protected. However, they are being challenged by arbitrary use of State power.\(^{176}\) Hate crimes, including hate speeches and writings in traditional media\(^{177}\), have multiplied, as have calls for targeted killings and abusive use of inciteful hate on social media. Muslims, Christians, and Dalits are subjected to risk. Discriminatory laws such as the CAA 2019\(^{178}\) that institutionalise discrimination and exclusion of minority groups and lead to statelessness and disenfranchisement have been passed.\(^{179}\)

2. GoI admitted in Parliament that there as many as 130 Complaints of ‘Hate News’ Cases on Social Media Platforms were reported\(^{180}\), while remaining silent on the levels of action initiated.

3. In 2017, the MHA reported 111 deaths and 2,384 injuries in 822 incidents of communal violence in a single year marking a 28 % rise since 2014.\(^{181}\)

**Recommendations:**

1. Enact the Prevention of Communal and Targeted Violence Bill\(^ {182}\) and review and repeal the following anti-minority laws within one year:
   i. CAA 2019 (Central Government);
   ii. All “Anti-conversion” laws which target religious minorities passed by six states\(^ {183}\);
   iii. Specific Policy assurance not to implement an all India NPR/NRC (Indian Government)

2. Foreigner Tribunals\(^ {184}\) in Assam state must follow Indian constitutional and international law standards, close detention centres.

3. Ensure that traditional media and social media platforms and channels, maintain high professional standards and regulate hate speech:
   i. Facebook to release its Human Rights Impact Assessment Report (HRIA);
   ii. Stop targeting of Minority institutions in the social sector especially those running schools, charities, or children’s homes.
Refugees, IDPs and Migrants

1. India has not ratified the 1951 Convention on Refugees and the OP of 1967 and does not have a national framework or legal procedure governing refugees. As of January 2022, over 210,000 refugees are registered with the Govt, and 47,443 refugees registered with UNHCR.

2. Refugees are governed by the Foreigners Act 1946, a deportation-oriented law, that doesn’t take into account their need for protection and places them at risk of refoulement or “return”, in violation of customary international law. Due to this ill-defined status, refugees are unable to access basic services such as schooling, healthcare, and livelihoods and risk human rights violations including arrest, detention and trafficking.

3. During the COVID-19 pandemic, a harsh spotlight was shone on the plight of the 139 million migrant workers who move from villages to cities every year in search of employment. The nationwide lockdowns left them stranded without food, shelter, or transport.

4. Development-induced displacement from major infrastructure projects makes up the largest share of internal displacement in India. Dams, mines, and industrial development have led to the internal displacement of 21 million people.

Recommendations:

1. Institute a national legal framework within two years, along the lines of the Asylum Bill 2015 to prevent non-refoulement and govern the legal status of refugees.

2. Ratify the Convention on Migrant Workers, revise the Inter-State Migrant Workers Act 1979 and ensure the swift enactment of the draft National Migrant Labour Policy.
Freedom of Assembly, Association and Expression

Right to Information

1. Violence against individuals and activists for using the RTI has been increasing. Parliament enacted a law to protect whistle-blowers, which includes journalists, but only applies to complaints made while following specific procedures.

2. Despite State Human Rights Commissions taking cognisance of attacks on citizens, activists and journalists seeking information under the RTI Act; justice is hampered by poor quality of police investigations.

3. Less than 1% of the total population takes recourse to the RTI because of the lack of efforts by GoI to spread awareness on them.

4. The draft legislation to prevent bribery of foreign officials; facilitate complaints of corruption or misbehaviour against members of the High Courts and the Supreme Court has not been revived since 2014.

5. The Lokpal and Lokayuktas Act as empowered corruption investigation agencies has remained ineffective since inception and not launched prosecution even in a single case.

Recommendations:

1. Implement the Whistle blowers Protection Act 2014 by notifying subordinate legislation and inserting provisions for whistleblowing through the media.

2. Immediately ensure compulsory registration and investigation of cases of attacks on citizens and journalists utilising the RTI Act under the supervision of Human Rights Commissions, Information Commissions and Vigilance Commissions and ensure a more proactive disclosure of information by public authorities.

3. Empower the Lokpal ombudsman by providing the investigative and prosecutorial machinery as envisaged under the parent Act and encourage State Governments to align their Lokayukta laws with the letter and spirit of the Lokpal Act.
Human Rights Defenders and Civic Space

1. India has witnessed historic protests during the past 4 years, including those against the Citizenship Amendment Act (CAA) and the three farm laws. Although peaceful, they were met with brutal repression by the state.

2. Kashmir has witnessed a systematic clampdown, particularly since the abrogation of Article 370 of the Indian Constitution, which guaranteed a special status to Jammu and Kashmir.

3. Police authorities routinely subject protesters and organisers of peaceful public assemblies to surveillance. As there is no coherent law or legal framework concerning surveillance and privacy, mass surveillance occurs with impunity.

4. The Epidemic Diseases Act and Disaster Management Act were abused and applied selectively to restrict protest assemblies in India during the COVID-19 lockdown.

5. The misuse of sedition laws has been observed. The Spyware Pegasus was used to spy on and target HRDs, journalists, lawyers, civil society, and opposition politicians.

6. India had the highest number of internet shutdowns in the year 2020, despite the Supreme Court recognizing access to the internet as a fundamental right.

7. The FCRA 2010 and recent amendments in 2020 have severely restricted the functioning of HRDs.

Recommendations:

1. Repeal or comprehensively amend the FCRA, in line with the legal analysis of the Special Rapporteur on Freedom of Association and Assembly.

2. Enact a law that recognises and protects HRDs including environmental, indigenous and Dalit defenders in compliance with the UN Declaration on HRDs and other international standards.

3. Ensure that the right to access the internet and information is not impeded, particularly through the use of arbitrary internet shutdowns.

Human Rights Institutions

1. The human rights situation in India remains challenging and human rights institutions have not functioned robustly. Despite a statutory responsibility to review laws, the NHRC has not monitored the misuse of UAPA, AFSPA and PSA against political dissenters. It has also not pushed for a national legislation to prevent torture, hate crimes and the abolition of death penalty.

2. During protests against the Citizenship Amendment Act at Aligarh Muslim University and Jamia Millia Islamia, the NHRC blamed students for the violence, and justified the excessive use of force by police. The National Action Plan on Human Rights has remained under discussion for a decade. Frustration has grown in civil society over the NHRC’s lack of independence.

3. The NHRC issued several guidelines to protect human rights during the COVID-19 pandemic, but was unable to prevent serious human rights violations in prisons, including the tragic death of Father Stan Swamy caused by negligence.
Recommendations:

1. Institute a transparent procedure for the selection of the Chairperson and Members of the NHRC in accordance with international standards and consider appointing members from civil society with credible track records for these positions.

2. Provide adequate training and orientation on the Paris Principles and on international human rights standards to NHRC officials.

1. The GoI is yet to comply fully with its international obligations as it is yet to ratify three key international human rights instruments. India has also not engaged in open, timely and meaningful engagement with UN Special Procedures. India’s record in implementing recommendations from the UN human right system is severely lacking in application.

2. There is no known, established, and transparent system in place on the basis of which independent candidates are selected for the UN treaty body elections. It must also be noted that, over the years, India has not taken enough interest in nominating members to the treaty bodies, despite extensive expertise in the country on different thematic issues.

**Recommendations:**

1. Fulfil India’s obligations under all the international human rights treaties that it has ratified and amend all national laws and regulations that are not in full compliance with these treaties, within two years.

2. India should diligently implement recommendations from UN Special Procedures and, in the spirit of engagement with the Special Procedures, immediately invite all those who have requested visits.

3. India should take immediate steps to improve its record of implementation of the first three cycles of the universal periodic review and concluding observations from UN treaty bodies.
Conclusion

India received a total of 249 recommendations during UPR III in May 2017. The Govt. has initiated progressive legal and policy initiatives in areas such as right to health, water and sanitation and food. However, a lack of implementation at the ground level due to development priorities inconsistent with international commitments, difficulty in access for marginalised communities and inadequate budgetary allocations, act as hurdles to the realisation of human rights for the most vulnerable. There is a worrying trend of the stifling of civil society voices and democratic dissent, and of increasingly hostile rhetoric and actions towards religious minorities. WGHR presents this report in the hope that the Govt. will take these recommendations consistent with their human rights pledge to the Human Rights Council and in the constructive spirit of the UPR in which they are intended.
Annex

A. List of WGHR Members

Organisations:

- Commonwealth Human Rights Initiative
  www.humanrightsinitiative.org

- HAQ: Centre for Child Rights
  www.haqcrc.org

- Housing and Land Rights Network
  www.hlrn.org.in

- Centre for Justice and Peace
  cjp.org.in

- Human Rights Alert

- People’s Watch
  www.peopleswatch.org

- National Campaign on Dalit Human Rights (NCDHR)
  www.ncdhr.org.in

- FIAN India
  www.fian.in

- Lawyers Collective
  www.lawyerscollective.org

Independent Experts:

1. Ms Vrinda Grover – Supreme Court Advocate

2. Mr Miloon Kothari – Former Special Rapporteur on Adequate Housing, UN Human Rights Council
### B. List of Endorsements

#### Organisations:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>1.</td>
<td>Agal Women’s Collective</td>
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<td>2.</td>
<td>Agape Blessed Foundation Trust</td>
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<td>3.</td>
<td>All India Minority People Movement</td>
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<td>4.</td>
<td>All India Network of NGOs and Individuals Working with National and State Human Rights Institutions (AiNNI)</td>
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<td>5.</td>
<td>Anonymous Organisation</td>
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<td>6.</td>
<td>Attur Women’s Collective</td>
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<td>7.</td>
<td>Banglar Manabadhakar Suraksha Mancha (MASUM)</td>
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<td>8.</td>
<td>Basumati Trust</td>
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<td>9.</td>
<td>Centre for Amenities, Rehabilitation &amp; Education (CARE)</td>
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<td>10.</td>
<td>Centre for Research and Advocacy</td>
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<td>11.</td>
<td>Centre for Social and Behaviour Change Communication</td>
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<td>12.</td>
<td>Centre for Sustainable use of Natural and Social Resources (CSNR), Odisha</td>
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<td>13.</td>
<td>Christian Livelihood movement</td>
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<td>14.</td>
<td>Citizens for Peace and Justice</td>
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<td>15.</td>
<td>Commonwealth Human Rights Initiative (CHRI)</td>
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<td>16.</td>
<td>Dalit Human Rights Defenders Network (DHRDNet)</td>
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<td>Darshan Organisation</td>
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<td>18.</td>
<td>Disabilities Welfare Association, Ramanthapuram, Tamil Nadu</td>
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<td>19.</td>
<td>DNT Adhikar Manch</td>
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<td>20.</td>
<td>Don Bosco Migrant Services</td>
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<td>Holistic Approach for People’s Empowerment (HOPE)</td>
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<td>India Thowheed Jamaath</td>
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<td>Indian School of Social Sciences</td>
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<td>31.</td>
<td>Indian Social Institute, Bangalore</td>
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<td>Initiative for Health &amp; Equity in Society</td>
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<td>Justice Coalition of Religious, West India</td>
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<td>Jyothi Jeevapoorna Trust – Archana Women’s Centre</td>
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<td>Kalanjium Unorganized Workers Union</td>
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<td>National Council of Women Leaders (NCWL)</td>
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### Individuals:

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<thead>
<tr>
<th>No.</th>
<th>Name of Expert</th>
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<tbody>
<tr>
<td>1.</td>
<td>Aasha Ramesh</td>
<td>Women’s Rights Activist, Researcher &amp; Development Consultant</td>
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<tr>
<td>2.</td>
<td>Abdul Hakim</td>
<td>SDPI</td>
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<tr>
<td>3.</td>
<td>Arjun</td>
<td>Itinerant People Rights Organization</td>
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<tr>
<td>4.</td>
<td>Brinelle D’souza</td>
<td>Academic and Activist</td>
</tr>
<tr>
<td>5.</td>
<td>Cynthia A. Mathew</td>
<td>AdvocateBuxar, Bihar</td>
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<td>6.</td>
<td>Dhanam</td>
<td>Anti Sterlite People’s Movement</td>
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<td>7.</td>
<td>Dr Bipasha Roy</td>
<td>Child Rights Activist, Kolkata, West Bengal</td>
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<td>8.</td>
<td>Dr. K.M.Parivelan</td>
<td>Associate Professor, Mumbai Maharashtra</td>
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<td>9.</td>
<td>Dilipan P</td>
<td>District Court Lawyer, Tamil Nadu</td>
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<td>10.</td>
<td>Dilip Kumar</td>
<td>Social worker</td>
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<td>11.</td>
<td>Dhurai</td>
<td>IPRO</td>
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<td>12.</td>
<td>Elayavalavan N</td>
<td>District Court Lawyer, Tamil Nadu</td>
</tr>
<tr>
<td>14.</td>
<td>Grace Gandhimathi.A.</td>
<td>Association for Women Awareness and Rural Development (AWARD)</td>
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<tr>
<td>15.</td>
<td>Jeyakumar</td>
<td>Human Rights Activist</td>
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<td>16.</td>
<td>Manoj Kumar Nayak</td>
<td>Social Activist</td>
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<td>17.</td>
<td>Mahesh Menon,</td>
<td>Professor of Law, School of Law, Sai University</td>
</tr>
<tr>
<td>18.</td>
<td>Mr. Cletus Zuzarte</td>
<td>Asst. Professor, College of Social Work, Mumbai, Maharashtra</td>
</tr>
<tr>
<td>19.</td>
<td>Prasad Chacko</td>
<td>Consultant on Inclusion (Governance and Development)</td>
</tr>
<tr>
<td>20.</td>
<td>Rohit Prajapati</td>
<td>Environmental Activist</td>
</tr>
<tr>
<td>21.</td>
<td>Swati Goswami</td>
<td>Independent Content/Copy Writer</td>
</tr>
<tr>
<td>22.</td>
<td>Vrinda Grover</td>
<td>Supreme Court Advocate</td>
</tr>
<tr>
<td>23.</td>
<td>Miloon Kothari</td>
<td>Former UN Special Rapporteur on Adequate Housing</td>
</tr>
</tbody>
</table>
C. Report of Stakeholder Consultations

1. Regional UPR Consultations (November 2021 - February 2022)

In order for the WGHR Stakeholders' report to reflect the current human rights challenges in India as precisely as possible, WGHR held a series of four regional consultations with civil society actors across India from 15 November 2021 to 14 February 2022. Due to the Covid-19 Pandemic, the regional consultations were held online. These consultations aimed at creating a broad and inclusive movement around the UPR process and at gathering precise information that would feed into WGHR's stakeholders' report. The Regional Consultations brought together a total of 282 participants.

Apart from training participants on the UPR process, the regional consultations aimed at gathering testimonies, documentation and information on the most pressing human rights challenges in each region. The following thematic topics were covered during the WGHR Regional Consultations:

1. Dalit Rights
2. Rights of Women and Sexual and Gender Minorities
3. Child Rights
4. Housing and Land Rights
5. Freedom of Religion and Religious Minorities
6. Labour Rights
7. Environment and Climate Change
8. Right to Health
9. Access to justice
10. Right to Freedom from Torture and Ill-Treatment
11. Rights of Indigenous People
12. Militarization, Extrajudicial Killings and Enforced Disappearances
13. Human Rights Defenders and Civic Space (Freedom of Assembly, Association and Expression)

Further details about the regional consultations held can be found below:

Northern Consultation
- Format: Online
- Dates: 15 - 17 November 2021
- States covered: Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar, Jharkhand, Chattisgarh, Delhi, Haryana, Punjab, Uttarakhand, Himachal Pradesh, Jammu & Kashmir and Ladakh

East and North-Eastern Consultation
- Format: Online
- Dates: 29 November - 01 December 2021
- States covered: Odisha, West Bengal, Assam, Sikkim, Nagaland, Manipur, Meghalaya, Tripura, Mizoram, and Arunachal Pradesh

Western Consultation
- Format: Online
- Dates: 20 December - 22 December 2021
- States covered: Gujarat, Maharashtra, and Goa
Southern Consultation

The Southern Consultations were organised by our partner organisation People’s Watch and each of the southern states held separate regional consultations.

- Format: Online
- Dates: 24 – 31 January 2022
- States covered: Karnataka, Tamil Nadu, Telangana, Andhra Pradesh, Puducherry and Kerala

2. UPR National Consultation (03 and 04 March 2022)

WGHR organised a two day National Consultation on the UPR at India International Centre (IIC), New Delhi. It brought together representatives from the National Human Rights Commission (NHRC), UN agencies, diplomats and civil society. A total of 124 participants from across the country took part in the National Consultation.

The objective of the National Consultation was to: (i) Highlight human rights thematic issues that were underrepresented during the regional consultations, (ii) include new thematic issues not covered by WGHR in previous UPR cycles (iii) consolidate the findings from the regional consultations, (iv) establish national patterns of human rights violations, (v) prioritise the most pressing human rights issues, and (vi) continue a constructive engagement and dialogue between civil society and National Human Rights Institutions around the UPR process. Thematic topics covered during the National Consultation include:

1. Housing and Land Rights
2. Right to Education
3. Right to Food
4. Water and Sanitation
5. Environment and Climate Change
6. Labour Rights
7. Right to Health
8. Rights of LGBTQIA+ Persons
9. Rights of Persons with Disabilities
10. Rights of Scheduled Tribes, Adivasis and Nomadic Groups
11. Religious Minorities
12. Refugees, IDPs and Migrants
13. Human Rights Defenders (Freedom of Assembly, Association & Expression)

The final WGHR Stakeholders’ report reflects the highlights of the main outcomes and submissions emanating from the regional and national consultations.

The WGHR Consultation series was organised with the support of the United Nations Resident Coordinator’s Office, (UNRCO) India as part of a project facilitating engagement with CSOs for India’s 4th cycle UPR (UPR IV).
### D. List of Abbreviations

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AHRC</td>
<td>Affordable Rental Housing Complex</td>
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<td>AJK</td>
<td>Anusuchit Jati / Janjati Kalyan Thanas</td>
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<tr>
<td>ANC</td>
<td>Antenatal Care</td>
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<tr>
<td>CAA</td>
<td>Citizenship Amendment Act 2019</td>
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<td>CAT</td>
<td>United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</td>
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<td>CED</td>
<td>International Convention for the Protection of All Persons from Enforced Disappearance, 2006</td>
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<td>CEDAW</td>
<td>Committee on Elimination of Discrimination against Women, 1979</td>
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<td>CrPC</td>
<td>Code of Criminal Procedure</td>
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<td>CRPD</td>
<td>United Nations Convention on the Rights of Persons with Disabilities</td>
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<td>Environmental Impact Assessment Notification 2020</td>
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<td>FCRA</td>
<td>The Foreign Contribution Regulation Act, 2010 and Amendments 2020</td>
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<td>GoI</td>
<td>Government of India</td>
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<td>HRBA</td>
<td>Human Rights-Based Approach</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<td>IPC</td>
<td>The Indian Penal Code, 1860</td>
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<td>J&amp;K</td>
<td>Jammu and Kashmir</td>
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<td>LGBTQIA+</td>
<td>Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual +</td>
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<td>MoEF&amp;CC</td>
<td>Ministry of Environment Forest &amp; Climate Change</td>
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<td>MOHFW</td>
<td>Ministry of Health and Family Welfare</td>
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<td>NCRB</td>
<td>The National Crime Records Bureau</td>
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<td>NEP</td>
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<td>National Family Health Survey</td>
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<td>National Register of Citizens</td>
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<td>National Rural Employment Guarantee Act 2005</td>
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<td>OP</td>
<td>Optional Protocol</td>
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<td>PCMA</td>
<td>Prohibition of Child Marriages Act 2006 and Amendment 2021</td>
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<td>PDS</td>
<td>Public Distribution System</td>
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<td>PMAY G</td>
<td>Pradhan Mantri Awas Yojana Gramin</td>
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<td>Abbreviation</td>
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<td>Pradhan Mantri Garib Kalyan Anna Yojana</td>
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<td>PMJAY</td>
<td>Ayushmaan Bharat Pradhan Mantri Jan Arogya Yojana</td>
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<td>Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989</td>
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<tr>
<td>SR</td>
<td>Special Rapporteurs</td>
</tr>
<tr>
<td>STs</td>
<td>Scheduled Tribes</td>
</tr>
<tr>
<td>UAPA</td>
<td>Unlawful Activities Prevention Act, 1967</td>
</tr>
<tr>
<td>UPR</td>
<td>Universal Periodic Review</td>
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<tr>
<td>UPR I</td>
<td>India’s 1st Universal Periodic Review, April 2008</td>
</tr>
<tr>
<td>UPR II</td>
<td>India’s 2nd Universal Periodic Review, May 2012</td>
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<tr>
<td>UPR III</td>
<td>India’s 3rd Universal Periodic Review, May 2017</td>
</tr>
<tr>
<td>UPR IV</td>
<td>India’s 4th Universal Periodic Review, to be held in November 2020</td>
</tr>
</tbody>
</table>
## E. Thematic List of Recommendations from India’s 3rd UPR Review – Assessment of Implementation Status by WGHR

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Recommendation</th>
<th>Position</th>
<th>Full list of themes</th>
<th>Assessment/comments on level of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Theme: A12 Acceptance of international norms</strong></td>
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<tr>
<td>1.</td>
<td>161.8 Finalize the efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as other international instruments, as recommended by relevant treaty bodies (Bulgaria);</td>
<td>Supported</td>
<td>A12 Acceptance of international norms A22 Cooperation with treaty bodies D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td>2.</td>
<td>161.5 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as previously recommended (Botswana);</td>
<td>Supported</td>
<td>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td>3.</td>
<td>161.6 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment urgently and in accordance with its commitments from the 2012 universal periodic review (Norway);</td>
<td>Supported</td>
<td>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td>4.</td>
<td>161.7 Ratify, before the next universal periodic review cycle, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Czechia);</td>
<td>Supported</td>
<td>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td>5.</td>
<td>161.9 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Greece) (Guatemala) (Italy) (Lebanon) (Montenegro) (Mozambique) (South Africa) (Sweden) (Turkey) (Ukraine) (United States of America);</td>
<td>Supported</td>
<td>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td>6.</td>
<td>161.11 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that the instrument of ratification is consistent with the Convention (Australia);</td>
<td>Supported</td>
<td>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td>7.</td>
<td>161.16 Redouble its efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Republic of Korea);</td>
<td>Supported</td>
<td>A12 Acceptance of international norms D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not implemented</td>
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</tbody>
</table>
| 8.   | 161.17 Speed up the process for the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Israel);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not implemented |
| 9.   | 161.18 Advance towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not implemented |
| 10.  | 161.19 Consider completing the process of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Burkina Faso);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not implemented |
| 11.  | 161.20 Complete the process of preparation for the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Russian Federation);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not implemented |
| 12.  | 161.21 Intensify efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not implemented |
| 13.  | 161.22 Strengthen national efforts towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not implemented |
| 14.  | 161.38 Ratify the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (Slovenia);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | A12 Acceptance of international norms  
E32 Right to just and favourable conditions of work  
F33 Children: protection against exploitation  
S16 SDG 16 - peace, justice and strong institutions  
S08 SDG 8 - economic growth, employment, decent work  
**Affected persons:**  
- general  
- children | Implemented |
<table>
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<tr>
<td>15.</td>
<td>161.40 Consider acceding to the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) (Uruguay); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>A12 Acceptance of international norms E32 Right to just and favourable conditions of work F33 Children: protection against exploitation S17 SDG 17 - partnerships S08 SDG 8 - economic growth, employment, decent work Affected persons: - general - children</td>
<td>Implemented</td>
</tr>
<tr>
<td>16.</td>
<td>161.39 Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189) (Uruguay); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>A12 Acceptance of international norms E32 Right to just and favourable conditions of work S16 SDG 16 - peace, justice and strong institutions S08 SDG 8 - economic growth, employment, decent work Affected persons: - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td>17.</td>
<td>161.41 Ratify the international conventions to which it has committed itself (Madagascar); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</td>
<td>Not implemented¹</td>
</tr>
<tr>
<td></td>
<td><strong>Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)</strong></td>
<td></td>
<td></td>
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<tr>
<td>18.</td>
<td>161.46 Put in place a specific mechanism for implementing previous accepted recommendations (Uganda); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>A21 National Mechanisms for Reporting and Follow-up (NMRF) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</td>
<td>Not implemented</td>
</tr>
<tr>
<td></td>
<td><strong>Theme: A22 Cooperation with treaty bodies</strong></td>
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<tr>
<td>19.</td>
<td>161.44 Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>A22 Cooperation with treaty bodies Affected persons: - general</td>
<td>Not implemented²</td>
</tr>
<tr>
<td></td>
<td><strong>Theme: A24 Cooperation with special procedures</strong></td>
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<tr>
<td>20.</td>
<td>161.45 Respond positively to visit requests by the special procedures of the Human Rights Council (Latvia); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>A24 Cooperation with special procedures Affected persons: - general</td>
<td>Partially implemented³</td>
</tr>
</tbody>
</table>

¹ Out of the key international human rights instruments, India had signed the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 1997 and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in 2007. However, it has not yet ratified either.

² There is no known, established and transparent system in place on the basis on which candidates are selected for the UN treaty body elections. It must also be noted that, over the years, India has not taken enough interest in nominating members to the treaty bodies, despite extensive expertise in the country on different thematic issues. This aspect has been discussed further in the body of this chapter.

³ While India extended a standing invitation to the Special Procedures in September 2011, the last visit of a thematic Special Rapporteur to the country took place in 2017. However, as of 8 November, 2020, it has 19 pending requests from various mandate holders — some of which have been reiterated over the years — without any positive response from the Government of India. Available at: https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=IND&Lang=en
<table>
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<tbody>
<tr>
<td>21.</td>
<td>161.47 Request all necessary technical assistance enabling the Government to meet its international commitments (Côte d’Ivoire); <strong>Source of position</strong>: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>Theme: A3 Inter-State cooperation &amp; development assistance</td>
<td><strong>A3 Inter-State cooperation &amp; development assistance</strong>&lt;br&gt;S17 SDG 17 - partnerships&lt;br&gt;Affected persons:&lt;br&gt;- general</td>
</tr>
<tr>
<td>22.</td>
<td>161.72 Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, tribes and other vulnerable populations (United States of America); <strong>Source of position</strong>: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>Theme: A41 Constitutional and legislative framework</td>
<td><strong>A41 Constitutional and legislative framework</strong>&lt;br&gt;B52 Impunity&lt;br&gt;S16 SDG 16 - peace, justice and strong institutions&lt;br&gt;Affected persons:&lt;br&gt;- minorities/ racial, ethnic, linguistic, religious or descent-based groups</td>
</tr>
<tr>
<td>23.</td>
<td>161.62 Adopt a national plan on human rights (Kenya); <strong>Source of position</strong>: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>Theme: A46 National Plans of Action on Human Rights (or specific areas)</td>
<td><strong>A46 National Plans of Action on Human Rights (or specific areas)</strong>&lt;br&gt;S16 SDG 16 - peace, justice and strong institutions&lt;br&gt;S10 SDG 10 - inequality&lt;br&gt;B31 Equality &amp; non-discrimination&lt;br&gt;Affected persons:&lt;br&gt;- general</td>
</tr>
<tr>
<td>24.</td>
<td>161.147 Continue efforts to reduce corruption and increase accountability (Sudan); <strong>Source of position</strong>: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>Theme: A47 Good governance</td>
<td><strong>A47 Good governance</strong>&lt;br&gt;B51 Right to an effective remedy&lt;br&gt;B52 Impunity&lt;br&gt;S16 SDG 16 - peace, justice and strong institutions&lt;br&gt;Affected persons:&lt;br&gt;- general</td>
</tr>
<tr>
<td>25.</td>
<td>161.63 Expand the scope of the Right of Children to Free and Compulsory Education Act and promote human rights education in the school curriculum (Slovakia); <strong>Source of position</strong>: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>Theme: A51 Human rights education - general</td>
<td><strong>A51 Human rights education - general</strong>&lt;br&gt;E51 Right to education - General&lt;br&gt;A41 Constitutional and legislative framework&lt;br&gt;S16 SDG 16 - peace, justice and strong institutions&lt;br&gt;S04 SDG 4 - education&lt;br&gt;Affected persons:&lt;br&gt;- general&lt;br&gt;- children</td>
</tr>
<tr>
<td>26.</td>
<td>161.65 Continue and step up national efforts to train and guide security staff and other law enforcement officials in the field of human rights (Egypt); <strong>Source of position</strong>: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>Theme: A53 Professional training in human rights</td>
<td><strong>A53 Professional training in human rights</strong>&lt;br&gt;A51 Human rights education - general&lt;br&gt;A54 Awareness raising and dissemination&lt;br&gt;S16 SDG 16 - peace, justice and strong institutions&lt;br&gt;Affected persons:&lt;br&gt;- general&lt;br&gt;- law enforcement / police officials</td>
</tr>
</tbody>
</table>

<sup>4</sup> There are constitutional protections and laws; however, they are not adequately and proactively implemented.
<table>
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<tbody>
<tr>
<td>27.</td>
<td>161.66 In the spirit of its Constitution, which guarantees equal rights to all minorities, further invest in dedicated human rights training of police officials to register and investigate cases of discrimination and violence and to hold them accountable when they fail to do so (Finland);</td>
<td>Supported</td>
<td>A53 Professional training in human rights B52 Impunity S16 SDG 16 - peace, justice and strong institutions S04 SDG 4 - education <strong>Affected persons:</strong> - law enforcement / police officials</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>28.</td>
<td>161.67 Provide systematic training on women’s rights to all law enforcement personnel, medical staff and judicial officials (Belgium);</td>
<td>Supported</td>
<td>A53 Professional training in human rights F12 Discrimination against women A51 Human rights education - general S16 SDG 16 - peace, justice and strong institutions S04 SDG 4 - education <strong>Affected persons:</strong> - law enforcement / police officials</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>29.</td>
<td>161.68 Strengthen capacity – building with regard to human rights for civil servants involved in the protection of women and girl and boy victims of violence and sexual abuse (Mexico);</td>
<td>Supported</td>
<td>A53 Professional training in human rights F13 Violence against women F12 Discrimination against women F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions S04 SDG 4 - education <strong>Affected persons:</strong> - general - women - children - girls - public officials</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>30.</td>
<td>161.75 Adopt laws and implement policies to supress all forms of de facto discrimination against any person or group (Guatemala);</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination A41 Constitutional and legislative framework S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>31.</td>
<td>161.69 Adopt a comprehensive national plan on inclusion in order to combat persisting inequality, paying particular attention to persons in vulnerable situations such as women, children, persons with disabilities and minorities (Honduras);</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination A46 National Plans of Action on Human Rights (or specific areas) S10 SDG 10 - inequality S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - women - children - minorities/ racial, ethnic, linguistic, religious or descent- based groups - persons with disabilities</td>
<td>Partially Implemented</td>
</tr>
</tbody>
</table>

5 Relating to police and law enforcement personnel, many state police training institutions have introduced courses on ‘gender sensitization’, but this is not necessarily the part of the core curriculum or made mandatory for all trainees. Additionally, the quality of the content and methodology of the training varies and does not follow a consistent high standard across states.
<table>
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<tbody>
<tr>
<td>32.</td>
<td>161.81 Continue the fight against discrimination, exclusion, dehumanization, stigmatization and violence suffered by scheduled castes (Peru); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination B52 Impunity S16 SDG 16 - peace, justice and strong institutions S10 SDG 10 - inequality <strong>Affected persons:</strong> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>33.</td>
<td>161.82 Take urgent measures to repeal the norms that discriminate against castes, and investigate and sanction the perpetrators of acts of discrimination and violence against them, in particular against the Dalits (Argentina); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination B52 Impunity S16 SDG 16 - peace, justice and strong institutions S10 SDG 10 - inequality <strong>Affected persons:</strong> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>34.</td>
<td>161.83 Take the necessary measures to ensure effective implementation of the Scheduled Castes and Scheduled Tribes Act, notably through the training of State officials (France); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination B52 Impunity S16 SDG 16 - peace, justice and strong institutions S10 SDG 10 - inequality A53 Professional training in human rights A41 Constitutional and legislative framework <strong>Affected persons:</strong> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>35.</td>
<td>161.70 Strengthen the national framework to reduce all kinds of discrimination (Iraq); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>36.</td>
<td>161.61 Continues its endeavours in promoting and protecting the human rights of all its citizens in an inclusive manner (Nepal); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination S10 SDG 10 - inequality <strong>Affected persons:</strong> - general</td>
<td>-</td>
</tr>
<tr>
<td>37.</td>
<td>161.242 Take holistic measures to protect the rights of persons with disabilities, the elderly and other vulnerable groups (China); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination S10 SDG 10 - inequality <strong>Affected persons:</strong> - persons with disabilities - vulnerable persons/groups - older persons</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>38.</td>
<td>161.245 Continue strengthening the policies in favour of the rights of peasants and other persons working in rural areas (Plurinational State of Bolivia); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination S10 SDG 10 - inequality <strong>Affected persons:</strong> - persons living in rural areas</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>39.</td>
<td>161.246 Continue the endeavour to facilitate the access of elderly persons to preventive services and necessary treatment (Oman); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination S10 SDG 10 - inequality <strong>Affected persons:</strong> - older persons</td>
<td>Partially Implemented</td>
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<tr>
<td>40.</td>
<td>161.243 Continue policies aimed at ensuring the enjoyment of the rights and freedoms of persons with disabilities and access to resources and services under the Accessible India Campaign (Colombia); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B31 Equality &amp; non-discrimination S10 SDG 10 - inequality F4 Persons with disabilities <strong>Affected persons:</strong> - persons with disabilities</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td></td>
<td><strong>Theme:</strong> B41 Right to development</td>
<td><strong>B41 Right to development</strong> A62 Statistics and indicators S10 SDG 10 - inequality <strong>Affected persons:</strong> - general</td>
<td><strong>A/HRC/36/10/Add.1</strong></td>
<td></td>
</tr>
<tr>
<td>41.</td>
<td>161.85 Consolidate the progress made towards reaching the Sustainable Development Goals and in the improvement of human development indicators (Islamic Republic of Iran); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B41 Right to development A62 Statistics and indicators S10 SDG 10 - inequality <strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>42.</td>
<td>161.86 Continue efforts in the implementation of sustainable development strategies for the year 2030 (Sudan); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B41 Right to development S10 SDG 10 - inequality <strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td></td>
<td><strong>Theme:</strong> B52 Impunity</td>
<td><strong>B52 Impunity</strong> A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups</td>
<td><strong>A/HRC/36/10/Add.1</strong></td>
<td></td>
</tr>
<tr>
<td>43.</td>
<td>161.99 Prevent and pursue through the appropriate judicial means all violent acts against religious and tribal minorities, Dalits and lower castes (Holy See); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B52 Impunity A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>44.</td>
<td>161.100 Strengthen efforts for the prevention of cases of intercommunal violence (Russian Federation); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B52 Impunity B31 Equality &amp; non-discrimination S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>45.</td>
<td>161.80 Adopt measures to effectively protect transgender persons, including the implementation of the Transgender Persons (Protection of Rights) Bill (Israel); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B52 Impunity S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</td>
<td>Implemented</td>
</tr>
<tr>
<td></td>
<td><strong>Theme:</strong> B6 Business &amp; Human Rights</td>
<td><strong>B6 Business &amp; Human Rights</strong> S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td><strong>A/HRC/36/10/Add.1</strong></td>
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<tr>
<td>46.</td>
<td>161.90 Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards (Uganda); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td><strong>B6 Business &amp; Human Rights</strong> S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
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<td><strong>Theme: B71 Human rights and the environment</strong></td>
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<tr>
<td>47.</td>
<td>161.92 Provide access to clean and modern energy to all its people and develop climate-friendly green cities (United Arab Emirates); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B71 Human rights and the environment S11 SDG 11 – cities S12 SDG 12 – sustainable consumption and production S13 SDG 13 – climate change Affected persons: - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>48.</td>
<td>161.93 Continue implementing its international commitments to achieve its nationally determined contributions under the Paris Agreement of 2015 (United Arab Emirates); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B71 Human rights and the environment S11 SDG 11 – cities S12 SDG 12 – sustainable consumption and production S13 SDG 13 – climate change A3 Inter-State cooperation &amp; development assistance Affected persons: - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>49.</td>
<td>161.91 Continue its efforts in relation to its environmental policies (State of Palestine); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B71 Human rights and the environment S15 SDG 15 – biodiversity, forests, desertification Affected persons: - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>50.</td>
<td>161.94 Continue its efforts to effectively enforce its environmental policies and further increase the growth of forest cover in the country (Brunei Darussalam); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>B71 Human rights and the environment S15 SDG 15 – biodiversity, forests, desertification Affected persons: - general</td>
<td>Not Implemented</td>
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<tr>
<td></td>
<td><strong>Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment</strong></td>
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<tr>
<td>51.</td>
<td>161.95 Take appropriate measures to avoid the excessive use of force by security officers (Greece); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 – peace, justice and strong institutions Affected persons: - law enforcement / police officials</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>52.</td>
<td>161.96 Deepen the respect about principles of proportionality and necessity for armed forces and police (Peru); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 – peace, justice and strong institutions Affected persons: - law enforcement / police officials - military staff</td>
<td>Not Implemented</td>
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<tr>
<td></td>
<td><strong>Theme: D26 Conditions of detention</strong></td>
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<tr>
<td>53.</td>
<td>161.116 Improve prison conditions in order to ensure the rights and dignity of all those deprived of their liberty (Zambia); Source of position: A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D26 Conditions of detention S16 SDG 16 – peace, justice and strong institutions Affected persons: - persons deprived of their liberty</td>
<td>Partially Implemented&lt;sup&gt;6&lt;/sup&gt;</td>
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<sup>6</sup> While several efforts have been undertaken, the implementation on ground remains a significant challenge. This is a structural issue and needs to be addressed as such.
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<tr>
<td><strong>Theme: D27 Prohibition of slavery, trafficking</strong></td>
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<tr>
<td>54.</td>
<td>161.125 Continue improving the national legislative framework on the rehabilitation of victims of trafficking (Ukraine); &lt;br&gt;&lt;br&gt; <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking &lt;br&gt;A41 Constitutional and legislative framework &lt;br&gt;B53 Support to victims and witnesses &lt;br&gt;S05 SDG 5 – gender equality and women’s empowerment &lt;br&gt;S08 SDG 8 – economic growth, employment, decent work &lt;br&gt;S16 SDG 16 – peace, justice and strong institutions &lt;br&gt;<strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>55.</td>
<td>161.117 Continue with relevant consultations and adopt a law on combating trafficking in persons (Belarus); &lt;br&gt;&lt;br&gt; <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking &lt;br&gt;A41 Constitutional and legislative framework &lt;br&gt;S05 SDG 5 – gender equality and women’s empowerment &lt;br&gt;S08 SDG 8 – economic growth, employment, decent work &lt;br&gt;S16 SDG 16 – peace, justice and strong institutions &lt;br&gt;<strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
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<tr>
<td>56.</td>
<td>161.118 Continue the consultation process with all concerned parties to elaborate a new draft of the law against trafficking in persons (Cuba); &lt;br&gt;&lt;br&gt; <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking &lt;br&gt;A41 Constitutional and legislative framework &lt;br&gt;S05 SDG 5 – gender equality and women’s empowerment &lt;br&gt;S08 SDG 8 – economic growth, employment, decent work &lt;br&gt;S16 SDG 16 – peace, justice and strong institutions &lt;br&gt;<strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
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<tr>
<td>57.</td>
<td>161.119 Continue and redouble its efforts to combat trafficking in persons and modern slavery, including through better law enforcement to end impunity for human traffickers and through initiatives aimed at destigmatizing and rehabilitating victims of trafficking (Liechtenstein); &lt;br&gt;&lt;br&gt; <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking &lt;br&gt;A41 Constitutional and legislative framework &lt;br&gt;S05 SDG 5 – gender equality and women’s empowerment &lt;br&gt;S08 SDG 8 – economic growth, employment, decent work &lt;br&gt;S16 SDG 16 – peace, justice and strong institutions &lt;br&gt;B53 Support to victims and witnesses &lt;br&gt;<strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
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<tr>
<td>58.</td>
<td>161.229 Continue strengthening national strategies to combat child labour (Brazil); &lt;br&gt;&lt;br&gt; <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking &lt;br&gt;F33 Children: protection against exploitation &lt;br&gt;S08 SDG 8 – economic growth, employment, decent work &lt;br&gt;S16 SDG 16 – peace, justice and strong institutions &lt;br&gt;<strong>Affected persons:</strong> - children</td>
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<tr>
<td>59.</td>
<td>Continue to implement measures to stop the flow of trafficking in persons (Holy See);</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking S05 SDG 5 - gender equality and women’s empowerment S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<tr>
<td>60.</td>
<td>Continue combating human trafficking (Senegal);</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking S05 SDG 5 - gender equality and women’s empowerment S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td>61.</td>
<td>Strengthen the national mechanisms to combat human trafficking and support victims and their rehabilitation (Lebanon);</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking S05 SDG 5 - gender equality and women’s empowerment S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions A44 Structure of the national human rights machinery B53 Support to victims and witnesses <strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<tr>
<td>62.</td>
<td>Accelerate efforts towards combating human trafficking, particularly by protecting and rehabilitating victims (Philippines);</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking S05 SDG 5 - gender equality and women’s empowerment S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions B53 Support to victims and witnesses <strong>Affected persons:</strong> - general</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<tr>
<td>63.</td>
<td>Continue efforts to improve social services that provide support to victims of human trafficking, forced labour and those who have been sexually exploited (Maldives);</td>
<td>Supported</td>
<td>D27 Prohibition of slavery, trafficking S05 SDG 5 - gender equality and women’s empowerment S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions B53 Support to victims and witnesses <strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
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<td></td>
<td><strong>Theme:</strong> D29 Domestic violence</td>
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<tr>
<td>64.</td>
<td>Ensure effective implementation of the law on the protection of women against domestic violence (Gabon);</td>
<td>Supported</td>
<td>D29 Domestic violence A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<tr>
<td>65.</td>
<td>161.210 Strengthen the protection of women’s rights in accordance with the Protection of Women from Domestic Violence Act and other relevant laws (Republic of Korea); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D29 Domestic violence F12 Discrimination against women F11 Advancement of women S05 SDG 5 – gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>66.</td>
<td>161.207 Punish domestic violence, as well as promote awareness-raising campaigns on gender violence, including “honour” crimes (Spain); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D29 Domestic violence F13 Violence against women S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 – peace, justice and strong institutions <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>67.</td>
<td>161.208 Reinforce the legal framework for the prevention of violence against women, including running a national awareness campaign and ensuring comprehensive investigation and prosecution in cases of domestic violence (Italy); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D29 Domestic violence F13 Violence against women S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 – peace, justice and strong institutions <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
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<tr>
<td><strong>Theme: D42 Freedom of thought, conscience and religion</strong></td>
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<tr>
<td>68.</td>
<td>161.144 Continue its efforts to protect religious freedom and the rights of minority groups based on its Constitution and other relevant laws (Republic of Korea); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework G1 Members of minorities S16 SDG 16 – peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>69.</td>
<td>161.132 Continue to develop laws and make efforts to ensure freedom of religion and belief (Lebanon); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
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<tr>
<td><strong>Theme: D51 Administration of justice &amp; fair trial</strong></td>
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<tr>
<td>70.</td>
<td>161.88 Continue facilitating equal access to justice for all and provide legal aid, in particular to vulnerable groups, minority groups and marginalized people (Angola); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>D51 Administration of justice &amp; fair trial B51 Right to an effective remedy G1 Members of minorities S16 SDG 16 – peace, justice and strong institutions S10 SDG 10 – inequality <strong>Affected persons:</strong> - minorities/ racial, ethnic, linguistic, religious or descent–based groups - vulnerable persons/groups</td>
<td>Partially Implemented&lt;sup&gt;8&lt;/sup&gt;</td>
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<sup>7</sup> No such specific law ensuring freedom of religion and belief was enacted.

<sup>8</sup> Several schemes have been framed, however, the implementation and the quality of legal aid provided remains a cause of concern.
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</table>
| 71.   | 161.89 Further promote equal access to justice for all, especially by providing more legal aid to the poor and marginalized (Ethiopia);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | D51 Administration of justice & fair trial  
B51 Right to an effective remedy  
G1 Members of minorities  
S16 SDG 16 - peace, justice and strong institutions  
S10 SDG 10 - inequality  
**Affected persons:**  
- vulnerable persons/groups  
- persons living in poverty | ~ |
| 72.   | 161.149 Allocate appropriate resources to reducing backlog and delays in the administration of cases in courts (Ethiopia);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | D51 Administration of justice & fair trial  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- judges, lawyers and prosecutors | Partially Implemented |
| 73.   | 161.150 Promote and facilitate universal access to birth registration, especially for people living in extreme poverty, belonging to religious minorities or living in remote areas of the country, through the implementation of mobile units and carrying out awareness-raising campaigns (Mexico);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | D6 Rights related to name, identity, nationality  
A54 Awareness raising and dissemination  
S16 SDG 16 - peace, justice and strong institutions  
S01 SDG 1 - poverty  
**Affected persons:**  
- minorities/ racial, ethnic, linguistic, religious or descent-based groups  
- persons living in poverty  
- persons living in rural areas | Partially Implemented |
| 74.   | 161.169 Continue national efforts to realize social and economic development and eradicate poverty, and achieve comprehensive sustainable development for all (Egypt);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  
E21 Right to an adequate standard of living - general  
S01 SDG 1 - poverty  
E25 Human rights & poverty  
**Affected persons:**  
- general  
- persons living in poverty | Partially Implemented |
| 75.   | 161.173 Continue promoting sustainable economic and social development and raising the living standard of its people so as to lay down a firm basis for the enjoyment of human rights by its people (China);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  
E21 Right to an adequate standard of living - general  
S01 SDG 1 - poverty  
E25 Human rights & poverty  
**Affected persons:**  
- general | Partially Implemented |
| 76.   | 161.160 Continue efforts and measures aimed at enhancing social security and labour policies, and expand the development model in rural areas (Egypt);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | E1 Economic, social & cultural rights - general measures of implementation  
E24 Right to social security  
E31 Right to work  
B41 Right to development  
S01 SDG 1 - poverty  
S08 SDG 8 - economic growth, employment, decent work  
**Affected persons:**  
- persons living in rural areas | ~ |
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<tr>
<td>77.</td>
<td>161.168 Continue its fight against poverty, lack of adequate food, safe water and sanitation, while paying special attention to the need to introduce a child rights-based approach in all policies (Bulgaria);</td>
<td>Supported</td>
<td>E21 Right to an adequate standard of living - general E26 Human Rights &amp; drinking water and sanitation S01 SDG 1 – poverty S02 SDG 2 – hunger and food security S06 SDG 6 – water and sanitation E25 Human rights &amp; poverty</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td>Affected persons:</td>
<td>- general - children - persons living in poverty</td>
</tr>
<tr>
<td>78.</td>
<td>161.154 Continue its programmes for the promotion of socioeconomic development, with a particular focus on the country’s rights-based approach to food security targeting the most vulnerable groups (Sri Lanka);</td>
<td>Supported</td>
<td>E21 Right to an adequate standard of living - general E22 Right to food E26 Human Rights &amp; drinking water and sanitation S01 SDG 1 – poverty S02 SDG 2 – hunger and food security</td>
<td>Partially Implemented</td>
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<td></td>
<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td>Affected persons:</td>
<td>- general - vulnerable persons/groups</td>
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<td>79.</td>
<td>161.161 Continue studying the possibility of a universal basic income as a way to further reduce poverty levels with a view to possibly phasing out the existing social protection system, in full consultation with all stakeholders (Haiti);</td>
<td>Supported</td>
<td>E21 Right to an adequate standard of living - general E24 Right to social security E26 Human rights &amp; poverty</td>
<td>Not Implemented</td>
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<td></td>
<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td>Affected persons:</td>
<td>- general - persons living in poverty</td>
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**Theme: E22 Right to food**

| 80.   | 161.153 Continue strengthening efforts aimed at promoting food security and eradicate all forms of malnutrition, in particular among children under the age of 5 (Libya); | Supported | E21 Right to an adequate standard of living - general E22 Right to food | Partially Implemented |
|       | **Source of position:** A/HRC/36/10/Add.1 | | Affected persons: | - children |

**Theme: E23 Right to adequate housing**

| 81.   | 161.155 Implement a human rights-based, holistic approach to ensure access to adequate housing as well as to adequate water and sanitation, including for marginalized groups, Dalits, scheduled castes, the homeless, the landless, scheduled tribes, religious and ethnic minorities, persons with disabilities and women (Germany); | Supported | E23 Right to adequate housing E26 Human Rights & drinking water and sanitation G1 Members of minorities S01 SDG 1 – poverty S06 SDG 6 – water and sanitation S10 SDG 10 – inequality B31 Equality & non-discrimination | - |
|       | **Source of position:** A/HRC/36/10/Add.1 | | Affected persons: | - women - minorities/ racial, ethnic, linguistic, religious or descent–based groups - persons with disabilities - vulnerable persons/groups - persons living in poverty - persons living in rural areas - children in street situations |

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9 While there has been progress on the plans and schemes implemented to improve access to safe drinking water and sanitation, especially in rural areas, there was a gap in the actual performance (extent and impact) and the objectives sought to be achieved and the commitments made by the Government in this regard, as explained in the narrative analysis of the theme.
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<tr>
<td>82.</td>
<td>161.156 Expand the Housing for All scheme to realize the right to adequate housing for vulnerable people and eliminate homelessness by 2030 (South Africa); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E23 Right to adequate housing &lt;br&gt; S11 SDG 11 - cities &lt;br&gt; S10 SDG 10 - inequality &lt;br&gt; S01 SDG 1 - poverty &lt;br&gt; <strong>Affected persons:</strong>&lt;br&gt; - vulnerable persons/groups&lt;br&gt; - persons living in poverty</td>
<td>Partially implemented</td>
</tr>
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<td>83.</td>
<td>161.157 Continue the Housing for All policy led by the Government to eradicate by 2030 the problem of homelessness, in conformity with Sustainable Development Goal 11 of the 2030 Agenda (Algeria); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E23 Right to adequate housing &lt;br&gt; S11 SDG 11 - cities &lt;br&gt; S10 SDG 10 - inequality &lt;br&gt; S01 SDG 1 - poverty &lt;br&gt; <strong>Affected persons:</strong>&lt;br&gt; - general&lt;br&gt; - persons living in poverty</td>
<td>Partially implemented</td>
</tr>
<tr>
<td>84.</td>
<td>161.158 Ensure the systematic functioning of all mechanisms for the delivery of financial and other forms of assistance to those in need which have been established within the framework of the National Social Assistance Programme (Russian Federation); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E24 Right to social security &lt;br&gt; E21 Right to an adequate standard of living - general &lt;br&gt; A44 Structure of the national human rights machinery &lt;br&gt; S01 SDG 1 - poverty &lt;br&gt; <strong>Affected persons:</strong>&lt;br&gt; - persons living in poverty</td>
<td>Partially implemented</td>
</tr>
<tr>
<td>85.</td>
<td>161.172 Implement further actions in promoting social and work security, as well as efforts to spread the country’s growth model in rural areas (Uzbekistan); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E24 Right to social security &lt;br&gt; E31 Right to work &lt;br&gt; E25 Human rights &amp; poverty &lt;br&gt; S01 SDG 1 - poverty &lt;br&gt; <strong>Affected persons:</strong>&lt;br&gt; - persons living in rural areas</td>
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<td>86.</td>
<td>161.159 Ensure that the implementation of a set of socioeconomic policies, such as the Stand-Up India scheme, is targeted, accountable and transparent, so that their benefits reach all sections of society (Singapore); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E24 Right to social security &lt;br&gt; S01 SDG 1 - poverty &lt;br&gt; A47 Good governance &lt;br&gt; <strong>Affected persons:</strong>&lt;br&gt; - persons living in poverty</td>
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<tr>
<td>87.</td>
<td>161.171 Carry on its efforts and action in the promotion of social security and labour policy (Islamic Republic of Iran); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E24 Right to social security &lt;br&gt; S01 SDG 1 - poverty &lt;br&gt; S08 SDG 8 - economic growth, employment, decent work &lt;br&gt; E31 Right to work &lt;br&gt; <strong>Affected persons:</strong>&lt;br&gt; - general</td>
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<tr>
<td>88.</td>
<td>161.165 Continue efforts to realize social and economic development and eradicate poverty (Saudi Arabia); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E25 Human rights &amp; poverty &lt;br&gt; E1 Economic, social &amp; cultural rights - general measures of implementation &lt;br&gt; E21 Right to an adequate standard of living - general &lt;br&gt; S01 SDG 1 - poverty &lt;br&gt; <strong>Affected persons:</strong>&lt;br&gt; - persons living in poverty</td>
<td>Partially implemented</td>
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<td>89.</td>
<td>161.162 Continuously improve its endeavours to eradicate poverty in the country (Indonesia); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E25 Human rights &amp; poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty <strong>Affected persons:</strong> - general - persons living in poverty</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>90.</td>
<td>161.163 Continue its efforts towards socioeconomic development and poverty eradication (Islamic Republic of Iran); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E25 Human rights &amp; poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty <strong>Affected persons:</strong> - persons living in poverty</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>91.</td>
<td>161.164 Further strengthen its efforts towards socioeconomic development and poverty eradication (Myanmar); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E25 Human rights &amp; poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty <strong>Affected persons:</strong> - persons living in poverty</td>
<td>Partially Implemented</td>
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<tr>
<td>92.</td>
<td>161.166 Continue efforts to reduce poverty, improve the well-being of the people, protect and enforce the rights of vulnerable groups of the population (Uzbekistan); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E25 Human rights &amp; poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty <strong>Affected persons:</strong> - persons living in poverty</td>
<td>Partially Implemented</td>
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<tr>
<td>93.</td>
<td>161.167 Continue its efforts to achieve sustainable development and eradicate poverty (Yemen); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E25 Human rights &amp; poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty <strong>Affected persons:</strong> - persons living in poverty</td>
<td>Partially Implemented</td>
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**Theme: E26 Human Rights & drinking water and sanitation**

| 94.   | 161.170 Continue to increase access to safe and sustainable drinking water in rural areas and to improve sanitation coverage, especially for women and girls (Singapore); **Source of position:** A/HRC/36/10/Add.1 | Supported | E26 Human Rights & drinking water and sanitation F1 Women S01 SDG 1 – poverty S05 SDG 5 – gender equality and women’s empowerment **Affected persons:** - general - women | Partially Implemented |

**Theme: E32 Right to just and favourable conditions of work**

| 95.   | 161.174 Accelerate the process of consolidating existing labour laws to, inter alia, promote the right to equal opportunities for work and at work, as well as to achieve occupational safety (Zimbabwe); **Source of position:** A/HRC/36/10/Add.1 | Supported | E32 Right to just and favourable conditions of work E31 Right to work S08 SDG 8 – economic growth, employment, decent work **Affected persons:** - general | Partially Implemented |

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10 While there has been progress on the plans and schemes implemented to improve access to safe drinking water and sanitation, especially in rural areas, there was a gap in the actual performance (extent and impact) and the objectives sought to be achieved and the commitments made by the Government in this regard, as explained in the narrative analysis of the theme.

11 Mostly implemented, only a State Governments to notify rules under these laws.
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<tr>
<td><strong>Theme: E41 Right to health – General</strong></td>
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| 96. | 161.175 Increase public spending on the health sector in accordance with the 2017 National Health Policy and take further steps to strengthen health facilities (Kazakhstan);  
*Source of position: A/HRC/36/10/Add.1* | Supported | E41 Right to health – General  
A63 Budget and resources (for human rights implementation)  
S03 SDG 3 – health  
**Affected persons:**  
- general | Not Implemented |
| 97. | 161.178 Continue its efforts to ensure that the universal health-care scheme covers disadvantaged groups, including persons with disabilities and persons living in remote rural areas, who still face obstacles in accessing basic health-care services (Lao People’s Democratic Republic);  
*Source of position: A/HRC/36/10/Add.1* | Supported | E41 Right to health – General  
E42 Access to health-care (general)  
S03 SDG 3 – health  
**Affected persons:**  
- general  
- persons with disabilities  
- persons living in rural areas | Partially Implemented |
| **Theme: E42 Access to health-care (general)** |
| 98. | 161.176 Continue to provide access to health services for the elderly under the National Programme for Health Care of the Elderly (Colombia);  
*Source of position: A/HRC/36/10/Add.1* | Supported | E42 Access to health-care (general)  
E41 Right to health – General  
S03 SDG 3 – health  
**Affected persons:**  
- older persons | Partially Implemented |
| 99. | 161.177 Take steps towards improving access to health, especially access to maternal health and to adequate obstetric delivery services so as to reduce maternal and child mortality (Zimbabwe);  
*Source of position: A/HRC/36/10/Add.1* | Supported | E42 Access to health-care (general)  
E41 Right to health – General  
S03 SDG 3 – health  
E43 Access to sexual and reproductive health and services  
F31 Children: definition; general principles; protection  
**Affected persons:**  
- women  
- children | Partially Implemented |
| **Theme: E43 Access to sexual and reproductive health and services** |
| 100. | 161.87 Allocate adequate resources to realize the Sustainable Development Goal targets to reduce maternal mortality and end preventable deaths of newborns and children under 5 (Norway);  
*Source of position: A/HRC/36/10/Add.1* | Supported | E43 Access to sexual and reproductive health and services  
A63 Budget and resources (for human rights implementation)  
S05 SDG 5 – gender equality and women’s empowerment  
S03 SDG 3 – health  
**Affected persons:**  
- women  
- children | Partially Implemented |
| 101. | 161.179 Continue furthering the sexual and reproductive health and rights of all women by immediately putting an end to camp-based sterilization operations in accordance with the Supreme Court order of 14 September 2016, by ensuring all women access to counselling on and access to the full range of modern contraceptives in a voluntary, safe and quality manner, and by providing comprehensive sexuality education (Finland);  
*Source of position: A/HRC/36/10/Add.1* | Supported | E43 Access to sexual and reproductive health and services  
E41 Right to health – General  
S03 SDG 3 – health  
S05 SDG 5 – gender equality and women’s empowerment  
E44 Health awareness raising, access to information  
**Affected persons:**  
- general | Partially Implemented |
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<tr>
<td>102.</td>
<td>161.180 Redouble its efforts in maternal health, sexual and reproductive health and comprehensive contraceptive services (Colombia); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>E43 Access to sexual and reproductive health and services E41 Right to health - General S03 SDG 3 - health S05 SDG 5 - gender equality and women’s empowerment E44 Health awareness raising, access to information <strong>Affected persons:</strong> - general - women</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>103.</td>
<td>161.181 Increase the government expenditure in the field of education (Iraq); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>E51 Right to education - General A63 Budget and resources (for human rights implementation) S04 SDG 4 - education <strong>Affected persons:</strong> - general - children</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>104.</td>
<td>161.183 Continue to take steps to provide inclusive and quality education for all (Myanmar); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>E51 Right to education - General B31 Equality &amp; non-discrimination S10 SDG 10 - inequality S04 SDG 4 - education <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>105.</td>
<td>161.187 Increase investment in universal, mandatory and free education by giving priority to measures to eradicate discrimination and exclusion that affect girls, children with disabilities, Dalits and marginalized persons (Mexico); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>E51 Right to education - General B31 Equality &amp; non-discrimination S10 SDG 10 - inequality S04 SDG 4 - education <strong>Affected persons:</strong> - girls - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons with disabilities - vulnerable persons/groups</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>106.</td>
<td>161.189 Continue to ensure access to education for all, especially children of scheduled castes and tribes (Holy See); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>E51 Right to education - General B31 Equality &amp; non-discrimination S10 SDG 10 - inequality S04 SDG 4 - education <strong>Affected persons:</strong> - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups</td>
<td>Partially Implementeda</td>
</tr>
<tr>
<td>107.</td>
<td>161.188 Accept more efforts to increase girls’ secondary education, including ensuring that schools are girl-friendly in all parameters (Kyrgyzstan); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>E51 Right to education - General E53 secondary education S10 SDG 10 - inequality S05 SDG 5 - gender equality and women’s empowerment S04 SDG 4 - education <strong>Affected persons:</strong> - girls</td>
<td>Partially Implemented</td>
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12 Several schemes have been framed, however, the implementation and the quality of legal aid provided remains a cause of concern.
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<tr>
<td>108.</td>
<td>Ensure that girls with disabilities are afforded the same right to education as all children (Australia); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E51 Right to education – General F4 Persons with disabilities B31 Equality &amp; non-discrimination S10 SDG 10 - inequality S04 SDG 4 - education <strong>Affected persons:</strong> - girls - persons with disabilities</td>
<td>Partially Implemented</td>
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<tr>
<td>109.</td>
<td>Continue its efforts to ensure that all children have access to education at all levels and all categories (Lao People’s Democratic Republic); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E51 Right to education – General S04 SDG 4 - education <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>110.</td>
<td>Continue its efforts in implementing its comprehensive policies to ensure quality education for all children (Qatar); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E51 Right to education – General S04 SDG 4 - education <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>111.</td>
<td>Promote children’s right to education, especially education on climate change adaptation and mitigation (Viet Nam); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E51 Right to education – General S04 SDG 4 - education <strong>Affected persons:</strong> - children</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>112.</td>
<td>Step up its efforts to carry out the second phase of its Education for All programmes to focus on providing affordable and quality secondary education in the country (Brunei Darussalam); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>E51 Right to education – General S04 SDG 4 - education <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
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**Theme: F11 Advancement of women**

<p>| 113.  | Continue its efforts to ensure women’s equal participation in the workforce and generate employment opportunities for women in rural areas (State of Palestine); <strong>Source of position:</strong> A/HRC/36/10/Add.1 | Supported | F11 Advancement of women E31 Right to work B31 Equality &amp; non-discrimination S05 SDG 5 - gender equality and women’s empowerment S10 SDG 10 - inequality S08 SDG 8 - economic growth, employment, decent work <strong>Affected persons:</strong> - women | Partially Implemented |
| 114.  | Continue strengthening institutions to eliminate discrimination and violence against women, in particular sexual violence, and adopt specific measures to achieve gender equality in the labour market (Chile); <strong>Source of position:</strong> A/HRC/36/10/Add.1 | Supported | F11 Advancement of women E31 Right to work F12 Discrimination against women F13 Violence against women S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 - gender equality and women’s empowerment S08 SDG 8 - economic growth, employment, decent work <strong>Affected persons:</strong> - women | Partially Implemented |</p>
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<tbody>
<tr>
<td>115.</td>
<td>161.190 Strengthen the integration of the gender perspective in the formulation and implementation of policies (Colombia);</td>
<td>Supported</td>
<td>F11 Advancement of women, F12 Discrimination against women, S05 SDG 5 - gender equality and women’s empowerment, S10 SDG 10 - inequality, B31 Equality &amp; non-discrimination</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - women</td>
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<tr>
<td>116.</td>
<td>161.192 Continue incorporating the gender perspective in the design and implementation of policies, and guarantee that the development agenda pays equal attention to the concerns of women (Cuba);</td>
<td>Supported</td>
<td>F11 Advancement of women, F12 Discrimination against women, S05 SDG 5 - gender equality and women’s empowerment, S10 SDG 10 - inequality, B31 Equality &amp; non-discrimination</td>
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<td><strong>Affected persons:</strong> - women</td>
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<tr>
<td>117.</td>
<td>161.193 Redouble efforts on ensuring gender equality and take measures to prevent gender discrimination (Timor-Leste);</td>
<td>Supported</td>
<td>F11 Advancement of women, F12 Discrimination against women, S05 SDG 5 - gender equality and women’s empowerment, S10 SDG 10 - inequality, B31 Equality &amp; non-discrimination</td>
<td>Partially Implemented</td>
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<td>118.</td>
<td>161.204 Continue its efforts to promote the empowerment of women and to combat violence against women, in line with the recommendations of the Verma Committee (Brazil);</td>
<td>Supported</td>
<td>F11 Advancement of women, F13 Violence against women, S05 SDG 5 - gender equality and women’s empowerment, S16 SDG 16 - peace, justice and strong institutions</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - women</td>
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<tr>
<td>119.</td>
<td>161.222 Strengthen the adoption of socioeconomic programmes which promote the empowerment of women and their participation in public and political life (Angola);</td>
<td>Supported</td>
<td>F11 Advancement of women, F14 Participation of women in political and public life, B31 Equality &amp; non-discrimination, S10 SDG 10 - inequality, S05 SDG 5 - gender equality and women’s empowerment</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - women</td>
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**Theme: F12 Discrimination against women**

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<tr>
<td>120.</td>
<td>161.215 Enhance activities aimed at eliminating discrimination against women, which particularly affects women from lower castes (Kyrgyzstan);</td>
<td>Supported</td>
<td>F12 Discrimination against women, B31 Equality &amp; non-discrimination, S10 SDG 10 - inequality, S05 SDG 5 - gender equality and women’s empowerment</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - women, - vulnerable persons/groups</td>
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| 121. | 161.212 Further the implementation of relevant laws and policies as well as training for public officials, to tackle sexual offences and unfair treatment to women (Thailand);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | F12 Discrimination against women  
F11 Advancement of women  
A41 Constitutional and legislative framework  
A53 Professional training in human rights  
S05 SDG 5 – gender equality and women’s empowerment  
S16 SDG 16 – peace, justice and strong institutions  
**Affected persons:**  
- women  
- public officials | Partially Implemented |
| 122. | 161.102 Prohibit forced sterilization in line with requests by the Special Rapporteurs on torture, violence against women, and the right to health, and in line with the National Population Policy (Iceland);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | F13 Violence against women  
A24 Cooperation with special procedures  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
E41 Right to health – General  
S05 SDG 5 – gender equality and women’s empowerment  
S03 SDG 3 – health  
**Affected persons:**  
- women | Partially Implemented[15] |
| 123. | 161.199 Combat violence against women through effective legislation and law enforcement measures (China);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | F13 Violence against women  
A41 Constitutional and legislative framework  
S05 SDG 5 – gender equality and women’s empowerment  
S16 SDG 16 – peace, justice and strong institutions  
**Affected persons:**  
- women | Partially Implemented |
| 124. | 161.59 Consider introducing laws to specifically prevent and prosecute “honour” killings and prosecute those that order or sanction violence against women (Namibia);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | F13 Violence against women  
A41 Constitutional and legislative framework  
S05 SDG 5 – gender equality and women’s empowerment  
S16 SDG 16 – peace, justice and strong institutions  
B52 Impunity  
**Affected persons:**  
- women | Partially Implemented |
| 125. | 161.213 Redouble its efforts to enforce its legal provisions prohibiting harmful and discriminatory practices that violate the rights of women and girls (Liechtenstein);  
**Source of position:** A/HRC/36/10/Add.1 | Supported | F13 Violence against women  
B52 Impunity  
A41 Constitutional and legislative framework  
S05 SDG 5 – gender equality and women’s empowerment  
S16 SDG 16 – peace, justice and strong institutions  
**Affected persons:**  
- women  
- girls | Partially Implemented[16] |

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[15] The landmark judgment by the Supreme Court in the case of Devika Biswas and Ors. v. Union of India had directed the Government to phase out sterilization camps by 2019. However, there has been anecdotal evidence that under the garb of ‘fixed day approach’ or ‘sterilization targets’, such drives continue to take place. For example: The Hindu, ‘MP rescinds sterilization target order for health workers’, 22 February 2020. Available at: https://bit.ly/35wDZh

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</table>
| 126. | 161.200 Take more effective measures to protect and promote the rights of women and girls, as they continue to be subjected to widespread violence, discrimination and exploitation (Japan); | Supported      | F13 Violence against women  
B53 Support to victims and witnesses  
S05 SDG 5 - gender equality and women’s empowerment  
S16 SDG 16 - peace, justice and strong institutions  
Affected persons:  
- women  
- children  
- girls | Partially Implemented |
|      | Source of position: A/HRC/36/10/Add.1                                           |                |                                                                                     |                                               |
| 127. | 161.201 Take additional serious measures to eliminate violence against women and children, including sexual violence (Kyrgyzstan); | Supported      | F13 Violence against women  
B53 Support to victims and witnesses  
S05 SDG 5 - gender equality and women’s empowerment  
S16 SDG 16 - peace, justice and strong institutions  
Affected persons:  
- women  
- children  
- girls | Partially Implemented<sup>56</sup> |
|      | Source of position: A/HRC/36/10/Add.1                                           |                |                                                                                     |                                               |
| 128. | 161.202 Continue and strengthen measures to prevent and repress offences and violence against women and girls, including through early childhood education, awareness-raising and enhancing effective mechanisms of reparation (Viet Nam); | Supported      | F13 Violence against women  
B53 Support to victims and witnesses  
S05 SDG 5 - gender equality and women’s empowerment  
S16 SDG 16 - peace, justice and strong institutions  
A54 Awareness raising and dissemination  
Affected persons:  
- women  
- girls | Partially Implemented<sup>56</sup> |
|      | Source of position: A/HRC/36/10/Add.1                                           |                |                                                                                     |                                               |
| 129. | 161.197 Improve the enforcement of the legal provisions prohibiting harmful and discriminatory practices against women and girls, in particular child marriages, dowry-related murders and honour killings, and ensure that all women, without discrimination, have access to public services (Czechia); | Supported      | F13 Violence against women  
B53 Support to victims and witnesses  
S05 SDG 5 - gender equality and women’s empowerment  
S16 SDG 16 - peace, justice and strong institutions  
Affected persons:  
- women | Not Implemented |
|      | Source of position: A/HRC/36/10/Add.1                                           |                |                                                                                     |                                               |
| 130. | 161.198 Step up efforts for comprehensive protection of women and girls, in particular against sexual violence (Greece); | Supported      | F13 Violence against women  
B53 Support to victims and witnesses  
S16 SDG 16 - peace, justice and strong institutions  
S05 SDG 5 - gender equality and women’s empowerment  
Affected persons:  
- women | Partially Implemented |
|      | Source of position: A/HRC/36/10/Add.1                                           |                |                                                                                     |                                               |

<sup>15</sup> This recommendation was partially implemented. However, the recent changes in the law introduced through the Criminal Law Amendment Act 2018 and the POCSO Amendment Act 2019 — which introduced death penalty for rape of children under 12 years of age as a deterrent — are against the principles of human rights and are not progressive.

<sup>16</sup> Early childhood education has been made a part of the new National Education Policy (NEP) 2020. There is also a National Early Childhood Care and Education (NECCE) Policy 2013 in place.
<table>
<thead>
<tr>
<th>S.No.</th>
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<th>Full list of themes</th>
<th>Assessment/comments on level of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>131.</td>
<td>161.103 Take concrete steps to prevent coercive, unsafe and abusive sterilization and create greater accountability for these practices, including ensuring free and full consent prior to conducting the procedure and compliance with international standards (Sweden); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>F13 Violence against women E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - general - women</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>132.</td>
<td>161.217 Ensure that legislation defining the minimum legal age of marriage at 18 is enforced at all levels, everywhere in the country (Iceland); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>F31 Children: definition; general principles; protection A41 Constitutional and legislative framework D8 Rights related to marriage &amp; family S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - general - women - children - girls</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>133.</td>
<td>161.233 Introduce legislation to prohibit corporal punishment of children in the home and in all other settings, including as a sentence under traditional forms of justice (Liechtenstein); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>F31 Children: definition; general principles; protection A41 Constitutional and legislative framework F32 Children: family environment and alternative care S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>134.</td>
<td>161.216 Implement the Protection of Children from Sexual Offences Act to increase the protection of children from sexual abuse (Kenya); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>F31 Children: definition; general principles; protection A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td>135.</td>
<td>161.226 Accelerate work on the protection of the rights of children and women in particular (Turkey); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Supported</td>
<td>F31 Children: definition; general principles; protection F11 Advancement of women S05 SDG 5 - gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - women - children</td>
<td>Fully Implemented</td>
</tr>
</tbody>
</table>

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17 Although the Right to Education (RTE) Act 2009 does prohibit corporal punishment, it does not prescribe for any penal punishment for violating the prohibition. Similarly, it must be noted that corporal punishment is also banned in the institutional setting under the Juvenile Justice (Care and Protection of Children) Act 2015.
<table>
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<tr>
<th>S.No.</th>
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</tr>
</thead>
</table>
| 136.  | 161.236 Increase efforts to improve the rights of the child, notably through the effective application of the prohibition of child labour, as well as the rights of women (France); | Supported | F31 Children: definition; general principles; protection  
F12 Discrimination against women  
F33 Children: protection against exploitation  
S16 SDG 16 - peace, justice and strong institutions  
S08 SDG 8 - economic growth, employment, decent work  
**Affected persons:**  
- women  
- children | Not Implemented |
| 137.  | 161.220 Adopt legislative measures and policies to prevent early or forced marriages (Honduras); | Supported | F31 Children: definition; general principles; protection  
F13 Violence against women  
A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
S05 SDG 5 - gender equality and women’s empowerment  
**Affected persons:**  
- children | Partially Implemented |
| 138.  | 161.60 Continue efforts to eradicate child and forced marriage (Peru); | Supported | F31 Children: definition; general principles; protection  
F13 Violence against women  
S05 SDG 5 - gender equality and women’s empowerment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- children | Partially Implemented |
| 139.  | 161.214 Strengthen legislation to combat sexual offences against children and women (Timor-Leste); | Supported | F31 Children: definition; general principles; protection  
F13 Violence against women  
S05 SDG 5 - gender equality and women’s empowerment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- children | Partially Implemented |
| 140.  | 161.221 Continue and intensify the actions to prohibit child marriage (Gabon); | Supported | F31 Children: definition; general principles; protection  
F13 Violence against women  
S16 SDG 16 - peace, justice and strong institutions  
S05 SDG 5 - gender equality and women’s empowerment  
**Affected persons:**  
- children | Not Implemented |

19 While the data compiled by the Government Departments, including by the NCRB, has consistently shown that incidents of child marriage have been low over the years, the social realities suggest their continuing prevalence, especially in rural and interior regions.
<table>
<thead>
<tr>
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</thead>
</table>
| 141.  | 161.230 Continue to take all necessary measures to enhance the effectiveness of the protection of children, in particular in cases of sexual violence against children (Portugal); **Source of position:** A/HRC/36/10/Add.1 | Supported | F31 Children: definition; general principles; protection  
F32 Children: family environment and alternative care  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- children | Partially Implemented |
| 142.  | 161.235 Establish a database of all cases of violence against children and explicitly prohibit all forms of corporal punishment of children under 18 years of age in all settings (Zambia); **Source of position:** A/HRC/36/10/Add.1 | Supported | F31 Children: definition; general principles; protection  
F32 Children: family environment and alternative care  
S16 SDG 16 - peace, justice and strong institutions  
A41 Constitutional and legislative framework  
**Affected persons:**  
- children | Not Implemented |
| 143.  | 161.234 Introduce comprehensive and continuous public education, awareness-raising and social mobilization programmes on the harmful effects of corporal punishment (Liechtenstein); **Source of position:** A/HRC/36/10/Add.1 | Supported | F31 Children: definition; general principles; protection  
F32 Children: family environment and alternative care  
S16 SDG 16 - peace, justice and strong institutions  
A54 Awareness raising and dissemination  
**Affected persons:**  
- general  
- children | Not Implemented |
| 144.  | 161.232 Develop specific guidelines for protection and support for victims of child sexual abuse and their families undergoing trial (Slovakia); **Source of position:** A/HRC/36/10/Add.1 | Supported | F31 Children: definition; general principles; protection  
F33 Children: protection against exploitation  
D51 Administration of justice & fair trial  
S16 SDG 16 - peace, justice and strong institutions  
B53 Support to victims and witnesses  
**Affected persons:**  
- children | Not Implemented |
| 145.  | 161.231 Continue strengthening institutions to protect children and adolescent girls and boys, with a view to eradicating child labour, sexual exploitation and the practice of child marriage (Chile); **Source of position:** A/HRC/36/10/Add.1 | Supported | F31 Children: definition; general principles; protection  
F33 Children: protection against exploitation  
S16 SDG 16 - peace, justice and strong institutions  
S05 SDG 5 – gender equality and women’s empowerment  
**Affected persons:**  
- children | Partially Implemented  
(20) Reference: National Child Labour Project (NCLP). Available at: https://labour.gov.in/childlabour/nclp |
| 146.  | 161.218 Step up its efforts to eradicate child marriage and so-called “honour crimes” (Israel); **Source of position:** A/HRC/36/10/Add.1 | Supported | F31 Children: definition; general principles; protection  
S16 SDG 16 - peace, justice and strong institutions  
S05 SDG 5 – gender equality and women’s empowerment  
**Affected persons:**  
- children | Not Implemented |
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<tr>
<th>S.No.</th>
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</thead>
<tbody>
<tr>
<td>147.</td>
<td>161.219 Step up efforts to combat and eliminate child, early and forced marriages (Sierra Leone); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>F31 Children: definition; general principles; protection  S16 SDG 16 - peace, justice and strong institutions  S05 SDG 5 - gender equality and women’s empowerment  <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
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</tbody>
</table>

**Theme: F33 Children: protection against exploitation**

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<tr>
<th>S.No.</th>
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<th>Assessment/ comments on level of implementation</th>
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<tbody>
<tr>
<td>148.</td>
<td>161.237 Establish a monitoring mechanism to oversee the effective implementation of the Child Labour (Prohibition and Regulation) Amendment Act, the National Child Labour Policy and the Accessible India Campaign to prevent exploitation of children and protect the rights of persons with disabilities (Thailand); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>F33 Children: protection against exploitation  F31 Children: definition; general principles; protection  A44 Structure of the national human rights machinery  S08 SDG 8 - economic growth, employment, decent work  <strong>Affected persons:</strong> - children - persons with disabilities</td>
<td>Not Implemented</td>
</tr>
</tbody>
</table>

**Theme: F34 Children: Juvenile justice**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Recommendation</th>
<th>Position</th>
<th>Full list of themes</th>
<th>Assessment/ comments on level of implementation</th>
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</thead>
<tbody>
<tr>
<td>149.</td>
<td>161.238 Take all appropriate measures in the implementation of the 2015 Juvenile Justice Act to give children aged 18 years and below an opportunity for rehabilitation (Botswana); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>F34 Children: Juvenile justice  D51 Administration of justice &amp; fair trial  S16 SDG 16 - peace, justice and strong institutions  <strong>Affected persons:</strong> - children</td>
<td>Partially Implemented</td>
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</table>

**Theme: F4 Persons with disabilities**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Recommendation</th>
<th>Position</th>
<th>Full list of themes</th>
<th>Assessment/ comments on level of implementation</th>
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</thead>
<tbody>
<tr>
<td>150.</td>
<td>161.241 Expand the integration of persons with disabilities into programmes and plans for sustainable development (Qatar); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>F4 Persons with disabilities  B31 Equality &amp; non–discrimination  S10 SDG 10 - inequality  A42 Institutions &amp; policies – General  B41 Right to development  <strong>Affected persons:</strong> - persons with disabilities</td>
<td>Not implemented</td>
</tr>
<tr>
<td>151.</td>
<td>161.239 Continue efforts to promote opportunities for persons with disabilities to benefit from development gains (Libya); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>F4 Persons with disabilities  B31 Equality &amp; non–discrimination  S10 SDG 10 - inequality  B41 Right to development  <strong>Affected persons:</strong> - persons with disabilities</td>
<td>Not implemented</td>
</tr>
<tr>
<td>152.</td>
<td>161.240 Continue efforts aimed at improving the access of persons with disabilities to education, vocational training and health care (Oman); <strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
<td>Supported</td>
<td>F4 Persons with disabilities  B31 Equality &amp; non–discrimination  S10 SDG 10 - inequality  E41 Right to health – General  E51 Right to education – General  E54 technical and vocational education  S03 SDG 3 – health  S04 SDG 4 – education  E43 Access to sexual and reproductive health and services  <strong>Affected persons:</strong> - persons with disabilities</td>
<td>Partially Implemented</td>
</tr>
</tbody>
</table>

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21 The current JJ Act leaves the scope for children in the age group of 16-18 years, alleged to have committed Heinous Offences, to be tried as adults. This has resulted in many children in conflict with law have been languishing inside the Special Facility (Place of Safety) for a long time. Additionally, poor legal aid has further resulted in prolonged protective custody of such children and have ‘added’ to deprivation of their liberty.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>153.</td>
<td>161.12 Swiftly ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, ensure that domestic legislation defines torture in line with international standards, and extend an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for an official visit to the country (Germany);</td>
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<td></td>
<td>Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A12 Acceptance of international norms A24 Cooperation with special procedures A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment or punishment for an official visit to the country A16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>154.</td>
<td>161.35 Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (Latvia);</td>
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<tr>
<td></td>
<td>Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A12 Acceptance of international norms A41 Constitutional and legislative framework B11 International humanitarian law B52 Impunity D51 Administration of justice &amp; fair trial S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>155.</td>
<td>161.48 Accede to and adapt its national legislation to the Rome Statute, including incorporation of dispositions to swiftly and fully cooperate with the International Criminal Court (Guatemala);</td>
<td></td>
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<td></td>
<td>Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A12 Acceptance of international norms A41 Constitutional and legislative framework B11 International humanitarian law B52 Impunity D51 Administration of justice &amp; fair trial S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>156.</td>
<td>161.34 Ratify the Rome Statute of the International Criminal Court (Estonia);</td>
<td></td>
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<tr>
<td></td>
<td>Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A12 Acceptance of international norms B11 International humanitarian law B52 Impunity D51 Administration of justice &amp; fair trial S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>157.</td>
<td>161.36 Consider ratifying the Rome Statute of the International Criminal Court (Uruguay);</td>
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<tr>
<td></td>
<td>Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A12 Acceptance of international norms B11 International humanitarian law B52 Impunity D51 Administration of justice &amp; fair trial S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>S.No.</td>
<td>Recommendation</td>
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</table>
| 158.  | 161.14 Ratify the Convention against Torture as soon as possible and further, ratify the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization and the Optional Protocols to Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights and abolish the death penalty as recommended by the Law Commission of India (Ireland); **Source of position: A/HRC/36/10/Add.1** | Noted | A12 Acceptance of international norms  
D1 Civil & political rights – general measures of implementation  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
E32 Right to just and favourable conditions of work  
F12 Discrimination against women  
F33 Children: protection against exploitation  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Implemented<sup>22</sup> |
| 159.  | 161.1 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Estonia); **Source of position: A/HRC/36/10/Add.1** | Noted | A12 Acceptance of international norms  
D1 Civil & political rights – general measures of implementation  
D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 160.  | 161.112 Establish a formal moratorium on the death penalty, with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia); **Source of position: A/HRC/36/10/Add.1** | Noted | A12 Acceptance of international norms  
D1 Civil & political rights – general measures of implementation  
D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 161.  | 161.3 Ratify the Optional Protocols to the International Covenant on Civil and Political Rights, to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of Persons with Disabilities (Guatemala); **Source of position: A/HRC/36/10/Add.1** | Noted | A12 Acceptance of international norms  
D1 Civil & political rights – general measures of implementation  
F12 Discrimination against women  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general  
- women | Not Implemented |
| 162.  | 161.2 Consider adhering to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and abolish the death penalty (Portugal); **Source of position: A/HRC/36/10/Add.1** | Noted | A12 Acceptance of international norms  
D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 163.  | 161.13 Proceed with early ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the International Convention for the Protection of All Persons from Enforced Disappearance (Japan); **Source of position: A/HRC/36/10/Add.1** | Noted | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
D32 Enforced disappearances  
**Affected persons:**  
- general | Not Implemented |

<sup>22</sup> The Minimum Age Convention 1973 (No.138) and the Worst Forms of Child Labour Convention 1999 (No.182) of the International Labour Organization was ratified.
<table>
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<tr>
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</thead>
</table>
| 164.  | 161.15 Finalize the process of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance (Kazakhstan);  
**Source of position:** A/HRC/36/10/Add.1 | Noted    | A12 Acceptance of international norms  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
D32 Enforced disappearances  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
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<tr>
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<tbody>
<tr>
<td>169.</td>
<td>161.37 Develop a national strategy to tackle exploitative labour practices and</td>
<td>Noted</td>
<td>A12 Acceptance of international norms D27 Prohibition of slavery, trafficking E32</td>
<td>Partially Implemented</td>
</tr>
<tr>
<td></td>
<td>to ratify the ILO Protocol of 2014 to the Forced Labour Convention, 1930, and</td>
<td></td>
<td>Right to just and favourable conditions of work F31 Children: definition; general</td>
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<td></td>
<td>continue to strengthen protections for children (United Kingdom of Great</td>
<td></td>
<td>principles; protection S16 SDG 16 - peace, justice and strong institutions S08 SDG</td>
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<td></td>
<td>Britain and Northern Ireland);</td>
<td></td>
<td>8 - economic growth, employment, decent work</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong></td>
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<td>- general</td>
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<td></td>
<td></td>
<td></td>
<td>- children</td>
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<tr>
<td>170.</td>
<td>161.30 Ratify the International Convention for the Protection of All Persons</td>
<td>Noted</td>
<td>A12 Acceptance of international norms D32 Enforced disappearances S16 SDG 16 -</td>
<td>Not Implemented</td>
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<tr>
<td></td>
<td>from Enforced Disappearance (Greece) (Ukraine);</td>
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<td>peace, justice and strong institutions</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong></td>
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<tr>
<td>171.</td>
<td>161.31 Consider ratifying the International Convention for the Protection of</td>
<td>Noted</td>
<td>A12 Acceptance of international norms D32 Enforced disappearances S16 SDG 16 -</td>
<td>Not Implemented</td>
</tr>
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<td></td>
<td>All Persons from Enforced Disappearance (Burkina Faso);</td>
<td></td>
<td>peace, justice and strong institutions</td>
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<td></td>
<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong></td>
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<td>172.</td>
<td>161.32 Accede to and implement the 1954 Convention relating to the Status of</td>
<td>Noted</td>
<td>A12 Acceptance of international norms D6 Rights related to name, identity,</td>
<td>Not Implemented</td>
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<td></td>
<td>Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the</td>
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<td>nationality F31 Children: definition; general principles; protection G4 Migrants</td>
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<td></td>
<td>1951 Convention relating to the Status of Refugees and article 7 of the</td>
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<td>G5 Refugees &amp; asylum seekers S16 SDG 16 - peace, justice and strong institutions</td>
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<td></td>
<td>Convention on the Rights of the Child to end statelessness and guarantee</td>
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<td><strong>Affected persons:</strong></td>
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<td></td>
<td>nationality for affected children (Kenya);</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td>173.</td>
<td>161.33 Accede to and fully implement the 1954 Convention relating to the Status</td>
<td>Noted</td>
<td>A12 Acceptance of international norms D6 Rights related to name, identity,</td>
<td>Not Implemented</td>
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<td></td>
<td>of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and</td>
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<td>nationality F31 Children: definition; general principles; protection G4 Migrants</td>
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<td></td>
<td>the 1951 Convention relating to the Status of Refugees (Slovakia);</td>
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<td>G5 Refugees &amp; asylum seekers S16 SDG 16 - peace, justice and strong institutions</td>
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<td>174.</td>
<td>161.27 Consider ratifying the International Convention on the Protection of the</td>
<td>Noted</td>
<td>A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and</td>
<td>Not Implemented</td>
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<td></td>
<td>Rights of All Migrant Workers and Members of Their Families (Uruguay);</td>
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<td>strong institutions</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong></td>
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<td>175.</td>
<td>161.42 Ratify other human rights conventions to which India is not yet a State</td>
<td>Noted</td>
<td>A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong</td>
<td>Not Implemented</td>
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<td>party (Philippines);</td>
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<td>institutions</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td>176.</td>
<td>161.43 Ratify the international human rights instruments to which India is not a State party yet (Côte d’Ivoire); Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</td>
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<td><strong>Theme: A13 Reservations</strong></td>
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<td>177.</td>
<td>161.4 Consider withdrawing the remaining declarations and reservations to the Convention on the Elimination of All Forms of Discrimination against Women (Rwanda); Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A13 Reservations F12 Discrimination against women S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - women</td>
<td>Not Implemented</td>
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<td><strong>Theme: A28 Cooperation with other international mechanisms and institutions</strong></td>
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<td>178.</td>
<td>161.250 Provide unhindered access to the United Nations and other international organizations, and accede to the call of the High Commissioner for Human Rights to allow an OHCHR fact-finding mission to “Indian-Occupied Kashmir” to investigate and report on the human rights situation there (Pakistan). Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A28 Cooperation with other international mechanisms and institutions S17 SDG 17 - partnerships Affected persons: - general</td>
<td>Partially Implemented</td>
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<td><strong>Theme: A41 Constitutional and legislative framework</strong></td>
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<td>179.</td>
<td>161.24 Enact the Prevention of Torture Bill currently pending in the parliament in compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Turkey); Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</td>
<td>Not Implemented</td>
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<td>180.</td>
<td>161.25 Adopt the draft law on the prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment by complying with established international norms (Madagascar); Source of position: A/HRC/36/10/Add.1</td>
<td>Noted</td>
<td>A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</td>
<td>Not Implemented</td>
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23 India has strongly and consistently objected to allowing a fact-finding mission in Kashmir as well as entry of the UN and other international organizations to report on human rights situation from the ground. Although in November 2019, a few months after the special status of Jammu and Kashmir was abrogated, the Government allowed a group of 27 Members of the European Parliament (MEPs) into the Kashmir Valley for a “private visit” to give them a better understanding of the regions of Jammu, Kashmir and Ladakh. However, the visit was criticised for being ‘partisan’ and ‘one-sided’, reflecting a convenient viewpoint on the issue. More information is available at: https://thewire.in/diplomacy/partisan-one-sided-eu-legislators-respond-to-meps-visit-to-kashmir; see also, https://thediplomat.com/2019/11/why-the-european-parliament-groups-kashmir-visit-backfired-on-india/ Similarly, it must be noted that the United Nations Military Observer Group in India and Pakistan (UNMOGIP) is stationed along the Line of Control (LoC) between the two countries. However, in 2018, the UN Secretary-General had clarified that the mission does not have a mandate to report beyond the ceasefire between the countries along the LoC. Available at: https://economictimes.indiatimes.com/news/defence/un-backtracks-on-role-in-kashmir/articleshow/53520076.cms?val=3728&from=mdr

24 The Prevention of Torture Bill 2010 referred to in the recommendation was introduced in the Lok Sabha, but it lapsed in 2014 with the dissolution of the House for fresh elections. No action has been taken on the Draft Bill prepared by the Law Commission of India (LCII) in 2017. The LCII Bill with some modifications was introduced as a private member’s bill in Rajya Sabha in 2017 and in Lok Sabha in 2018. The latter lapsed with the dissolution of the Lok Sabha in 2019. Currently, no Bill has been introduced by the ruling party and the private member’s bill in the Rajya Sabha remains pending. Moreover, recently, the Ministry of Home Affairs (MHA) while responding to a question in the Parliament stated that “There is no proposal to bring a legislation in this regard.” Available at: https://rb.ly/gdcz9I
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| 181. | 161.26 Adopt the draft law on the prevention of torture and ensure that it complies with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Senegal);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | A41 Constitutional and legislative framework  
D25 Prohibition of torture and cruel, inhuman or degrading treatment  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 182. | 161.79 Repeal section 377 of the Indian Penal Code, which criminalizes same-sex conduct between consenting adults, and enact legislation consistent with the Supreme Court’s recognition of the rights of transgender persons (Canada);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | A41 Constitutional and legislative framework  
D51 Administration of justice & fair trial  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partially Implemented\(^{25}\) |
| 183. | 161.50 Accede to and adapt its national legislation to the Arms Trade Treaty (Guatemala);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 184. | 161.76 Repeal section 377 of the Indian Penal Code and ensure that consensual same-sex relations are not criminalized (Iceland);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Implemented |
| 185. | 161.77 Take steps to end the criminalization of same-sex relations (Israel);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Implemented |
| 186. | 161.78 Amend or revoke section 377 to decriminalize same-sex relations (Norway);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Implemented |

\(^{25}\) Section 377 was declared unconstitutional unanimously by the Supreme Court of India in *Navtej Singh Johar v. Union of India* in September 2018, which decriminalized consensual same-sex relations between adults. Regarding the enactment of a law recognising the rights of transgender persons, while the Government enacted and brought into effect the Transgender Persons (Protection of Rights) Act 2019, it was criticised by the transgender community and some other legal experts for violating the Supreme Court guidelines recognising their rights in *National Legal Services Authority (NALSA) v. Union of India* in 2014.
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<tbody>
<tr>
<td>187.</td>
<td>161.84 Establish a national action plan for combating hate crimes, racism and negative stereotypes against people of African descent inside its territory, including appropriate programmes of public awareness that will address the problem of racism and Afro-phobia, in full consultation with those particularly affected (Haiti);</td>
<td>Noted</td>
<td>A46 National Plans of Action on Human Rights (or specific areas)</td>
<td>Not Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<tr>
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<td><strong>Theme:</strong> A46 National Plans of Action on Human Rights (or specific areas)</td>
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<td>188.</td>
<td>161.64 Include human rights education in the draft new education policy (Zambia);</td>
<td>Noted</td>
<td>A51 Human rights education – general</td>
<td>Not Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td></td>
<td><strong>Theme:</strong> A51 Human rights education – general</td>
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<td>189.</td>
<td>161.247 Immediately stop its atrocities and violations of human rights against the Kashmiri people, and allow them to exercise their right to self-determination through a free and fair plebiscite in accordance with the United Nations Security Council resolution (Pakistan);</td>
<td>Noted</td>
<td>B21 Right to self-determination</td>
<td>Partially Implemented</td>
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<td><strong>Theme:</strong> B21 Right to self-determination</td>
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<td>190.</td>
<td>161.71 Intensify efforts to guarantee equality and non-discrimination in line with its international obligations by developing public human rights awareness programmes and taking concrete steps to advance the rights of women and girls, members of religious minorities, and lesbian, gay, bisexual, transgender and intersex persons and to combat caste-based discrimination, including to: criminalize marital rape; decriminalize consensual same-sex relations; and establish appropriate policies and practices for registering, investigating and prosecuting violence against women, girls and members of religious minorities (Ireland);</td>
<td>Noted</td>
<td>B31 Equality &amp; non-discrimination</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td></td>
<td><strong>Theme:</strong> B31 Equality &amp; non-discrimination</td>
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26 The Sachar Committee recommendations aimed at addressing the social, economic and educational condition of the Muslim community in India were partially implemented as of 2019. Available at: https://bit.ly/3kaRVFX; with reference to the part of the recommendation addressing the LGBTI community, a detailed discussion on the issue is presented in the chapter on ‘Rights of (I) Women and (II) Sexual and Gender Minorities’ in this report.
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<tr>
<td>191.</td>
<td>161.101 Step up its efforts against caste-based violence, discrimination and prejudice, including by eradicating all forms of caste-based discrimination in the educational system (Czechia);</td>
<td>Noted</td>
<td>B31 Equality &amp; non-discrimination S04 SDG 4 - education S10 SDG 10 - inequality E51 Right to education - General <em>Affected persons:</em> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups</td>
<td>Not Implemented</td>
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<td>Source of position: A/HRC/36/10/Add.1</td>
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<td><strong>Theme: B52 Impunity</strong></td>
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<td>192.</td>
<td>161.97 Revise the Armed Forces (Special Powers) Act to bring it into compliance with the obligations under the International Covenant on Civil and Political Rights, with a view to fighting impunity (Switzerland);</td>
<td>Noted</td>
<td>B52 Impunity A41 Constitutional and legislative framework D1 Civil &amp; political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions <em>Affected persons:</em> - military staff</td>
<td>Not Implemented</td>
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<td>193.</td>
<td>161.248 Repeal the Armed Forces (Special Powers) Act and the Public Safety Act and take credible actions to end the prevailing culture of impunity in “Indian-Occupied Kashmir” (Pakistan);</td>
<td>Noted</td>
<td>B52 Impunity A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <em>Affected persons:</em> - general</td>
<td>Not Implemented</td>
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<td>194.</td>
<td>161.146 Take the necessary steps to ensure that all operations of intelligence agencies are monitored by an independent oversight mechanism (Liechtenstein);</td>
<td>Noted</td>
<td>B52 Impunity A42 Institutions &amp; policies - General S16 SDG 16 - peace, justice and strong institutions <em>Affected persons:</em> - general</td>
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<td>195.</td>
<td>161.49 Bring into law the Prevention of Communal and Targeted Violence bill (2013) (United Kingdom of Great Britain and Northern Ireland);</td>
<td>Noted</td>
<td>B52 Impunity S16 SDG 16 - peace, justice and strong institutions A41 Constitutional and legislative framework <em>Affected persons:</em> - general</td>
<td>Not Implemented27</td>
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<td><strong>Theme: D23 Death penalty</strong></td>
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<td>196.</td>
<td>161.104 Abolish the death penalty (Mozambique);</td>
<td>Noted</td>
<td>D23 Death penalty S16 SDG 16 - peace, justice and strong institutions <em>Affected persons:</em> - general</td>
<td>Not Implemented</td>
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<td>197.</td>
<td>161.105 Consider the abolition of the death penalty (Greece);</td>
<td>Noted</td>
<td>D23 Death penalty S16 SDG 16 - peace, justice and strong institutions <em>Affected persons:</em> - general</td>
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27 Referring to the recommendation of the National Human Rights Commission in UPR-II, the then Government of India had the Working Group of the National Advisory Council (NAC) draft the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill 2011. However, till date, the Bill has not been placed before any house of the Parliament for consideration. The draft bill is available at: https://bit.ly/2UcJUWe
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| 198. | 161.106 Consider imposing a moratorium on the application of the death penalty with a view to abolishing it (Namibia);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 199. | 161.107 Consider imposing a de facto moratorium on the use of the death penalty with a view to its total abolition (Rwanda);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 200. | 161.108 Establish a moratorium on executions as a first step towards the abolition of the death penalty (Belgium);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 201. | 161.109 Introduce an official moratorium on the death penalty (Lithuania);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 202. | 161.110 Establish a de jure moratorium on capital executions and commute the existing death sentences with a view to fully abolishing the death penalty (Italy);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 203. | 161.111 Consider establishing a moratorium on the death penalty with a view to its abolishment (Spain);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 204. | 161.113 Consider the establishment of a moratorium on executions during the process of consideration by the Government of the recommendations of the Law Commission of India on the issue of the abolition of the death penalty (Montenegro);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 205. | 161.114 Consider establishing a moratorium on the death penalty (Timor-Leste);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 206. | 161.115 Introduce a moratorium on executions with a view to abolishing the death penalty (France);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D23 Death penalty  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
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<td>207.</td>
<td>161.74 Enact the Prevention of Torture Bill (South Africa);</td>
<td>Noted</td>
<td>D25 Prohibition of torture and cruel, inhuman or degrading treatment</td>
<td>Not Implemented</td>
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<td>Source of position: A/HRC/36/10/Add.1</td>
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<td>A41 Constitutional and legislative framework</td>
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<td>S16 SDG 16 - peace, justice and strong institutions</td>
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<td>208.</td>
<td>161.98 Review the Code of Criminal Procedure as regards the use of force by law enforcement officials, in particular section 46 (Sierra Leone);</td>
<td>Noted</td>
<td>D25 Prohibition of torture and cruel, inhuman or degrading treatment</td>
<td>Not Implemented</td>
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<td>Source of position: A/HRC/36/10/Add.1</td>
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<td>A41 Constitutional and legislative framework</td>
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<td>S16 SDG 16 - peace, justice and strong institutions</td>
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<td>Affected persons:</td>
<td>- law enforcement / police officials</td>
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<td>209.</td>
<td>161.249 Immediately ban the use of pellet guns and hold accountable perpetrators who have used lethal force against unarmed civilians in “Indian-Occupied Kashmir” (Pakistan);</td>
<td>Noted</td>
<td>D25 Prohibition of torture and cruel, inhuman or degrading treatment</td>
<td>Not Implemented</td>
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<td>Source of position: A/HRC/36/10/Add.1</td>
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<td>A41 Constitutional and legislative framework</td>
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<td>Affected persons:</td>
<td>- general</td>
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**Theme: D27 Prohibition of slavery, trafficking**

| 210.  | 161.227 Prohibit child labour in family enterprises and extend the list of dangerous activities in line with the recommendations of the Committee on the Rights of the Child (Spain); | Noted | D27 Prohibition of slavery, trafficking | Not Implemented |
|       | Source of position: A/HRC/36/10/Add.1 | | E32 Right to just and favourable conditions of work | |
|       | | | F33 Children: protection against exploitation | |
|       | | | S08 SDG 8 - economic growth, employment, decent work | |
|       | | | S16 SDG 16 - peace, justice and strong institutions | |
|       | | | Affected persons: | - children |
|       | | | | |
| 211.  | 161.228 Consider repealing the provision that allows children to work in family-based occupations (Slovakia); | Noted | D27 Prohibition of slavery, trafficking | Not Implemented |
|       | Source of position: A/HRC/36/10/Add.1 | | F33 Children: protection against exploitation | |
|       | | | S08 SDG 8 - economic growth, employment, decent work | |
|       | | | S16 SDG 16 - peace, justice and strong institutions | |
|       | | | Affected persons: | - children |

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28 Although this recommendation specifically has not yet been implemented, there are some relevant developments. The Government of India constituted a ‘Committee for Reforms in Criminal Laws’ in 2020 with the mandate to recommend reforms of all criminal laws and penal code of India. The Committee has already completed first phase of consultations with stakeholders. However, it has been criticized by retired judges, lawyers, activists and academics for: lack of independence from the Government; disregard for the universally accepted law reform protocols; being all-male and non-representative of the most vulnerable communities affected by the police / justice system abuses; and failing to use participatory methods to enable people across socio-economic classes to engage with it. There are serious concerns that the Committee will actually widen the net of criminal laws and dilute the existing safeguards. Explainer available here: https://disbandthecommittee.in/concerns.html. See also, https://thewire.in/law/criminal-law-reform-committee-transparency; https://www.deccanherald.com/specials/sunday-spotlight/how-not-to-reform-criminal-law-886718.html
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<th>S.No.</th>
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<tr>
<td><strong>Theme: D29 Domestic violence</strong></td>
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<tr>
<td>212.</td>
<td>161.209 Adopt a comprehensive law to combat all forms of violence against women, including domestic violence and marital rape (Honduras); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>D29 Domestic violence F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
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<tr>
<td><strong>Theme: D42 Freedom of thought, conscience and religion</strong></td>
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<tr>
<td>213.</td>
<td>161.126 Strengthen efforts to guarantee freedom of religion and belief, especially by retracting so-called anti-conversion laws (Holy See); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - general</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>214.</td>
<td>161.127 Take all necessary measures to protect the rights of persons belonging to religious minorities, and repeal laws which restrict religious conversion (Netherlands); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - minorities/ racial, ethnic, linguistic, religious or descent-based groups</td>
<td>Partially Implemented&lt;sup&gt;29&lt;/sup&gt;</td>
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<tr>
<td>215.</td>
<td>161.129 Repeal the requisite legislation to stop violence and discrimination against religious minorities (Kenya); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - minorities/ racial, ethnic, linguistic, religious or descent-based groups</td>
<td>Not Implemented</td>
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<tr>
<td>216.</td>
<td>161.130 Take visible policy and other measures to ensure the freedom of religion and belief and address the alarming trend of racism, racial discrimination, xenophobia and related intolerance including mob violence committed, incited and advocated by right-wing parties and affiliated extremist organizations against minorities, particularly Muslims, Christians, Sikhs and Dalits (Pakistan); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>D42 Freedom of thought, conscience and religion B32 Racial discrimination S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - minorities/ racial, ethnic, linguistic, religious or descent-based groups</td>
<td>Not Implemented</td>
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<sup>29</sup>Anti-conversion laws have not been repealed and continue to exist in at least eight Indian states.
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| 217. | 161.128 Abolish anti-conversion laws and grant access to justice to victims of religious violence and discrimination (Italy);  
**Source of position:** A/HRC/36/10/Add.1 | Noted    | D42 Freedom of thought, conscience and religion  
B51 Right to an effective remedy  
A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
B53 Support to victims and witnesses  
**Affected persons:**  
- general                                         | Not Implemented |
| 218. | 161.73 Take effective measures to combat rising instances of religious intolerance, violence and discrimination (Kazakhstan);  
**Source of position:** A/HRC/36/10/Add.1 | Noted    | D42 Freedom of thought, conscience and religion  
B52 Impunity  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general  
- minorities/ racial, ethnic, linguistic, religious or descent-based groups | Not Implemented |
| 219. | 161.133 Guarantee freedom of religion or belief by implementing existing laws to better protect individuals belonging to minority groups from hate speech, incitement to religious violence, discrimination on religious grounds and forcible conversions (Canada);  
**Source of position:** A/HRC/36/10/Add.1 | Noted    | D42 Freedom of thought, conscience and religion  
D43 Freedom of opinion and expression  
G1 Members of minorities  
A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general  
- minorities/ racial, ethnic, linguistic, religious or descent-based groups | Not Implemented |

**Theme: D43 Freedom of opinion and expression**

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</table>
| 220. | 161.141 Carry out independent investigations in all cases of attacks against journalists (Lithuania);  
**Source of position:** A/HRC/36/10/Add.1 | Noted    | D43 Freedom of opinion and expression  
B52 Impunity  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- media | Not Implemented |
| 221. | 161.131 Ensure that any measure limiting freedom of expression, assembly and association on the Internet is based on clearly defined criteria in accordance with international law including international human rights law (Sweden);  
**Source of position:** A/HRC/36/10/Add.1 | Noted    | D43 Freedom of opinion and expression  
D44 Right to peaceful assembly  
D45 Freedom of association  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general  
- media | Not Implemented |
| 222. | 161.143 Guarantee freedom of expression, association and peaceful assembly for all individuals and promote meaningful dialogue that embraces and allows freely organized advocacy of diverging views by civil society (Canada);  
**Source of position:** A/HRC/36/10/Add.1 | Noted    | D43 Freedom of opinion and expression  
D44 Right to peaceful assembly  
D45 Freedom of association  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
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| 223. | 161.142 Put an end to all curbs on freedom of expression and association (Pakistan);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D43 Freedom of opinion and expression  
D45 Freedom of association  
S16 SDG 16 - peace, justice and strong institutions  
B52 Impunity  
**Affected persons:**  
- general | Not Implemented |
| 224. | 161.145 Bring all legislation concerning communication surveillance in line with international human rights standards and especially recommend that all communication surveillance requires a test of necessity and proportionality (Liechtenstein);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D43 Freedom of opinion and expression  
D46 Right to private life, privacy  
A41 Constitutional and legislative framework  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 225. | 161.136 Revise the Foreign Contribution (Regulation) Act to ensure benign working conditions for civil society in India (Norway);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D45 Freedom of association  
E32 Right to just and favourable conditions of work  
S16 SDG 16 - peace, justice and strong institutions  
S08 SDG 8 - economic growth, employment, decent work  
**Affected persons:**  
- general | Not Implemented |
| 226. | 161.135 Amend the Foreign Contribution (Regulation) Act to ensure the right to freedom of association, which includes the ability of civil society organizations to access foreign funding, and protect human rights defenders effectively against harassment and intimidation (Germany);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D45 Freedom of association  
H1 Human rights defenders  
S16 SDG 16 - peace, justice and strong institutions  
A41 Constitutional and legislative framework  
**Affected persons:**  
- human rights defenders | Not Implemented |
| 227. | 161.137 Improve the Foreign Contribution (Regulation) Act so that it could fund a broader scope of non-governmental organizations (Republic of Korea);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D45 Freedom of association  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 228. | 161.138 Ensure consistent, transparent application of the Foreign Contribution (Regulation) Act regulations to permit full exercise of the right to freedom of association (United States of America);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D45 Freedom of association  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |
| 229. | 161.139 Review and amend the Foreign Contribution (Regulation) Act, which may restrict the access of NGOs to foreign financial assistance and lead to their arbitrary shut-down (Czechia);  
**Source of position:** A/HRC/36/10/Add.1 | Noted | D45 Freedom of association  
S16 SDG 16 - peace, justice and strong institutions  
**Affected persons:**  
- general | Not Implemented |

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30 While the Government did bring in an amendment to the FCRA in September 2020 through a bill that was passed by a ‘voice vote’, the new amendment has in fact put further stringent restrictions on receiving and use of foreign funding, which is likely to have further consequences on the functioning civil society. Reference: https://bit.ly/2TBv4m4

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<tr>
<td>230.</td>
<td>161.140 Lift legal restrictions or hurdles to the work of civil society individuals or organizations and ensure that they can undertake their legitimate activities without fear of reprisals (Switzerland);</td>
<td>Noted</td>
<td>D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions A41 Constitutional and legislative framework</td>
<td>Not Implemented</td>
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<td><strong>Affected persons:</strong> - general</td>
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<td></td>
<td><strong>Theme:</strong> <strong>D51 Administration of justice &amp; fair trial</strong></td>
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<tr>
<td>231.</td>
<td>161.148 Strengthen the independent functioning of the judiciary in order to reduce delays in judicial proceedings, enhance transparency of the processes and guarantee the right to speedy trial (Estonia);</td>
<td>Noted</td>
<td>D51 Administration of justice &amp; fair trial S16 SDG 16 - peace, justice and strong institutions</td>
<td>Not Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - judges, lawyers and prosecutors</td>
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<tr>
<td>232.</td>
<td>161.151 Ensure children’s rights to acquire a nationality in accordance with article 7 of the Convention on the Rights of the Child, regardless of the parents’ legal status or ethnicity (Slovakia);</td>
<td>Noted</td>
<td>D6 Rights related to name, identity, nationality F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions S10 SDG 10 - inequality</td>
<td>Not Implemented</td>
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<td></td>
<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - general - children</td>
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<tr>
<td>233.</td>
<td>161.152 Remove barriers prohibiting scheduled castes and schedule tribes from registering their children’s births and obtaining birth certificates (Bahrain);</td>
<td>Noted</td>
<td>D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions S10 SDG 10 - inequality</td>
<td>Not Implemented</td>
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<td></td>
<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - children - vulnerable persons/groups</td>
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<tr>
<td>234.</td>
<td>161.191 Ensure implementation of the Gender Budgeting Scheme in all states and union territories (South Africa);</td>
<td>Noted</td>
<td>F11 Advancement of women F12 Discrimination against women S05 SDG 5 - gender equality and women’s empowerment S10 SDG 10 - inequality B31 Equality &amp; non-discrimination A63 Budget and resources (for human rights implementation)</td>
<td>Not Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<td><strong>Affected persons:</strong> - women</td>
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31 While universalization of birth registration is pretty skewed across the all the states, none of the state governments have taken any special measures to encourage and promote birth registration of children from the Scheduled Castes and Scheduled Tribes.
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<tr>
<td>235.</td>
<td>161.51 Criminalize marital rape (Portugal) (Sweden); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
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<tr>
<td>236.</td>
<td>161.52 Include a provision in its Penal Code criminalizing marital rape (Australia); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
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<tr>
<td>237.</td>
<td>161.53 Remove the exception relating to marital rape from the definition of rape in the Indian Penal Code and criminalize “honour crimes” (Slovenia); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
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<tr>
<td>238.</td>
<td>161.54 Remove the exception relating to marital rape from the definition of rape in section 375 of the Indian Penal Code (Belgium) (Iceland); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
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<tr>
<td>239.</td>
<td>161.55 Consider removing the exception relating to marital rape from the definition of rape in section 375 of the Indian Penal Code (Namibia); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
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<tr>
<td>240.</td>
<td>161.56 Remove the exception of marital rape from the definition of rape in article 375 of the Penal Code, in line with the efforts already undertaken for the protection of women (France); <strong>Source of position: A/HRC/36/10/Add.1</strong></td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women</td>
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<tr>
<td>241.</td>
<td>161.57 Criminalize all forms of sexual abuse of girls under 18 years of age, including marital rape and “honour crimes” (Zambia);</td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women - girls</td>
<td>Not Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<tr>
<td>242.</td>
<td>161.58 Take additional steps in criminalizing marital rape (Lithuania);</td>
<td>Noted</td>
<td>F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 – gender equality and women’s empowerment S16 SDG 16 - peace, justice and strong institutions B52 Impunity <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
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<td>243.</td>
<td>161.203 Eliminate traditional harmful practices, such as the rising number of deaths due to dowry and burning of widows (Bahrain);</td>
<td>Noted</td>
<td>F13 Violence against women B52 Impunity S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 – gender equality and women’s empowerment <strong>Affected persons:</strong> - general - women</td>
<td>Partially Implemented</td>
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<td>244.</td>
<td>161.206 Increase the resources so that female survivors of violence and domestic abuse can denounce the crimes with guarantees they will be not repeated (Spain);</td>
<td>Noted</td>
<td>F13 Violence against women B52 Impunity S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 – gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
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<tr>
<td>245.</td>
<td>161.195 Take urgent measures to put an end to harmful traditional practices such as so-called “honour killings”, selective abortion on the basis of the sex of the fetus, sati, devadasi, early and enforced marriage, bringing the perpetrators to justice and guaranteeing assistance for victims (Argentina);</td>
<td>Noted</td>
<td>F13 Violence against women B53 Support to victims and witnesses E43 Access to sexual and reproductive health and services S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 – gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
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<td><strong>Source of position:</strong> A/HRC/36/10/Add.1</td>
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<tr>
<td>246.</td>
<td>161.196 Implement existing laws on all forms of violence and sexual violence against women and girls, including &quot;honour&quot; crimes, female feticide and female infanticide; expand the definition of rape and sexual assault to include marital rape; and end harmful practices such as child, early and forced marriage (Canada);</td>
<td>Noted</td>
<td>F13 Violence against women B53 Support to victims and witnesses S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Partially Implemented</td>
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<tr>
<td>247.</td>
<td>161.223 Enact the Women’s Reservation Bill providing for the reservation of seats for women in the parliament and legislative assemblies, in order to enhance the political participation of women (Netherlands);</td>
<td>Noted</td>
<td>F14 Participation of women in political and public life A41 Constitutional and legislative framework B31 Equality &amp; non-discrimination S10 SDG 10 - inequality S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
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<tr>
<td>248.</td>
<td>161.224 Adopt the law on quotas which aims to reserve at least 33 per cent of seats in legislative bodies of the central and state governments for women (Senegal);</td>
<td>Noted</td>
<td>F14 Participation of women in political and public life A41 Constitutional and legislative framework B31 Equality &amp; non-discrimination S10 SDG 10 - inequality S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>249.</td>
<td>161.225 Adopt the law on quotas which aims to reserve seats for women in legislative bodies of the central and state governments (Algeria);</td>
<td>Noted</td>
<td>F14 Participation of women in political and public life A41 Constitutional and legislative framework B31 Equality &amp; non-discrimination S10 SDG 10 - inequality S05 SDG 5 - gender equality and women’s empowerment <strong>Affected persons:</strong> - women</td>
<td>Not Implemented</td>
</tr>
<tr>
<td>250.</td>
<td>161.134 Enact a law for the protection of human rights defenders (Lithuania);</td>
<td>Noted</td>
<td>H1 Human rights defenders A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <strong>Affected persons:</strong> - human rights defenders</td>
<td>Not Implemented</td>
</tr>
</tbody>
</table>

**Theme: F14 Participation of women in political and public life**

**Theme: H1 Human rights defenders**
F. Human Rights Measurement Initiative (HRMI) Rights Tracker – Data for India

HRMI Scores - Human Rights in India, 2022

The Human Rights Measurement Initiative (HRMI) is the first global project to comprehensively track human rights performance of countries, and produce human rights scores that are quantified and comparable across countries. These scores indicate how well each country is performing to fulfil and respect its international human rights obligations.

HRMI measures up to 13 different human rights for various countries: five economic and social rights, and eight civil and political rights. The metrics for each of these categories are produced using distinct methodologies that are in consonance with the corresponding obligations laid down under international law for these rights.

HRMI’s Economic and Social Rights Scores

HRMI produces metrics on five different economic and social rights (ESRs) or ‘Quality of Life’ rights: housing, health, education, food, and work. These scores are constructed from internationally-comparable, publicly-available databases.

HRMI’s ESR scores takes into consideration the obligation of States towards progressive realisation of these rights, and show how well each country is doing relative to what is feasible for a country with that level of economic resources. We produce these metrics using the award-winning Social and Economic Rights Fulfilment (SERF) Index.33

Quality of Life Rights : Overview

India has an income-adjusted overall Quality of Life score of 65.1% across the five rights that HRMI measures. This means that India is achieving only 65.1% of what is possible with its current income and resources to fulfil these five economic and social rights of its people.34

Graph 1

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33 HRMI’s methodology for constructing ESR scores can be found here: https://humanrightsmeasurement.org/methodology/measuring-economic-social-rights/.

34 Detailed scores for India available on HRMI’s Rights Tracker: https://rightstracker.org/en/country/IND.

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HRMI data also show a gradual progress overtime in the fulfilment of Quality of Life rights in India: from 59.9% in 2013 to 65.1% in 2019. However, since reaching the 100% mark is possible even at its current income level, there is a significant margin for improvement.

**Right to Housing**

Based on the most recent available data, India’s income-adjusted HRMI score for the Right to Housing — based on access to basic sanitation and access to drinking water on site — is 65.3%. This means that India is doing 65.3% of what is be possible of being done at its level of income.

These scores can be used with the World Bank Health, Nutrition and Population Statistics to understand the impact of income-adjusted 100% performance on the lives of people.

On the Right to Housing, India has shown a steady improvement over time from 2007 to 2019 as can be seen in Graph 4. If India uses its existing resources effectively and manages to reach the 100% mark, an additional 432 million people would have access to basic sanitation and about 433 million more people would have access to drinking water in their homes.35

In HRMI’s human rights expert survey conducted in 2022, respondents identified some groups of people to be at a greater risk of having their rights violated. Top-7 groups identified as being at risk for violation of the Right to Housing are:

- People with low social or economic status
- Migrants and/or immigrants
- Adivasis, including the Denotified and Nomadic Tribes (DNTs)
- Internally displaced people
- People without a legal identity
- Dalits
- People from particular religious beliefs or practices, especially Muslims

Right to Health

India’s HRMI score for the Right to Health is 80.7% reflecting its performance on the access to child, adult, and reproductive healthcare. None of these scores fall in the ‘good’ range. This means that India is doing only 80.7% of what it is capable of doing with its resources.

India’s HRMI score for children surviving to age 5 is 92.6% and is in the ‘fair’ range. If we use the population data to calculate the impact of India’s 100% performance on this indicator, we find that by optimally using its...
existing income for health, about 2.7 million more new-borns could be expected to eventually reach their fifth birthday.  

India’s HRMI score for adult (15–60) survival is 85.8%, which narrowly falls in the ‘fair’ range. If India achieved 100% here, an additional 84.6 million adults would be able to survive at least till the age of 60.

Similarly, India scores 63.7% on the right to reproductive health, which falls in ‘bad’ range. The underlying indicator value shows that only 47.8% Indians between the age of 15 and 49 use modern contraceptives. If India uses its existing income to its full potential towards fulfilment of reproductive health of its people, an additional 194 million people, especially nearly 91.6 million more women, can be expected to be able to use modern contraceptives.

The Rights Tracker also shows the gender-disaggregated performance on the Right to Health. For example, Graph 6 shows the adult survival scores in India.

India is achieving 88.2% of what is possible to guarantee the Right to Health for women, compared to other countries with the same level of income. This score falls in the ‘fair’ range.

However, when compared to other countries at the same level, India is doing only 84.5% of what is possible to fulfil the Right to Health for men. India’s score here narrowly falls in the ‘bad’ range.

India’s over time performance on the Right to Health as seen in Graph 7 shows that it has remained fairly steady from 2007 to 2019, but has not shown any marked progress.

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37 See supra note 3.
38 Ibid.
39 Ibid.
Top-7 groups of people identified to be most at risk of having their Right to Health violated:

- Street children or homeless youth
- People with low social or economic status, especially who live in slums, and even some middle-class families
- Indigenous people
- Migrants and/or immigrants
- People who are homeless
- Women and/or girls, especially those seeking reproductive care
- Dalits, especially women

Right to Education

HRMI data shows that India is doing 78.9% of what it is capable of doing with its current income to ensure the fulfilment of the Right to Education of its people.

If India uses its existing resources effectively, it can ensure that an additional 13.8 million children would be enrolled in primary school, and an additional 40 million children would be enrolled in secondary school.

The raw data underlying the scores can be viewed by clicking the ‘indicator values’ toggle. Graph 9 shows that India’s actual primary school enrolment rate is 92.3%, which is the underlying indicator value of the score on the right to primary education.

However, India’s actual secondary school enrolment rate is only 61.6%. This indicates that ensuring actual secondary school enrolment would be key in guaranteeing overall better access to education.
Looking at the gender disaggregated data on the Right to Education, Graph 10 shows that India is doing 80.0% of what is possible to fulfil the Right to Education of women when compared with other countries at similar income levels.

The score for men is 78.0%, which means that there are countries with similar income level as India that are doing better in ensuring the Right to Education for men. Data shows that India has the potential to progress on both these parameters even with its existing income.

The overtime line for Right to Education in India in Graph 11 below shows that its performance on this right has plateaued at 79.0% from 2013 to 2019. India can achieve the 100% mark by using its existing income optimally to ensure better access to education for its people.
Top-7 groups of people identified to be at risk of having their Right to Education violated\textsuperscript{42}

- Street children or homeless youth
- Adivasis, including Denotified and Nomadic Tribes (DNTs)
- Dalits and Bahujan, especially women and children
- People with low social or economic status, especially people who are homeless or who live in slums
- Migrants and/or immigrants, or stateless people, especially children
- Women and/or girls, especially those girls forced into early or child marriage
- Internally displaced people

Right to Food

India’s score for the Right to Food is 56.8%. It means that India is currently doing only 56.8% of what is possible for it to achieve at its current income to ensure that its children have sufficient nutritious food to eat.

See more detail on how India performs on the Right to Food \textsuperscript{43}.

The underlying indicator value to understand the income-adjusted performance on the Right to Food is ‘Percentage of children under five who are not stunted’. The indicator value or the actual percentage of children in India who are not stunted is 65.3%. (See Graph 13)

Putting this score together with the population data shows that even with its current resources, India has the potential to ensure that an extra 34.6 million children under the age of five would be able to grow well.\textsuperscript{43}

\textsuperscript{42} See supra note 4.
\textsuperscript{43} See supra note 3.
On the gender disaggregated data for the Right to Food as seen in Graph 14, India is doing 57.8% of its actual capacity to fulfil the Right to Food of women as compared to other countries at the same income level. It is doing only 55.8% to ensure the Right to Food for men of what is actually possible with its current income.

Scores for both women and men are in the ‘very bad’ range, indicating that India still has to make substantial progress to fulfil its obligation towards the Right to Food of its people.

The overtime line in Graph 15 shows a gradual upward growth for Right to Food in India: from 40% in 2007 to 56.8% in 2019. However, India can be said to be doing the best that it can to realise the Rights to Food of its people at its income level only when it touches the 100% mark.

Top–7 groups of people identified to be most at risk of having their Right to Food violated:
- Migrants and/or immigrants, especially migrant workers
- People who are homeless
- People with low social or economic status, especially women and girls
- Street children and homeless youth
- Adivasis, including Denotified and Nomadic Tribes (DNTs)
- Refugees and asylum seekers
- Internally displaced people

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44 See supra note 4.
Right to Work

Our data show that India is achieving only 43.8% of what is possible with its income to ensure that the Right to Work is meaningfully enjoyed by all. This is the lowest among India’s other ‘Quality of Life’ rights scores.

Using the population statistics available for India, one can find that only about 38.3% people in India receive income more than $3.20 (2011 PPP$) per day, which is the threshold to determine absolute poverty. By using its resources optimally, if India reaches the 100% mark, it could lift an extraordinary 613.6 million people out of absolute poverty.

Top-7 groups of people identified to be most at risk of having their Right to Work violated

- Migrants and/or immigrants
- Dalits
- People with low social or economic status, including those who do not own homes or land, refugees, people who work on daily wages, and internally displaced people
- People with particular religious beliefs or practices
- LGBTQIA+ people, especially transgender people
- Persons with disabilities
- People without a legal identity

HRMI’s Civil and Political Rights Scores

HRMI produces metrics on eight different Civil and Political Rights (CPRs). These rights have been categorised into two sub-groups:

i. ‘Physical Integrity’ Rights (also called as ‘Safety from the State’) – rights to freedom from arbitrary arrest, forced disappearance, death penalty, extrajudicial execution, and torture and ill-treatment.

ii. ‘Empowerment’ Rights – rights to assembly and association, opinion and expression, participate in government

These metrics are based on the responses received from human rights practitioners working on ground in those countries where HRMI runs its expert survey, which are then subject to a statistical analysis using a peer-reviewed methodology.

Scores out of 10: HRMI’s CPR scores are marked out of 10. The closer the score is to 10, the better respect it indicates for a particular right in the country.

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45 See supra note 3.
46 See supra note 4.
47 HRMI’s methodology for producing CPR scores can be found here: https://bit.ly/3ysuZqy
Uncertainty bands: These scores appear within uncertainty bands around central estimates based on the range of responses received from the expert survey respondents. A higher level of uncertainty, indicated by a wider uncertainty band, may result from more variance among the respondents’ scores on a given right or when the number of survey respondents is smaller.

Physical Integrity / Safety from the State Rights: Overview

India’s summary score across the five Physical Integrity or Safety from the State Rights in 2021 is 4.6 out of 10. It is the mean score on the uncertainty band between 3.6 to 5.6 based on the responses of human rights experts from India.68

Graph 17 shows the summary score as well as its scores on the five individual rights. Four out of five of India’s scores (except freedom from death penalty) fall in the ‘bad’ range.

Right to Freedom from Arbitrary Arrest

India’s score on the Right to Freedom from Arbitrary Arrest is 4.3 out of 10 in 2021, and it is the average score on the uncertainty band between the range of 3.7 and 4.9.

Looking at India’s overtime score on this right, respondents had marked a mean score of 3.3 for the year 2020 as opposed to a slightly higher 4.3 in 2021.
Top–7 groups of people identified to be most at risk of having their Right to Freedom from Arbitrary Arrest violated

- Human rights advocates, especially Dalit and tribal rights activists
- People with particular religious beliefs or practices, particularly Muslims
- Journalists, particularly those covering human rights issues
- People who protest or engage in non-violent political activity, particularly students and farmers
- People of particular political affiliations or beliefs, especially those who were critical of the Government or ruling party
- Members of labour unions / workers’ rights advocates
- Adivasis

Right to Freedom from Forced Disappearance

Based on the survey responses received, India’s score on the Right to Freedom from Forced Disappearance in 2021 is 5.7 out of 10 within the uncertainty band between 5.1 and 6.4.

When asked to indicate the respect for this right in 2020, the mean score was 5.8, only nominally higher than in 2021.

Top–7 groups of people identified to be most at risk of having their Right to Freedom from Forced Disappearance violated

- People suspected of terrorism, particularly in the north-eastern regions of the country
- Human rights advocates
- People in particular geographic locations, especially Jammu and Kashmir, Uttar Pradesh, Manipur and other states on the north–east, and tribal belt in Central India, or those living in areas with higher military presence
- People with particular political affiliations or beliefs
- People suspected of political violence
- People with particular religious beliefs or practices, particularly Muslims
- People who protest or engage in non-violent political activity, especially in regions with conflict

49 See supra note 4.
50 Ibid.
Right to Freedom from Death Penalty

India is among the States that have retained the death penalty or 'capital punishment' in its Penal Code as well as some other legislations for certain categories of offences.

However, India’s score on the Right to Freedom from Death Penalty in 2021 is 10 out of 10 with higher certainty. This can be interpreted to mean that India did not carry out any death sentence in 2021.

However, Graph 20 also shows that India’s score on this right in 2020 was lower at 7.3 with a slight degree of uncertainty.

Expert respondents did not select any particular group of people to be particularly at risk of violation of the Right to Freedom from Death Penalty.

However, the qualitative responses received outlined certain trends:

- People with particular religious beliefs or affiliations, especially Muslims
- People engaged in or suspected of terrorism, especially Muslims and Maoists
- The Adivasis
- Dalits

Right to Freedom from Extrajudicial Execution

India’s 2021 score on the Right to Freedom from Extrajudicial Execution is calculated to be at 5.4 as central estimate on the uncertainty band between 4.8 and 6.0.

However, India’s score for this right was 5.0 in 2020, only slightly lower than in 2021.

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51 Ibid.
Top-7 groups of people identified to be most at risk of having their Right to Freedom from Extrajudicial Execution violated52

- People with particular religious beliefs or practices, especially Muslims and Christians
- The Adivasis, particularly those who resisted displacement or advocated against forced resettlement carried out by state forces
- People from the Scheduled Castes, Scheduled Tribes, or other Dalit communities
- Detainees or those accused of crimes, especially those who try to escape custody, as well as Muslim or are from lower caste groups in Uttar Pradesh and those suspected of committed armed violence in Nagaland
- People who protest or engage in a non-violent political activity, especially those involved in protests against the Citizenship Amendment Act (CAA)
- People in particular geographic locations, including Uttar Pradesh, Telangana, Manipur, Nagaland, and Jammu and Kashmir
- People suspected of political violence

Right to Freedom from Torture and Ill-treatment

India’s score on the Right to Freedom from Torture and Ill-treatment was 3.9 for 2021, the lowest among all its other ‘Safety from the State’ scores.

This score lies within the uncertainty band between 3.1 and 4.6. This is the only Safety from the State score where some responses or portion of the uncertainty band falls in the ‘very bad’ range.

India’s score on this right in 2020 was 3.7, marginally lower than its 2021 score of 3.9.

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52 Ibid.
Top-7 groups of people identified to be most at risk of having their Right to Freedom from Torture and Ill-treatment violated

- Human rights advocates
- People with particular religious beliefs or practices, primarily Muslims but also Christians
- The Adivasis
- People who protest or engage in non-violent political activity, especially those who protested against the Citizenship Amendment Act, particularly in Delhi, Uttar Pradesh, Kashmir, and Assam, and those farmers who protested against the Farm Laws
- Dalits
- People suspected of terrorism
- Detainees or those accused of crimes

Empowerment Rights: Overview

India’s summary score across the three Empowerment Rights is 4.5 out of 10, which falls in the ‘bad’ range. It lies on the uncertainty band range between 3.5 and 5.4.

As can be seen in Graph 23, India’s scores on the Rights to Freedom of Assembly and Association and of Opinion and Expression are at 3.6 and 3.5 respectively, and fall on the cusp of ‘bad’ and ‘very bad’ ranges. This indicates that the human rights experts who took the survey raised pressing concerns about the enjoyment of these democratic rights.

However, the Right to Participate in Government is 6.8, in the ‘fair’ range, and is significantly better compared to the other two rights in this category.

Empowerment - overview

How well is India’s government respecting each right?

<table>
<thead>
<tr>
<th>Summary score</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Empowerment</td>
<td>0</td>
</tr>
<tr>
<td>4.5</td>
<td>10</td>
</tr>
</tbody>
</table>

Right to Assembly and association: 3.6
Right to Opinion and expression: 3.5
Right to Participate in government: 6.8

Graph 23

Right to Freedom of Assembly and Association

India’s score on the Right to Freedom of Assembly and Association is 3.6 out of 10 falling within a narrow uncertainty band from 3.2 and 4.0.

A narrow uncertainty band could either indicate that there were more respondents who responded to the question, or that there was a greater congruence in the responses of the survey respondents with respect to this right.

53 Ibid.
54 See supra note 2.
India’s score on this right in 2020 was at 3.2, as seen in Graph 24 below, which is lower than in 2021 score, and would fall in the ‘very bad’ range.

Top-7 groups of people identified to be most at risk of having their Right to Freedom of Assembly and Association violated

- Human rights advocates, especially those working on behalf of minority groups
- People from Scheduled Castes, Scheduled Tribes, and other Dalit and tribal communities
- People with particular religious beliefs or practices, especially Muslims, Dalits who practise Christianity, and others affiliated with religious minority groups
- People who protest or engage in non-violent political activity, especially those who protested against the Citizenship Amendment Act and Farm Laws; students and youth who protested against rising unemployment, and families who protested against the treatment of victims of rape and sexual violence
- Members of labour unions / workers’ rights advocates, especially those protesting working conditions on May Day
- People with particular political affiliations or beliefs, largely anyone who opposed or criticised the ruling party or the government
- Students

See supra note 4.
Right to Freedom of Opinion and Expression

India’s score on the Right to Freedom of Opinion and Expression was 3.5 for 2021. India scores the lowest on this right as compared to its all other CPR scores. This score lies within a relatively narrow uncertainty band between 3.2 and 3.9, crossing through the ‘bad’ and ‘very bad’ ranges.

The score for 2020 was the same, i.e. 3.5, and remained constant in 2021.

[picture of a graph showing the scores for 2017, 2020, and 2021, with 80% uncertainty bands]

Top-7 groups of people identified to be most at risk of having their Right to Freedom of Opinion and Expression violated

- Human rights advocates, especially those who work with or advocate for minority communities, as well as those who work on issues related to Dalits, Bahujan, Adivasis, migrants and migrant workers, and Muslims
- People with particular religious beliefs or practices, primarily Muslims and other religious minorities including Christians
- Journalists, especially who were critical of the government or reported on cases of state-sanctioned violence
- People who protest or engage in non-violent political activity
- People with particular political affiliations or beliefs, primarily those who are in opposition to the ruling government
- People from the Scheduled Castes, Scheduled Tribes, other Bahujan and tribal communities
- The Adivasis, especially those who resisted government possession of their property in Odisha, Chhattisgarh (especially in the Bastar region), and Jharkhand

56 Ibid.
Right to Participate in the Government

India's score on the Right to Participate in the Government in 2021 was 6.8, falling within the uncertainty band of 6.1 and 7.5. This is the only Empowerment Rights score that falls in the ‘fair’ range and is comparatively better than the two other scores.

The score for 2020 was the 6.6, marginally lower than in 2021, as can be seen in Graph 26.

Top–7 groups of people identified to be most at risk of having their Right to Participate in Government violated

- Human rights advocates
- People with particular religious beliefs or practices, predominantly Muslims, Christians, and other religious minorities
- People from the Scheduled Castes and Scheduled Tribes
- Journalists
- People with particular political affiliations or beliefs
- People who protest or engage in non-violent political activity
- People with low social or economic status, as well as refugees and asylum seekers
Endnotes

1. See full list of WGHR members in Annex A.
2. See full list of endorsements in Annex B.
3. See a report of the regional consultations and national consultation held by WGHR in Annex C.
5. The extension was cleared by the Union Cabinet as various challenges were identified by the Union government, including gaps in sanctioning and completion of houses, irregular release of funds, and lack of follow-up with landless beneficiaries among others. See: Government of India, Press Release “Cabinet approves continuation of Pradhan Mantri Awas Yojana – Gramin (PMAY–G) beyond March 2021 till March 2024”, 8 December 2021. Available at: https://pib.gov.in/Pressreleaseshare.aspx?PRID=1779325, Accessed on: 17 March 2022; Ministry of Rural Development “Revamp of Pradhan Mantri Awas Yojana”, Press Release, Ministry of Rural Development, 15 March 2022, Available at: https://pib.gov.in/Pressreleaseshare.aspx?PRID=1806267 Accessed on: 17 March 2022.
7. As of March 2022, the Union Government has claimed that the objective of the Pradhan Mantri Awas Yojana – Urban has been met. See: The Times of India “1.15 crore houses sanctioned under PMAY–Urban; scheme ending this month: Puri,” 28 March 2022. Available at: https://timesofindia.indiatimes.com/india/1-15-crore-houses-sanctioned-under-pmay-urban-scheme-ending-this-month-puri/articleshow/90495228.cms Accessed on: 17 March 2022.
8. In response to the large-scale reverse migration of migrant workers and workers in the informal sector during the pandemic, the government of India announced the creation of ‘Affordable Rental Housing Complexes’, as a subset of the Pradhan Mantri Awas Yojana (Urban). The scheme seeks to provide affordable rental housing with necessary civic amenities to the urban poor, near their place of work. See: Ministry of Housing and Urban Affairs, “ARHCs at a glance,” available at: http://arhc.mohua.gov.in/At-a-Glance.html Accessed on: 17 March 2022.
9. Ibid.
12. In September 2020, the Supreme Court of India [W.P. (C) 13029/1985] ordered the eviction of 48,000 dwellings along railway tracks in Delhi within a timeframe of three months and restricted any other judicial relief for the affected persons in this matter. Similarly, just before the onset of the pandemic, the Supreme Court of India [S.L.A. (C) 7220/2017] exhorted state authorities to demolish ‘unauthorized’ houses of migrant workers in Khori Gaon, Haryana despite the pendency of the proceedings.
The Supreme Court commissioners appointed to monitor the implementation of orders in the ‘right to food’ case – PUCL v. Union of India [W.P. (C) 196/2001] estimated that at least one % of India’s urban population is homeless. This amounts to nearly 4 million homeless people living in urban India.

A study conducted by Housing and Land Rights Network after the second wave of the COVID-19 pandemic in Delhi revealed that at least nine % homeless people surveyed were unable to eat even a single meal every day during the lockdown, while 58 % were only able to secure one meal a day; 91 % of the homeless persons surveyed reported having no work or income during the lockdown. For more information, see: Housing and Land Rights Network (HLRN), "Impacts of the Second Wave of the Pandemic on Delhi’s Homeless Population, Findings of a Rapid Assessment Survey," August 2021. Available at: https://www.hlrn.org.in/documents/Homelessness__Delhi_Pandemic_Second_Wave.pdf Accessed on: 17 March 2022.


Around 54.71 % of Scheduled Caste households are landless, nearly 70 % of Dalit farmers are labourers on farms owned by others, while only 17.69 % Scheduled Caste households own a house. Only 10.5 % people belonging to Scheduled Tribes own a house. See: Socio-economic and Caste Census 2011. Available at: http://secc.gov.in/reportlistContent; Scroll, “Across India, Dalits are still fighting to claim lands promised to them,” 9 June 2019. Available at: https://bit.ly/36gB7bD, Accessed on: 17 March 2022.


Ibid.

Particularly vulnerable communities include internal migrants and inhabitants of informal housing settlements.


Ayushman Bharat Prime Minister Jan Aarogya Yojana (PM–JAY) is the Prime Minister’s Programme for Public Health. It is a project of the Government of India to provide free health care access to at least 40% of the people in the country. Available at: https://pmjay.gov.in/ ; NITI Ayog, Health Insurance for India’s Missing Middle, October 2021, available at: https://www.niti.gov.in/sites/default/files/2021-10/HealthInsurance–forIndiasMissi

42

Live-saving infrastructure and equipment such as beds, oxygen, generators, and medication were unavailable at hospitals. In Delhi, relatives of Covid patients at wits’ end: ‘No beds at hospitals, no oxygen at home’, Indian Express, April 24, 2021, Available at: https://indianexpress.com/article/cities/delhi/delhi-covid-19-hospital-beds-oxygen-supply-728597 , Accessed on: 12 March 2022.

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The Govt. directive called for the continuation of maternal health services during the Covid-19 lockdown.

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This was due to repurposing of health facilities to COVID only services, shifts in responsibilities of health care providers to COVID related interventions, irregular / absence of supply of MA drugs and suspended mobility of those seeking abortion services due to non–availability of transport. See: Ipas, “Compromised Abortion Access due to COVID–19: A model to determine impact of COVID-19 on women’s access to abortion”, 28 May 2020. Available at: https://bit.ly/32sLxDX , Accessed on: 12 March 2020;

47


48

Vulnerable groups include Scheduled Castes, Scheduled Tribes, persons with disabilities, sexual and gender minorities, women, children, rural and urban poor, homeless persons, elderly persons, widows, and single mothers.


UN Special Procedures Joint Statement, 31 August 2020, Available at: https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25513.


The share of employment in Manufacture has stagnated at 12 percent in the last five years. See: ILO Country Profile – India, Available at: https://ilostat.ilo.org/data/country-profiles/, Accessed on: 16 March 2022.


Using panel data from India, Abraham, Basole and Kesar investigated the differential impact of the shock on labour market outcomes for male and female workers and found that, “conditional on being in the workforce prior to the pandemic, women were seven times more likely to lose work during the nationwide lockdown, and conditional on losing work, eleven times more likely to not return to work subsequently, compared to men. See: Centre for Sustainable Employment Working Paper #40, Azim Premji University, “Down and Out? The Gendered Impact of the Covid-19 Pandemic on India’s Labour Market”, February 2021, Available at: https://cse.azimpremjiuniversity.edu.in/wp-content/uploads/2021/02/Abraham_Basole_Kesar_Gender_Covid_Feb_2021.pdf, Accessed on: 16 March 2022.


The ILOs response to trade unions reads: “Please allow me to assure you that the ILO director general has immediately intervened, expressing his deep concern at these recent events and appealing to the prime minister to send a clear message to central and state governments to uphold the country’s international commitments and encourage engagement in effective social dialogue”. See: Live Mint, “ILO expressed deep concern over labour law changes, appeals to PM Narendra Modi”, Prashant K. Nanda, Mint, 25 May 2020, available at: https://www.livemint.com/news/india/ilo-expresses-deep-concern-over-labour-law-changes-appeals-to-pm-narendra-modi-11590394493866.html, Accessed on: 16 March 2022.


84 Ibid 72.


90 The ratification of the CED was recommended in UPR I, II and III. Universal Periodic Review (UPR): Mid-Term Report 2020 – Assessing India’s Implementation of UPR-III Recommendations, p. 193 - 203, WGHR, Available at: https://wghr.org/assets/publications/doc/WGHR_UPR_Mid-Term_Re_h9nm0.pdf.


96 The CBI’s investigation was carried out on the direction of the Supreme Court. See: Extra Judicial Execution Victim Families Association (EEVFAM) & Anr. v. Union of India & Anr, W.P. (Crl.) No. 129 of 2012.

97 The victims have registered a plea with the High Court of Manipur to take cognisance and proceed with prosecution irrespective of the result of the sanction. The High Court is currently evaluating the legal position of the case. See: Vide order dated 22 February 2021 in Cril. Misc. (FR) Case No. 633 of 2020.


99 There is only 1 correctional staff for 619 inmates on an average. Additionally, 24 states/union territories have no sanctioned psychologists/psychiatrists; 17 states/union territories have no sanctioned posts of probation officers and 21 states and union territories have no sanctioned social workers. See: Prison Statistics India, 2020, Available at: https://ncrb.gov.in/sites/default/files/PSI_2020_as_on_27-12-2021_0.pdf, Accessed on: 18 March 2022.


101 The Prisons Act 1894 and the Police Act of 1861. 24 states in India continue to be governed by the Prisons Act, 1894. Only four states, namely West Bengal, Delhi, Assam and Kerala passed the new prison Acts for their respective states. Despite the directions of the Hon’ble Supreme Court to update the state prison rules as per the Model Prison Manual of 2016, very few states have taken the initiative. Similarly, 10 states continue to be governed by the 1861 Police Act. Other states that have enacted new police legislations fail to incorporate in earnest the principles and standards of democratic policing suggested in the Model Police Act 2005 (later revised in 2015) drafted by the Ministry of Home Affairs, Government of India.


In 2020, the undertrial prisoners’ population increased by 12%, three times higher than the average annual increase in last 5 years. The increasing numbers of undertrials also cast doubt upon the functioning of the Under-trial Review Committees which is mandated to ensure that no person must be illegally or unnecessarily detained in prison. An Under-trial Review Committee (UTRC) is a district level oversight mechanism headed by the senior most judicial officer of the district and comprises members from district administration, District Legal Services Authority, police and prison department, that primarily focuses on addressing overcrowding in the prisons. See: Ibid.

According to the latest data on Crime in India, in 2019 a total of 1,30,39,442 (1.3 billion approximately) persons were arrested under the provisions of Indian Penal Code, State Local Laws and Code of Criminal Procedure. In 2020, total number of persons arrested increased by 9,04,301 (0.9 million approximately) taking the total number of persons arrested to 1,39,43,743 (1.39 billion approximately). A closer look at the total number of arrests under the IPC, SLL, CrPC and preventive detention laws reveals that the number of arrests under IPC crimes increased by 42% and the number of arrests under SLL offences increased by 14%. See: Government of India, “Crime in India, 2020”, 2020, Available at: https://ncrb.gov.in/en/Crime-in-India-2020, Accessed on: 18 March 2022.

The National Legal Services Authority has developed a ‘Framework on Early Access to Justice at Pre-Arrest, Arrest and Remand Stage’ with the aim to provide legal assistance to suspects and arrestees during interrogation and other early stages of investigation; check arbitrary arrests by police and protect the arrestees from any form of torture and ill-treatment in police custody. However, the system is not yet developed and properly functional in any state in the country. Additionally, with inadequate human and financial resources, ensuring quality of legal services and adoption of monitoring and assessment models uniformly across the country continues to be a challenge which places obstacles in undertaking a standardised assessment.

There is a lack of implementation of the Probation of Offenders Act, 1958, which allows first-time young offenders, accused of petty crimes, to be released on admonition or under the care of probation officer. See: NALSA, “Framework on Early Access to Justice at Pre-Arrest, Arrest, and Remand Stage”, Available at: https://nalsa.gov.in/acts-rules/guidelines/early-access-to-justice-at-pre-arrest-arrest-and-remand-stage, Accessed on: 18 March 2022.

Of the 491 prisons of 29 states and union territories, only 24% of prisons had a statutorily mandated Board of Visitors which held only 20% of its total mandated meetings and only 52% prisons had Non Official Visitors appointed who made only 11% of the total mandated visits. A Board of Visitors (BOV) includes official and non-official visitors who regularly visit prisons and hold meetings to address the issues of prisons and prisoners. See: Commonwealth Human Rights Initiative, “Looking into the Haze: Second National on Prison Monitoring in India”, 2019, Available at: https://www.humanrightsinitiative.org/publication/looking-into-the-haze-2019-second-national-report-on-prison-monitoring-in-india, Accessed on: 18 March 2022.


Navtej Singh Johar and Ors. vs Union of India, AIR 2018 SC 4321, p. 251, 252, 442, 355. The Supreme Court evoked Article 14, 15, 19 and 21 of the Indian Constitution to give directives to the State to ensure the safety, security, privacy and dignity of LGBT persons, their health and choice with regard to matters affecting their lives. See – “take all necessary legislative, administrative and other measures to ensure the right of each person, regardless of sexual orientation or gender identity, to enjoy the private sphere, intimate decisions, and human relations, including consensual sexual activity among persons who are over the age of consent, without arbitrary interference”, and “No person may be forced to undergo any form of medical or psychological treatment, procedure, testing, or be confined to a medical facility, based on sexual orientation or gender identity. Notwithstanding any classifications to the contrary, a person’s sexual orientation and gender identity are not, in and of themselves, medical conditions and are not to be treated, cured or suppressed. “The choice of whom to partner, the ability to find fulfilment in sexual intimacies and the right not to be subjected to discriminatory behaviour are intrinsic to the constitutional protection of sexual orientation; Individuals belonging to sexual and gender minorities experience discrimination, stigmatization, and, in some cases, denial of care on account of their sexual orientation and gender identity.” However, it is important to note that ‘sexual and gender minorities’ do not constitute a homogenous group, and experiences of social exclusion, marginalization, and discrimination, as well as specific health needs, vary considerably.


National Legal Services Authority v. Union of India and Ors, AIR 2014 SC 1863.

Sivakumar TD v. State of Tamil Nadu, through the Chief Secretary and Ors, 2021 SCC OnLine Mad 5089.


National Medical Commission, Indian Psychiatric Society, Rehabilitation Council of India: Assistance to LGBTQIA+ community and their environment, by affording Physical and Mental health support who are facing
The increase of the maximum punishment to death for the rape of children below 12 years, intended as a deterrent measure by the Govt., has in fact led to less disclosure of offences as in 94% of cases perpetrators are known to victims (Source: HAQ; Centre for Child Rights, ‘Towards Improving access to Justice and Restorative justice: A human rights approach’ (2014)).

### Tamil Nadu Government

There has been an improvement regarding birth registrations with the births of 62.3% of the total population of children now registered and birth certificates issued. National Family Health Survey (NFHS) – IV, 2015–16. Available at: [http://rchiips.org/nfhs/NFHS-4Reports/India.pdf](http://rchiips.org/nfhs/NFHS-4Reports/India.pdf), Accessed on: 15 March 2022; In 2005–2006, the figure 26.9% of the total population of children had their births registered and birth certificates were issued. National Family Health Survey (NFHS) – I, 2005–06. Available at: [http://rchiips.org/nfhs/NFHS-3%20Data/VOL-1/India_volume_I_corrected_17oct08.pdf](http://rchiips.org/nfhs/NFHS-3%20Data/VOL-1/India_volume_I_corrected_17oct08.pdf), Accessed on: 15 March 2022.

### Regressive Amendment

It is feared, however, that a lack of birth proof will deprive children of citizenship under the recent Citizenship Amendment Act (CAA) 2019 [The Citizenship (Amendment) Act, 2019, No. 47, Act of Parliament, 2019 (India)]. Available at: [https://egazette.nic.in/WriteReadData/2019/214646.pdf](https://egazette.nic.in/WriteReadData/2019/214646.pdf) and the proposed National Register of Citizens (NRC) process, leading to a risk of being trafficked, recruited into the armed forces or forced into early marriage or child labour.

### Birth Registrations

There has been an improvement regarding birth registrations with the births of 62.3% of the total population of children now registered and birth certificates issued. National Family Health Survey (NFHS) – IV, 2015–16. Available at: [http://rchiips.org/nfhs/NFHS-4Reports/India.pdf](http://rchiips.org/nfhs/NFHS-4Reports/India.pdf), Accessed on: 15 March 2022; In 2005–2006, the figure 26.9% of the total population of children had their births registered and birth certificates were issued. National Family Health Survey (NFHS) – I, 2005–06. Available at: [http://rchiips.org/nfhs/NFHS-3%20Data/VOL-1/India_volume_I_corrected_17oct08.pdf](http://rchiips.org/nfhs/NFHS-3%20Data/VOL-1/India_volume_I_corrected_17oct08.pdf), Accessed on: 15 March 2022.

### Child Labour

The regressive amendment to the child labour legislation has made it difficult to identify the children involved in various unorganised sector labour workforce. The provision which allows children to assist their family enterprises after school hours and during vacations has made children vulnerable more than ever. Moreover, the loosely drafted definition of family enterprises has made situation more exploitative for children as there is no robust monitoring mechanism in place for the proper implementation of the amended CLPRA. A closer look into the aspect of inspection into child labour cases have also been decreasing every year, leave alone the low number of prosecutions and convictions in such cases. The situation becomes much more serious if one is to take into account the children who have been able to come out of child labour; Universal Periodic Review (UPR): Mid-Term Report 2020 – Assessing India’s Implementation of UPR-III Recommendations, p. 22 - 36, WGHR, available at: [http://wghr.org/assets/publications/doc/WGHR_UPR_Mid-Term_Re_h9nm0.pdf](http://wghr.org/assets/publications/doc/WGHR_UPR_Mid-Term_Re_h9nm0.pdf).

### Crime in India


### Child Rights


### Legal Framework


The PCMA currently has different definition of child for boys (up to 18 years) and for girls (up to 21 years).

The amendments include the restoration of former provisions as part of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018, Cl. 2. S. 18A. Available at: http://socialjustice.nic.in/writereaddata/UploadFile/PoA_Act_2018636706385256863314.pdf, Accessed on: 18 March 2022.

Anusuchit Jati/Janjati thana are special police stations which have been established to address atrocity cases.

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, S. 14. It mandates Special Courts to dispose of these cases within 60 days after filing of charge sheet in the court. Ministry of Law and Justice, Lok Sabha Unstarred Question No: 5177 Answered On: 24.07.2019 on Special District Courts by Mr. Ravi Shankar Prasad. Only 312 cases have been disposed of within 60 days from 6 states (Chhattisgarh, Maharashtra, Gujarat, Haryana, Punjab, Karnataka).

stopped his bike, two constables caught him and wanted to know where he was from. The moment he said he was from Ambedkar Colony in Konanur, they scolded him taking his caste and referred to him a cow-eater. The police took him to the police station, where he was tortured throughout the night. See: The Hindu, “Dalit Youth Alleges Torture at Police Station”, 13 March 2019, Available at: https://www.thehindu.com/news/national/karnataka/dalit-youth-alleges-torture-at-police-station-in-arkalgud-taluk/article26518660.ece, Accessed on: 18 March 2022.


In July, 2017, a Dalit boy (17 yrs.) was nabbed in a false case and he was subjected to custodial torture by police officers at Pavaratty police station in Thrissur, Kerala. He committed suicide on July 18 after he was released from police custody, a day after he was already nabbed in a false case. See: The News Minute, “Kerala Dalit teen alleged torture in police custody: Crime Branch to submit report soon”, 8 October 2017. Available at: https://www.thenewsminute.com/article/kerala-dalit-teen-alleged-torture-police-custody-crime-branch-submit-report-soon-69626, Accessed on: 18 March 2022.

In December, 2018 a 30-year-old Dalit man, Balkishan Jatav had died in police custody in Amroha district of western UP. His family members had alleged that they had to sell their jewellery to pay the bribe demanded by policemen for Balkishan’s release. See: News Click, “Three Custodial Deaths in Three Months, Is this the best Law and Order of UP?”, 23 January 2019, Available at: https://www.newsclick.in/three-custodial-deaths-three-months-best-law-and-order, Accessed on: 18 March 2022.

In January, four Adivasi women in Dhar, Madhya Pradesh, said they had been gang-raped by police personnel. In March, Adivasi villagers in Sukma, Chattisgarh, accused security force personnel of gang-raping a 14-year-old Adivasi girl. In September, two paramilitary personnel were arrested on suspicion of killing a woman and raping and throwing acid on her friend in Mizoram in July. See: Amnesty International, “India Report”, 2021.


Panchayat (Extension to Scheduled Areas) Act 1996.

Scheduled Tribes and Other Traditonal Forest Dwellers (Recognition of Forest Rights) Act 2006

Quote by the National Commission for Scheduled Tribes in response to a performance study conducted by the Centre for Policy Research, New Delhi – “There is a need to strengthen the Commission with certain powers as mentioned below, to enhance its efficiency and effectiveness”, p. 3, Available at: https://docs.google.com/document/d/1qgh-hyypj5sM2GMzrbe_Kq_RzaAvvKO/edit, Accessed on: 18 March 2022.


Allocations have declined from 0.0097% in 2020-21 to 0.0084% in 2021-22. The Govt. has allocated INR 1212 Crore for the financial year 2022-23. See “Did Budget 2022 Ignore The Disabled? Activists Think It’s Too Little Too Late”, Outlook, 2 February 2022, Available at: https://www.outlookindia.com/national/did-budget-2022-ignore-the-disabled-activists-say-too-little-too-late--news-52018, Accessed on: 12 March 2022.


“Rights of Persons with Disabilities Act 2016”, Available at: https://legislative.gov.in/sites/default/files/A2016-49_1.pdf. See: Section 3, sub clause (3) “No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.” Proviso in Section 20 “provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.” (Section 20 mandates non-discrimination in employment). Proviso in Section 34, Sub-clause (1) “Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.” (Section 34 mandates 4% reservation in employment).


Laws like the Citizenship Amendment Act 2019 draw a religious marker and definition around citizenship. The threat of implementing a process for a National Register of Citizens/National Population Register (NRC-NPR) that, as experiments in the north eastern state of Assam have shown – See: “Joint Statement: 125 Civil Society Organisations condemn the exclusion of 1.9 million people from the Assam NRC and call for urgent action to protect everyone’s right to a nationality”, They have discriminated against India’s minorities. UN Special Rapporteurs have issued a Joint Statement that raises concerns about the NRC and warns about the risk of statelessness and instability in Assam – See: UN India, “UN Experts: Risk of statelessness for millions and instability in Assam, India”, 5 July 2019, Available at: https://in.one.un.org/press-release/un-experts-risk-of-statelessness-for-millions-and-instability-in-assam-india/, Accessed on: 16 March 2022; UN General
India is variously dubbed only “partly free” (Freedom House, 2021), only a “partially free electoral autocracy”, ([V-Dem] Democracy Institute 2021), low on the Freedom Index down to 111th (of 162 countries). It is also seen as a country of particular concern when it comes to the dignity, life safety and security of minorities. It is in this context the rights of religious minorities need to be viewed and evaluated by the United Nations, International governments, Corporations and Platforms.


Prevention of Communal and Targeted Violence (Justice and Reparations Bill) 2011


The Conversation, “India’s pandemic exodus was a biological disaster and stranded migrant workers should be classified as internally displaced” 2021, Available at: https://theconversation.com/indias-pandemic-exodus-was-a-biological-disaster-and-stranded-migrant-workers-should-be-classified-as-internally-displaced-161868, Accessed on: March 17 2022.

With no social security net in the cities, many migrants lost their lives in their attempts to return to the safety of their homes, See- Ibid; The Times of India, “30% of migrants will not return to cities: Irudaya Rajan,” 1 June 2020, Available at: https://timesofindia.indiatimes.com/india/30-of-migrants-will-not-return-to-cities-irudaya-rajan/articleshow/76126701.cms, Accessed on: 13 March 2022.

India Spend, “Tribals Account For A Third Of Communities Displaced By Large Projects”, 17 June 2014, Available at: https://www.indiaspend.com/tribals-account-for-a-third-of-communities-displaced-by-large-
According to a study conducted in 2022, around 50 million people have been displaced in India due to development projects in over 50 years. See: Bielefeld: Universität Bielefeld, Fak. für Soziologie, Centre on Migration, Citizenship and Development (COMCAD), “Development projects vs. internally displaced populations in India: a literature based appraisal.” Available at: https://nbn-resolving.org/urn:nbn:de:0168-ssoar-422011, Accessed on: 13 March 2020.

Around 40% of those internally displaced by development projects are tribals, despite making up only 8% of the Indian population. See: Ibid.

Additional recommendations:

- Strengthen the mandate of UNHCR in India to enable it to offer humanitarian services to the regions facing acute refugee crises such as the North East region of India. Ensure that the process of repatriation of asylum seeker or refugees is done in compliance with relevant international human rights standards; See: Concluding observation of the International Covenant on Civil and Political Rights, India, p. 30, CCPR/C/79/Add.81, 4 August 1997.

Despite the Supreme Court recognising whistleblowing through the media, when all other internal measures for seeking redress for wrongdoing fail, the Government did not insert enabling provisions in the whistle-blower protection law. The Act only includes journalists if they adhere to its procedures for making complaints about wrongdoing in Government, but does not cover whistleblowing through the media. See: Whistleblowers Protection Act, 2014.

People’s Monitoring of the RTI Regime in India, 2011–2013: Report is available on the website of RAAG at: https://snsindia.org/rti-assessments/#people, Accessed on: 12 March 2022. See also RTI Portal of India, Accessible at: http://rti.gov.in/, Accessed on: 12 March 2022; Efforts have also been made to collect statistical information on such attacks by the National Crime Records Bureau; however, this data is not in the public domain. These are however, only made available when questions on the subject are raised in Parliament or the State Legislatures.


Local and Lokayuktas Act, 2013, more information is available on the website of the Department of Personnel and Training (DoPT), Government of India at: http://dopt.gov.in/lokpal–list (NCPRI website is not functional anymore).


There has been brutal repression of anti-CAA protests with the police using “excessive force against demonstrators, including firing indiscriminately into crowds, using teargas and water cannons, beating bystanders and detaining and torturing protesters, including children”. At least 31 persons were killed and were injured as per the report. No impartial and transparent investigations into the violence have been undertaken to this day. See: The Wire, “After a 101-Day Sit-In, Shaheen Bagh Protest Cleared Due to Coronavirus
According to NGO Software Freedom Law Center, there were 106 and 129 internet shutdowns in the year 2019 and 2020 respectively across the country imposed by the central and state governments. Internet Shutdown Tracker, “Internet Shutdowns”, available at: https://internetsdownhuts.in/, Accessed on: 13 March 2022.

Several politicians, academics, journalists were detained or placed under house arrest restricting the right to assembly and organizing peaceful protests in Kashmir. The leaders who were under house arrest include the former Chief Ministers of Kashmir Omar Abdullah, Farooq Abdullah and Mehbooba Mufti among many others. See, First Post, “Year since the abrogation of Article 370, Mehbooba Mufti, other politicians still under detention as Centre claims normalcy”, February 17, 2021, Available at: https://www.firstpost.com/india/year-since-abrogation-of-article–370-mehbooba-mufti--other-politicians--still-under-detention-as-centre-claims-normalcy--8667411.html, Accessed on: 13 March 2022.


There has been a vague denial by the Government of India (GoI) regarding the allegations made against them on oversight of government surveillance measures that fully comply with international standards on privacy and civil liberties”, See: Amnesty International, “Targeted Surveillance of Human Rights Defenders”, Available at: https://www.amnesty.org/en/petition/targeted-surveillance-human-rights-defenders/,, Accessed on: 13 March 2022.

The amendments to FCRA notified by the Ministry of Law and Justice on 28 September, 2020 have brought in stringent restrictions and the major amendments are: inclusion of “public servants” in the list of persons who are prohibited to receive any foreign funding; the complete prevention on transfer of the funds from the receiver to any other person or organization; the mandatory requirement to have a State Bank of India (SBI)
account in New Delhi in order to receive FCRA which will be designated as the “FCRA Account”; cancellation of FCRA certificate or registration for a period of 180 days in addition to the 180 days allowed at present and; the reduction to the upper limit of 20% from 50% on the percentages of the fund that could be utilized for administrative expenses. See, Mondaq, “Recent amendments in the Foreign Contribution (Regulation) Act – Government, public sector – India”, 20 October 2020, Available at: https://www.mondaq.com/india/government-contracts-procurement-ppp/994272/recent-amendments-in-the-foreign-contribution-regulation-act., Accessed on: 13 March 2022.


Out of the key international human rights instruments, India had signed the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 1997 and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in 2007. However, it has not yet ratified either India has also not ratified the second optional protocol to the CCPR on abolition of death penalty.

While India extended a standing invitation to the Special Procedures in September 2011, the last visit of a thematic Special Rapporteur to the country took place in 2017. However, as of 27 March, 2022, it has 25 pending requests from various mandate holders — out of which 18 are reminders that have been reiterated over the years — without any positive response from the Government of India. Available at: https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=IND&Lang=en, Accessed on: 18 March 2022.

There is no known, established and transparent system in place on the basis on which candidates are selected for the UN treaty body elections. It must also be noted that, over the years, India has not taken enough interest in nominating members to the treaty bodies, despite extensive expertise in the country on different thematic issues.

This would include ratifying the three remaining treaties India has not ratified.

India should, in the spirit of engagement with the Special Procedures, invite all those who have requested visits, beginning with the fifteen who have made repeated requests.

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