



Working Group on Human Rights
in India and the UN

Universal Periodic Review (UPR) India

United Nations Human Rights Council (November 2022)

4th Cycle Review of India

Joint Stakeholders' Report



Published by



Working Group on Human Rights in India and the UN

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This report has been prepared in consultation with civil society organisations and independent experts across India. It was submitted by WGHR to the UN Office of the High Commissioner for Human Rights on the 31st of March 2022.

Print: July 2022

Cover photo: unsplash.com

Design & Print: Aspire Design, New Delhi

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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.¹ It has been endorsed by a coalition of 124 organisations and individuals from across the country², and is the result of an extensive consultation process involving more than 406 people across 4 regional consultations and 1 national consultation.³

Implementation of UPR III Recommendations and Overview of Human Rights Situation

A 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.⁴ 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 delays⁵, reduced targets,⁶ and exclusion of homeless persons.⁷ The Affordable Rental Housing Complex 2020 scheme⁸ is predicated on a similar PPP model and may exclude those unable to afford such housing.⁹
3. Forced evictions and demolitions of homes of the poor have continued unabated during the COVID-19 pandemic,¹⁰ despite guidance from the UN.¹¹ Judicial orders have also contributed to the dispossession of vulnerable groups.¹² Almost 16 million people are currently threatened with the risk of displacement.¹³
4. The pandemic has disproportionately affected¹⁴ about four million homeless people¹⁵ and exacerbated their challenges, including livelihood loss and hunger.¹⁶
5. Land ownership continues to be highly unequal¹⁷ and linked to caste status¹⁸.
6. Since UPR III, some states have adopted laws¹⁹ 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.²⁰ This reflects entrenched corruption and inefficacy in the distribution system.²¹
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.²² More than 100 million people²³ 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 ordered²⁴ 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.²⁵
4. The pandemic-induced shutting down of schools led to nutritional loss among children, particularly those from poor socio-economic backgrounds.²⁶



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 foods²⁷ within one year.

Water and Sanitation

1. Between 2000 and 2018, India ranked 2nd for the most improvement in access to water.²⁸ GoI is committed to achieve universal sanitation coverage and access to drinking water.²⁹ However, the largest number of people in the world, 1 billion, live with physical water scarcity³⁰ and many lack toilets.³¹ Only 44% of the population has access to piped water.³²
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.³³
3. The dumping of municipal solid waste and lack of segregation of waste at source prevent the processing of 90% of generated waste.³⁴
4. 70% of waste pickers come from traditionally marginalised communities³⁵ and suffered disproportionately during the pandemic as they were not included in support measures for frontline workers further exacerbating their existing vulnerabilities.³⁶



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.³⁷
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 recommendations³⁸, 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.³⁹
2. The private health sector, unaffordable to large sections of the population is expanding, covering 8% of the population for hospitalizations.⁴⁰ Public health insurance schemes including PMJAY provide cover to 50% of the population, leaving 20% of the population uninsured.⁴¹
3. The healthcare system came under unprecedented strain during COVID-19 pandemic leading to horrific shortages of life-saving infrastructure and equipment at hospitals.⁴² ANC services were interrupted despite a Govt. directive⁴³; ambulances were unavailable; and women were turned away from facilities during the 1st COVID lockdown.⁴⁴
4. The burden of family planning still disproportionately affects women, with female sterilization being the most common method.⁴⁵ Diversion of resources by hospitals during COVID-19, curtailed access to safe abortion services for 1.85 million women.⁴⁶



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 Act⁴⁷ that guarantees access to primary health care.
5. Urgently address the discrimination and structural marginalisation faced by vulnerable groups⁴⁸ in accessing health care.

> Right to Education

1. The RTE Act, 2009⁴⁹ guarantees free & compulsory education to all children between 6 to 14 years⁵⁰. The National Education Policy 2020 (NEP)⁵¹, promises to include 3-18 years but it is yet to be implemented across India. Social exclusion⁵², harassment, delayed and insufficient funding⁵³; inadequate capacity and infrastructure; lack of cooperation between Centre and State poses challenges in implementation.⁵⁴

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 247 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 2020.⁷² A prolonged crisis of labour in the agriculture section has not been absorbed by the manufacturing sector.⁷³ 90% of workers do not have regular formal employment.⁷⁴
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.⁷⁵
3. The Covid-19 pandemic has deepened existing gender and sectoral inequalities in the labour market.⁷⁶ Several states⁷⁷ 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 govts. to uphold India's international obligations.⁷⁸



Recommendations:

1. Recognise Domestic Workers (Part and Full Time) and include them in India's four Labour Codes⁷⁹ 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 wages⁸⁰ and ensure it is extended to all employment guarantee schemes.
4. Extend the NREGA Act to include urban areas.

Militarisation and Security Laws/ Torture

➤ Freedom from Torture and Ill-Treatment

1. Despite repeated commitments, accepting UPR recommendations⁸¹, and pledges during HRC election campaigns⁸², India has still not ratified the Convention Against Torture.⁸³
2. Existing penal provisions in the IPC are insufficient to deal with crimes of custodial torture and ill-treatment.⁸⁴ The requirement of prior sanction for prosecution under Section 197 CrPC and AFSPA block accountability for torture.⁸⁵
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”.⁸⁶ 1,680 people died in custody in 2020. 18 deaths were recorded due to beating by police while enforcing the Covid-19 lockdown.⁸⁷ 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.⁸⁸
4. Members of marginalised, discriminated, and oppressed groups are more vulnerable to custodial torture.⁸⁹



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 Disappearances⁹⁰; despite enforced disappearances not being a criminal offence in domestic law.⁹¹
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 2019.⁹²
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 1991.⁹³ After the recent incident of extrajudicial killings by the armed forces in Nagaland⁹⁴, the Chief Ministers of Nagaland, Manipur and Meghalaya called for its repeal.⁹⁵
4. In a PIL⁹⁶ 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.⁹⁷



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.

Access to Justice



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 judges⁹⁸; prison staff gaps hover at 30%⁹⁹ and police vacancies stand at 20%¹⁰⁰.
2. Prisons and police continue to be governed by archaic laws¹⁰¹ despite reform directions from the Supreme Court.¹⁰²
3. Between 2018 and 2020, India's prison population increased by 4.6%, 18 times higher than the global average rate of 0.25%.¹⁰³ High inflow of prisoners with 76% awaiting trial¹⁰⁴ is due to increase in arrests¹⁰⁵, lack of access to early and effective legal aid¹⁰⁶ and inadequate use of alternatives to imprisonment¹⁰⁷. Prison conditions worsened during the pandemic due to poor prison monitoring.¹⁰⁸
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,¹⁰⁹ resulting in the death of at least 15 individuals.¹¹⁰
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.¹¹¹



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.¹¹² A total of 3,71,503 cases of crime against women were registered during 2020, a decline of 8.3% over 2019.¹¹³
2. With only 14.39% of women in parliament,¹¹⁴ India ranks below the global average of 24.58% political participation of women.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.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.¹¹⁷ There is no policy on sexuality education that can address such concerns.¹¹⁸



Recommendations:

1. Increase budgetary and resource allocation and utilisation (infrastructural and human personnel) for effective implementation of all laws¹¹⁹ to combat gender-based violence against women and girls.¹²⁰
2. Expedite comprehensive sexual and reproductive health services for women across ages.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 CEDAW¹²².

> 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.¹²³ Over the past 10 years, the rights, and entitlements of Transgender persons, specifically,¹²⁴ have been affirmed by the Supreme Court¹²⁵, High Courts¹²⁶ and Parliament¹²⁷.
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.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.¹²⁹ Hormone therapy was not classified as essential care and became inaccessible, as was Govt. aid without gender-congruent identity documents.¹³⁰



Recommendations:

1. Institute annual sensitisation programmes that cover 60% of Central, state, and local government officials, including medical professionals¹³¹, 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 police¹³² and safe shelter homes to all LGBT persons at risk.¹³³

> Child Rights

1. Birth registration is not universalised. Some States achieved 100% birth registration¹³⁴ while others lag behind, resulting in exploitation and deprivation of rights entitlements of children.¹³⁵
2. Increase in child labour¹³⁶ 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 offences¹³⁹ reflects the poor implementation of POCSO Act.¹⁴⁰ Regressive amendments to POCSO have led 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 penalization¹⁴⁵.
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 thanas¹⁴⁹ 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 mandated¹⁵⁰. 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 Act¹⁵³. 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 operations¹⁵⁴ falsified charges¹⁵⁵, caste based verbal abuse and humiliation, severe beatings¹⁵⁶, inhuman torture¹⁵⁷, forced bribery for their release¹⁵⁸ and sexual abuses¹⁵⁹ 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 development¹⁶¹ 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 2019¹⁶³ 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:

1. Ratify ILO 169 of 1989 and bring the Constitution and its laws in line with the provisions stipulated within ILO 169 of 1989 and UNDRIP 2007.
2. Repeal the Habitual Offenders Act 1952.
3. Strengthen the 5th and 6th Schedule provisions of the Constitution, the provisions of the Panchayat Act¹⁶⁵, and the ST and Other Traditional Forest Dwellers Act¹⁶⁶ 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 2020-21¹⁷¹.
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 media¹⁷⁷, 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 2019¹⁷⁸ 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 reported¹⁸⁰, 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 Bill¹⁸² 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 states¹⁸³;
 - iii. Specific Policy assurance not to implement an all India NPR/NRC (Indian Government)
2. Foreigner Tribunals¹⁸⁴ 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 1967¹⁸⁵ 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,¹⁸⁶ and 47,443 refugees registered with UNHCR.¹⁸⁷
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.¹⁸⁸ Due to this ill-defined status, refugees are unable to access basic services such as schooling, healthcare, and livelihoods¹⁸⁹ 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 workers¹⁹⁰ who move from villages to cities every year in search of employment.¹⁹¹ The nationwide lockdowns left them stranded without food, shelter, or transport.¹⁹²
4. Development-induced displacement from major infrastructure projects makes up the largest share of internal displacement in India.¹⁹³ Dams, mines, and industrial development have led to the internal displacement of 21 million people.¹⁹⁴



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.¹⁹⁵

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 journalists¹⁹⁶, 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 investigations¹⁹⁷.
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.¹⁹⁸
4. The draft legislation to prevent bribery of foreign officials¹⁹⁹; 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 Act²⁰⁰ 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)²⁰¹ and the three farm laws²⁰². Although peaceful, they were met with brutal repression by the state.²⁰³
2. Kashmir has witnessed a systematic clampdown,²⁰⁴ particularly since the abrogation of Article 370 of the Indian Constitution, which guaranteed a special status²⁰⁵ to Jammu and Kashmir.
3. Police authorities routinely subject protesters and organisers of peaceful public assemblies to surveillance.²⁰⁶ As there is no coherent law or legal framework concerning surveillance and privacy²⁰⁷, 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.²⁰⁸
5. The misuse of sedition laws has been observed.²⁰⁹ The Spyware *Pegasus* was used to spy on and target HRDs, journalists, lawyers, civil society, and opposition politicians.²¹⁰
6. India had the highest number of internet shutdowns in the year 2020,²¹¹ despite the Supreme Court recognizing access to the internet²¹² as a fundamental right.
7. The FCRA 2010 and recent amendments in 2020²¹³ have severely restricted the functioning of HRDs.²¹⁴



Recommendations:

1. Repeal or comprehensively amend the FCRA, in line with the legal analysis of the Special Rapporteur on Freedom of Association and Assembly.²¹⁵
2. Enact a law that recognises and protects HRDs including environmental, indigenous and Dalit defenders²¹⁶ 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 Milia Islamia, the NHRC blamed students for the violence, and justified the excessive use of force by police²¹⁷. The National Action Plan on Human Rights has remained under discussion for a decade²¹⁸. 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 pandemic²¹⁹, 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.
3. Immediately institute a National Action Plan on Human Rights.

E International Obligations and Collaboration with UN Human Rights System

1. The GoI is yet to comply fully with its international obligations as it is yet to ratify three key international human rights instruments.²²⁰ India has also not engaged in open, timely and meaningful engagement with UN Special Procedures²²¹. 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 issues²²².



Recommendations:

1. Fulfil India's obligations²²³ 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 Procedures²²⁴ and, in the spirit of engagement with the Special Procedures, immediately invite all those who have requested visits.²²⁵
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:

Sr. No.	Organisation
1.	Agal Women's Collective
2.	Agape Blessed Foundation Trust
3.	All India Minority People Movement
4.	All India Network of NGOs and Individuals Working with National and State Human Rights Institutions (AiNNI)
5.	Anonymous Organisation
6.	Attur Women's Collective
7.	Banglar Manabadhakar Suraksha Mancha (MASUM)
8.	Basumati Trust
9.	Centre for Amenities, Rehabilitation & Education (CARE)
10.	Centre for Research and Advocacy
11.	Centre for Social and Behaviour Change Communication
12.	Centre for Sustainable use of Natural and Social Resources (CSNR), Odisha
13.	Christian Livelihood movement
14.	Citizens for Peace and Justice
15.	Commonwealth Human Rights Initiative (CHRI)
16.	Dalit Human Rights Defenders Network (DHRDNet)
17.	Darshan Organisation
18.	Disabilities Welfare Association, Ramanthapuram, Tamil Nadu
19.	DNT Adhikar Manch
20.	Don Bosco Migrant Services
21.	EKTA Parisath, Tamil Nadu
22.	Gandipet Women's Collective
23.	Habitat and Livelihood Welfare Association
24.	HAQ Centre for Child Rights
25.	Holistic Approach for People's Empowerment (HOPE)
26.	Human Rights and Consumer Protection Society, Pondicherry
27.	Human Rights Defenders' Alert
28.	Human Rights Society
29.	India Thowheed Jamaath
30.	Indian School of Social Sciences
31.	Indian Social Institute, Bangalore
32.	Initiative for Health & Equity in Society

Sr. No.	Organisation
33.	Institute of Development Education, Action & Studies (IDEAS)
34.	Itinerant People Rights Organization
35.	Jan Swasthya Abhiyan, Mumbai
36.	Janaswasthya Adhikar Mancha
37.	Joint Action Against Custodial Torture
38.	Justice Coalition of Religious, West India
39.	Jyothi Jeevapoorana Trust - Archana Women's Centre
40.	Kalanjium Unorganized Workers Union
41.	Kolathur Women's Collective
42.	Kothagiri Women's Collective
43.	Lawyer's Collective
44.	Lokmukti Sangathan
45.	Loyola Technical Institute (LTI)
46.	Maatram Disabilities Welfare Association
47.	Madurai Women's Collective
48.	Mampakkam Women's Collective
49.	May 17 Movement
50.	Minority Coordination Committee
51.	Mount Carmel Convent
52.	Mudichur Women's Collective
53.	National Adivasi Solidarity Council (NASC)
54.	National Council of Women Leaders (NCWL)
55.	Natrampalli Women's Collective
56.	Nerkathir Disabilities Welfare Association
57.	Network for Education, Empowerment, Development and Awareness (NEEDA)
58.	Nilgiris Women's Collective
59.	Nimilee Women's Collective
60.	Nomad Film Trust
61.	Penicks Disabilities Welfare Association
62.	PEOPLE-FIRST
63.	People's Action for Rural Awakening (PARA)
64.	People's Watch
65.	Popular Front of India
66.	Presentation Convent
67.	Programme Against Custodial Torture & Impunity (PACTI)

Sr. No.	Organisation
68.	PSVS, Avanigadda
69.	Punnapakkam Women's Collective
70.	Puthiya Uthayam all Disability Association
71.	Quill Foundation
72.	Ranipettai District Disabilities Welfare Association
73.	Right to Food Network
74.	RIGHTS
75.	RightWalk Foundation
76.	Rosary Convent
77.	Rural Organisation for Action and Development (ROAD)
78.	RV University, Bangalore, Karnataka
79.	Samuthayathai Matrum Disabilities Rights Welfare Association
80.	SEEDS, Andra Pradesh
81.	Social Awareness Society for Youths (SASY)
82.	Society for Community Organisation Trust (SOCO Trust)
83.	Society of Jesus
84.	South Vision Books
85.	SWATE WOMEN MOVEMENT
86.	Tamil National Liberation Movement
87.	Tamilnadu Progressive Women's Lawyer Association
88.	Tamilnadu Rural Labourers Movement's Central Trade Union (TRLMCTU)
89.	The Communist Party of India (CPI)
90.	Thottikalai Women's Collective
91.	TTPS Contractors Association
92.	Tuticorin Women's Collective
93.	Udayan Care
94.	Unorganised Workers Federation
95.	Vadakkampatti Women's Collective
96.	Valathodu Women's Collective, Tamil Nadu
97.	Vasudevanallur Youth Women's Collective
98.	Video Volunteers
99.	Vidhi Centre for Legal Policy
100.	Vithai Disabilities Welfare Association
101.	Women's Collective, Tamil Nadu

Individuals:

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

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

AFSPA	The Armed Forces (Assam and Manipur) Special Powers Act,1958 and (Jammu and Kashmir) 1990
AHRC	Affordable Rental Housing Complex
AJK	Anusuchit Jati / Janjati Kalyan Thanas
ANC	Antenatal Care
CAA	Citizenship Amendment Act 2019
CAT	United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,1984
CED	International Convention for the Protection of All Persons from Enforced Disappearance, 2006
CEDAW	Committee on Elimination of Discrimination against Women, 1979
CrPC	Code of Criminal Procedure
CRPD	United Nations Convention on the Rights of Persons with Disabilities
EIA	Environmental Impact Assessment Notification 2020
FCRA	The Foreign Contribution Regulation Act, 2010 and Amendments 2020
GoI	Government of India
HRBA	Human Rights-Based Approach
ICCPR	International Covenant on Civil and Political Rights
IDPs	Internally Displaced Persons
IPC	The Indian Penal Code, 1860
J&K	Jammu and Kashmir
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual +
MoEF&CC	Ministry of Environment Forest & Climate Change
MOHFW	Ministry of Health and Family Welfare
NCRB	The National Crime Records Bureau
NEP	National Education Policy 2020
NFHS	National Family Health Survey
NFSA	National Food Security Act 2013
NHP	National Health Policy 2017
NHRC	National Human Rights Commission
NRC	National Register of Citizens
NREGA	National Rural Employment Guarantee Act 2005
OP	Optional Protocol
PCMA	Prohibition of Child Marriages Act 2006 and Amendment 2021
PDS	Public Distribution System
PMAY G	Pradhan Mantri Awas Yojana Gramin

PMAY U	Pradhan Mantri Awas Yojana Urban
PMGKAY	Pradhan Mantri Garib Kalyan Anna Yojana
PMJAY	Ayushman Bharat Pradhan Mantri Jan Arogya Yojana
PoA	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989
POCSO	Protection of Child from Sexual Offences Act 2012
PPP	Public-Private Partnership
PUCL	People's Union for Civil Liberties
RTE	Right of Children to Free and Compulsory Education Act, 2009
RTI	Right to Information Act, 2005
SC	Supreme Court
SCs	Scheduled Castes
SR	Special Rapporteurs
STs	Scheduled Tribes
UAPA	Unlawful Activities Prevention Act, 1967
UPR	Universal Periodic Review
UPR I	India's 1 st Universal Periodic Review, April 2008
UPR II	India's 2 nd Universal Periodic Review, May 2012
UPR III	India's 3 rd Universal Periodic Review, May 2017
UPR IV	India's 4 th Universal Periodic Review, to be held in November 2020

E. Thematic List of Recommendations from India's 3rd UPR Review – Assessment of Implementation Status by WGHR

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: A12 Acceptance of international norms				
1.	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); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – general	Not implemented
2.	161.5 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as previously recommended (Botswana); 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
3.	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); 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
4.	161.7 Ratify, before the next universal periodic review cycle, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Czechia); 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
5.	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); 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
6.	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); 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
7.	161.16 Redouble its efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Republic of Korea); 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

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
15.	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	Supported	A12 Acceptance of international norms E32 Right to just and favourable conditions of work F33 Children: protection against exploitation S17 SDG 17 – partnerships So8 SDG 8 – economic growth, employment, decent work Affected persons: – general – children	Implemented
16.	161.39 Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189) (Uruguay); Source of position: A/HRC/36/10/Add.1	Supported	A12 Acceptance of international norms E32 Right to just and favourable conditions of work S16 SDG 16 – peace, justice and strong institutions So8 SDG 8 – economic growth, employment, decent work Affected persons: – general	Not implemented
17.	161.41 Ratify the international conventions to which it has committed itself (Madagascar); Source of position: A/HRC/36/10/Add.1	Supported	A12 Acceptance of international norms S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not implemented ¹
Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)				
18.	161.46 Put in place a specific mechanism for implementing previous accepted recommendations (Uganda); Source of position: A/HRC/36/10/Add.1	Supported	A21 National Mechanisms for Reporting and Follow-up (NMRF) S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not implemented
Theme: A22 Cooperation with treaty bodies				
19.	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	Supported	A22 Cooperation with treaty bodies Affected persons: – general	Not implemented ²
Theme: A24 Cooperation with special procedures				
20.	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	Supported	A24 Cooperation with special procedures Affected persons: – general	Partially implemented ³

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>

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: A3 Inter-State cooperation & development assistance				
21.	161.47 Request all necessary technical assistance enabling the Government to meet its international commitments (Côte d'Ivoire); Source of position: A/HRC/36/10/Add.1	Supported	A3 Inter-State cooperation & development assistance S17 SDG 17 – partnerships Affected persons: – general	Information not available
Theme: A41 Constitutional and legislative framework				
22.	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); Source of position: A/HRC/36/10/Add.1	Supported	A41 Constitutional and legislative framework B52 Impunity S16 SDG 16 – peace, justice and strong institutions Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partially implemented ⁴
Theme: A46 National Plans of Action on Human Rights (or specific areas)				
23.	161.62 Adopt a national plan on human rights (Kenya); Source of position: A/HRC/36/10/Add.1	Supported	A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 – peace, justice and strong institutions S10 SDG 10 – inequality B31 Equality & non-discrimination Affected persons: – general	Not Implemented
Theme: A47 Good governance				
24.	161.147 Continue efforts to reduce corruption and increase accountability (Sudan); Source of position: A/HRC/36/10/Add.1	Supported	A47 Good governance B51 Right to an effective remedy B52 Impunity S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	–
Theme: A51 Human rights education – general				
25.	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); Source of position: A/HRC/36/10/Add.1	Supported	A51 Human rights education – general E51 Right to education – General A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions S04 SDG 4 – education Affected persons: – general – children	Not Implemented
Theme: A53 Professional training in human rights				
26.	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); Source of position: A/HRC/36/10/Add.1	Supported	A53 Professional training in human rights A51 Human rights education – general A54 Awareness raising and dissemination S16 SDG 16 – peace, justice and strong institutions Affected persons: – general – law enforcement / police officials	Not Implemented

⁴ There are constitutional protections and laws; however, they are not adequately and proactively implemented.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
27.	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); Source of position: A/HRC/36/10/Add.1	Supported	A53 Professional training in human rights B52 Impunity S16 SDG 16 – peace, justice and strong institutions S04 SDG 4 – education Affected persons: – law enforcement / police officials	Partially Implemented
28.	161.67 Provide systematic training on women’s rights to all law enforcement personnel, medical staff and judicial officials (Belgium); Source of position: A/HRC/36/10/Add.1	Supported	A53 Professional training in human rights F12 Discrimination against women F11 Advancement of women A51 Human rights education – general S16 SDG 16 – peace, justice and strong institutions S04 SDG 4 – education Affected persons: – law enforcement / police officials	Partially Implemented ⁵
29.	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); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – general – women – children – girls – public officials	Partially Implemented
Theme: B31 Equality & non-discrimination				
30.	161.75 Adopt laws and implement policies to suppress all forms of de facto discrimination against any person or group (Guatemala); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination A41 Constitutional and legislative framework S10 SDG 10 – inequality S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Partially Implemented
31.	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); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & 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 Affected persons: – women – children – minorities/ racial, ethnic, linguistic, religious or descent-based groups – persons with disabilities	Partially Implemented

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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
32.	161.81 Continue the fight against discrimination, exclusion, dehumanization, stigmatization and violence suffered by scheduled castes (Peru); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination B52 Impunity S16 SDG 16 – peace, justice and strong institutions S10 SDG 10 – inequality Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups – vulnerable persons/groups	Partially Implemented
33.	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); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination B52 Impunity S16 SDG 16 – peace, justice and strong institutions S10 SDG 10 – inequality Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups – vulnerable persons/groups	Partially Implemented
34.	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); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & 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 Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups – vulnerable persons/groups	Partially Implemented
35.	161.70 Strengthen the national framework to reduce all kinds of discrimination (Iraq); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination S05 SDG 5 – gender equality and women’s empowerment Affected persons: – general	Partially Implemented
36.	161.61 Continues its endeavours in promoting and protecting the human rights of all its citizens in an inclusive manner (Nepal); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination S10 SDG 10 – inequality Affected persons: – general	–
37.	161.242 Take holistic measures to protect the rights of persons with disabilities, the elderly and other vulnerable groups (China); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination S10 SDG 10 – inequality Affected persons: – persons with disabilities – vulnerable persons/groups – older persons	Partially Implemented
38.	161.245 Continue strengthening the policies in favour of the rights of peasants and other persons working in rural areas (Plurinational State of Bolivia); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination S10 SDG 10 – inequality Affected persons: – persons living in rural areas	Not Implemented
39.	161.246 Continue the endeavour to facilitate the access of elderly persons to preventive services and necessary treatment (Oman); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination S10 SDG 10 – inequality Affected persons: – older persons	Partially Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
40.	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); Source of position: A/HRC/36/10/Add.1	Supported	B31 Equality & non-discrimination S10 SDG 10 - inequality F4 Persons with disabilities Affected persons: - persons with disabilities	Partially Implemented
Theme: B41 Right to development				
41.	161.85 Consolidate the progress made towards reaching the Sustainable Development Goals and in the improvement of human development indicators (Islamic Republic of Iran); Source of position: A/HRC/36/10/Add.1	Supported	B41 Right to development A62 Statistics and indicators S10 SDG 10 - inequality Affected persons: - general	Partially Implemented
42.	161.86 Continue efforts in the implementation of sustainable development strategies for the year 2030 (Sudan); Source of position: A/HRC/36/10/Add.1	Supported	B41 Right to development S10 SDG 10 - inequality Affected persons: - general	Partially Implemented
Theme: B52 Impunity				
43.	161.99 Prevent and pursue through the appropriate judicial means all violent acts against religious and tribal minorities, Dalits and lower castes (Holy See); Source of position: A/HRC/36/10/Add.1	Supported	B52 Impunity 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 - vulnerable persons/groups	Partially Implemented
44.	161.100 Strengthen efforts for the prevention of cases of intercommunal violence (Russian Federation); Source of position: A/HRC/36/10/Add.1	Supported	B52 Impunity B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not Implemented
45.	161.80 Adopt measures to effectively protect transgender persons, including the implementation of the Transgender Persons (Protection of Rights) Bill (Israel); Source of position: A/HRC/36/10/Add.1	Supported	B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Implemented
Theme: B6 Business & Human Rights				
46.	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); Source of position: A/HRC/36/10/Add.1	Supported	B6 Business & Human Rights S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: B71 Human rights and the environment				
47.	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	Supported	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	Not Implemented
48.	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	Supported	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 & development assistance Affected persons: – general	Not Implemented
49.	161.91 Continue its efforts in relation to its environmental policies (State of Palestine); Source of position: A/HRC/36/10/Add.1	Supported	B71 Human rights and the environment S15 SDG 15 – biodiversity, forests, desertification Affected persons: – general	Not Implemented
50.	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	Supported	B71 Human rights and the environment S15 SDG 15 – biodiversity, forests, desertification Affected persons: – general	Not Implemented
Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment				
51.	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	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 – peace, justice and strong institutions Affected persons: – law enforcement / police officials	Not Implemented
52.	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	Supported	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	Not Implemented
Theme: D26 Conditions of detention				
53.	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	Supported	D26 Conditions of detention S16 SDG 16 – peace, justice and strong institutions Affected persons: – persons deprived of their liberty	Partially Implemented ⁶

⁶ 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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: D27 Prohibition of slavery, trafficking				
54.	161.125 Continue improving the national legislative framework on the rehabilitation of victims of trafficking (Ukraine); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking A41 Constitutional and legislative framework B53 Support to victims and witnesses 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 Affected persons: – general	Partially Implemented
55.	161.117 Continue with relevant consultations and adopt a law on combating trafficking in persons (Belarus); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking A41 Constitutional and legislative framework 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 Affected persons: – general	Not Implemented
56.	161.118 Continue the consultation process with all concerned parties to elaborate a new draft of the law against trafficking in persons (Cuba); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking A41 Constitutional and legislative framework 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 Affected persons: – general	Not Implemented
57.	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); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking A41 Constitutional and legislative framework 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 Affected persons: – general	Partially Implemented
58.	161.229 Continue strengthening national strategies to combat child labour (Brazil); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking F33 Children: protection against exploitation S08 SDG 8 – economic growth, employment, decent work S16 SDG 16 – peace, justice and strong institutions Affected persons: – children	Not Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
59.	161.120 Continue to implement measures to stop the flow of trafficking in persons (Holy See); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking So5 SDG 5 – gender equality and women’s empowerment So8 SDG 8 – economic growth, employment, decent work S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Partially Implemented
60.	161.123 Continue combating human trafficking (Senegal); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking So5 SDG 5 – gender equality and women’s empowerment So8 SDG 8 – economic growth, employment, decent work S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Partially Implemented
61.	161.121 Strengthen the national mechanisms to combat human trafficking and support victims and their rehabilitation (Lebanon); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking So5 SDG 5 – gender equality and women’s empowerment So8 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 Affected persons: – general	Partially Implemented
62.	161.122 Accelerate efforts towards combating human trafficking, particularly by protecting and rehabilitating victims (Philippines); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking So5 SDG 5 – gender equality and women’s empowerment So8 SDG 8 – economic growth, employment, decent work S16 SDG 16 – peace, justice and strong institutions B53 Support to victims and witnesses Affected persons: – general	Partially Implemented
63.	161.124 Continue efforts to improve social services that provide support to victims of human trafficking, forced labour and those who have been sexually exploited (Maldives); Source of position: A/HRC/36/10/Add.1	Supported	D27 Prohibition of slavery, trafficking So5 SDG 5 – gender equality and women’s empowerment So8 SDG 8 – economic growth, employment, decent work S16 SDG 16 – peace, justice and strong institutions B53 Support to victims and witnesses Affected persons: – general	Partially Implemented
Theme: D29 Domestic violence				
64.	161.211 Ensure effective implementation of the law on the protection of women against domestic violence (Gabon); Source of position: A/HRC/36/10/Add.1	Supported	D29 Domestic violence A41 Constitutional and legislative framework So5 SDG 5 – gender equality and women’s empowerment Affected persons: – women	Partially Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
65.	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); Source of position: A/HRC/36/10/Add.1	Supported	D29 Domestic violence F12 Discrimination against women F11 Advancement of women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partially Implemented
66.	161.207 Punish domestic violence, as well as promote awareness-raising campaigns on gender violence, including "honour" crimes (Spain); Source of position: A/HRC/36/10/Add.1	Supported	D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Partially Implemented
67.	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); Source of position: A/HRC/36/10/Add.1	Supported	D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Partially Implemented
Theme: D42 Freedom of thought, conscience and religion				
68.	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); Source of position: A/HRC/36/10/Add.1	Supported	D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partially Implemented
69.	161.132 Continue to develop laws and make efforts to ensure freedom of religion and belief (Lebanon); Source of position: A/HRC/36/10/Add.1	Supported	D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not Implemented ⁷
Theme: D51 Administration of justice & fair trial				
70.	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); 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: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups	Partially Implemented ⁸

⁷ No such specific law ensuring freedom of religion and belief was enacted.

⁸ Several schemes have been framed, however, the implementation and the quality of legal aid provided remains a cause of concern.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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
Theme: D6 Rights related to name, identity, nationality				
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
Theme: E1 Economic, social & cultural rights – general measures of implementation				
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	-

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: E21 Right to an adequate standard of living – general				
77.	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); Source of position: A/HRC/36/10/Add.1	Supported	E21 Right to an adequate standard of living – general E22 Right to food E26 Human Rights & drinking water and sanitation S01 SDG 1 – poverty S02 SDG 2 – hunger and food security S06 SDG 6 – water and sanitation E25 Human rights & poverty Affected persons: – general – children – persons living in poverty	Partially Implemented ⁹
78.	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); Source of position: A/HRC/36/10/Add.1	Supported	E21 Right to an adequate standard of living – general E22 Right to food S01 SDG 1 – poverty S02 SDG 2 – hunger and food security Affected persons: – general – vulnerable persons/groups	Partially Implemented
79.	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); Source of position: A/HRC/36/10/Add.1	Supported	E21 Right to an adequate standard of living – general E24 Right to social security S01 SDG 1 – poverty E25 Human rights & poverty Affected persons: – general – persons living in poverty	Not Implemented
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); Source of position: A/HRC/36/10/Add.1	Supported	E22 Right to food E21 Right to an adequate standard of living – general S02 SDG 2 – hunger and food security Affected persons: – children	Partially Implemented
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); Source of position: A/HRC/36/10/Add.1	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 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	–

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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
82.	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); Source of position: A/HRC/36/10/Add.1	Supported	E23 Right to adequate housing S11 SDG 11 – cities S10 SDG 10 – inequality S01 SDG 1 – poverty Affected persons: – vulnerable persons/groups – persons living in poverty	Partially implemented
83.	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); Source of position: A/HRC/36/10/Add.1	Supported	E23 Right to adequate housing S11 SDG 11 – cities S10 SDG 10 – inequality S01 SDG 1 – poverty Affected persons: – general – persons living in poverty	Partially implemented
Theme: E24 Right to social security				
84.	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); Source of position: A/HRC/36/10/Add.1	Supported	E24 Right to social security E21 Right to an adequate standard of living – general A44 Structure of the national human rights machinery S01 SDG 1 – poverty Affected persons: – persons living in poverty	Partially implemented
85.	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); Source of position: A/HRC/36/10/Add.1	Supported	E24 Right to social security E31 Right to work E25 Human rights & poverty S01 SDG 1 – poverty Affected persons: – persons living in rural areas	–
86.	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); Source of position: A/HRC/36/10/Add.1	Supported	E24 Right to social security S01 SDG 1 – poverty A47 Good governance Affected persons: – persons living in poverty	–
87.	161.171 Carry on its efforts and action in the promotion of social security and labour policy (Islamic Republic of Iran); Source of position: A/HRC/36/10/Add.1	Supported	E24 Right to social security S01 SDG 1 – poverty S08 SDG 8 – economic growth, employment, decent work E31 Right to work Affected persons: – general	–
Theme: E25 Human rights & poverty				
88.	161.165 Continue efforts to realize social and economic development and eradicate poverty (Saudi Arabia); Source of position: A/HRC/36/10/Add.1	Supported	E25 Human rights & poverty E1 Economic, social & cultural rights – general measures of implementation E21 Right to an adequate standard of living – general S01 SDG 1 – poverty Affected persons: – persons living in poverty	Partially Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
89.	161.162 Continuously improve its endeavours to eradicate poverty in the country (Indonesia); Source of position: A/HRC/36/10/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty Affected persons: – general – persons living in poverty	Partially Implemented
90.	161.163 Continue its efforts towards socioeconomic development and poverty eradication (Islamic Republic of Iran); Source of position: A/HRC/36/10/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty Affected persons: – persons living in poverty	Partially Implemented
91.	161.164 Further strengthen its efforts towards socioeconomic development and poverty eradication (Myanmar); Source of position: A/HRC/36/10/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty Affected persons: – persons living in poverty	Partially Implemented
92.	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); Source of position: A/HRC/36/10/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty Affected persons: – persons living in poverty	Partially Implemented
93.	161.167 Continue its efforts to achieve sustainable development and eradicate poverty (Yemen); Source of position: A/HRC/36/10/Add.1	Supported	E25 Human rights & poverty E21 Right to an adequate standard of living – general S01 SDG 1 – poverty Affected persons: – persons living in poverty	Partially Implemented
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 ¹⁰
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 ¹¹

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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: E41 Right to health – General				
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

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
102.	161.180 Redouble its efforts in maternal health, sexual and reproductive health and comprehensive contraceptive services (Colombia); 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 – women	Partially Implemented
Theme: E51 Right to education – General				
103.	161.181 Increase the government expenditure in the field of education (Iraq); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General A63 Budget and resources (for human rights implementation) S04 SDG 4 – education Affected persons: – general – children	Not Implemented
104.	161.183 Continue to take steps to provide inclusive and quality education for all (Myanmar); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General B31 Equality & non-discrimination S10 SDG 10 – inequality S04 SDG 4 – education Affected persons: – children	Partially Implemented
105.	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); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General B31 Equality & non-discrimination S10 SDG 10 – inequality S04 SDG 4 – education Affected persons: – girls – minorities/ racial, ethnic, linguistic, religious or descent-based groups – persons with disabilities – vulnerable persons/groups	Not Implemented
106.	161.189 Continue to ensure access to education for all, especially children of scheduled castes and tribes (Holy See); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General B31 Equality & non-discrimination S10 SDG 10 – inequality S04 SDG 4 – education Affected persons: – children – minorities/ racial, ethnic, linguistic, religious or descent-based groups – vulnerable persons/groups	Partially Implemented ¹²
107.	161.188 Accept more efforts to increase girls’ secondary education, including ensuring that schools are girl-friendly in all parameters (Kyrgyzstan); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – girls	Partially Implemented

¹² Several schemes have been framed, however, the implementation and the quality of legal aid provided remains a cause of concern.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
108.	161.244 Ensure that girls with disabilities are afforded the same right to education as all children (Australia); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General F4 Persons with disabilities B31 Equality & non-discrimination S10 SDG 10 – inequality S04 SDG 4 – education Affected persons: – girls – persons with disabilities	Partially Implemented
109.	161.182 Continue its efforts to ensure that all children have access to education at all levels and all categories (Lao People’s Democratic Republic); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General S04 SDG 4 – education Affected persons: – children	Partially Implemented
110.	161.184 Continue its efforts in implementing its comprehensive policies to ensure quality education for all children (Qatar); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General S04 SDG 4 – education Affected persons: – children	Partially Implemented
111.	161.185 Promote children’s right to education, especially education on climate change adaptation and mitigation (Viet Nam); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General S04 SDG 4 – education Affected persons: – children	Not Implemented
112.	161.186 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); Source of position: A/HRC/36/10/Add.1	Supported	E51 Right to education – General S04 SDG 4 – education Affected persons: – children	Partially Implemented
Theme: F11 Advancement of women				
113.	161.194 Continue its efforts to ensure women’s equal participation in the workforce and generate employment opportunities for women in rural areas (State of Palestine); Source of position: A/HRC/36/10/Add.1	Supported	F11 Advancement of women E31 Right to work B31 Equality & non-discrimination S05 SDG 5 – gender equality and women’s empowerment S10 SDG 10 – inequality S08 SDG 8 – economic growth, employment, decent work Affected persons: – women	Partially Implemented
114.	161.205 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); Source of position: 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 Affected persons: – women	Partially Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
115.	161.190 Strengthen the integration of the gender perspective in the formulation and implementation of policies (Colombia); Source of position: A/HRC/36/10/Add.1	Supported	F11 Advancement of women F12 Discrimination against women S05 SDG 5 – gender equality and women’s empowerment S10 SDG 10 – inequality B31 Equality & non-discrimination Affected persons: – women	Partially Implemented
116.	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); Source of position: A/HRC/36/10/Add.1	Supported	F11 Advancement of women F12 Discrimination against women S05 SDG 5 – gender equality and women’s empowerment S10 SDG 10 – inequality B31 Equality & non-discrimination Affected persons: – women	Partially Implemented
117.	161.193 Redouble efforts on ensuring gender equality and take measures to prevent gender discrimination (Timor-Leste); Source of position: A/HRC/36/10/Add.1	Supported	F11 Advancement of women F12 Discrimination against women S05 SDG 5 – gender equality and women’s empowerment S10 SDG 10 – inequality B31 Equality & non-discrimination Affected persons: – women	Partially Implemented
118.	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); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – women	Partially Implemented
119.	161.222 Strengthen the adoption of socioeconomic programmes which promote the empowerment of women and their participation in public and political life (Angola); Source of position: A/HRC/36/10/Add.1	Supported	F11 Advancement of women F14 Participation of women in political and public life B31 Equality & non-discrimination S10 SDG 10 – inequality S05 SDG 5 – gender equality and women’s empowerment Affected persons: – women	Partially Implemented
Theme: F12 Discrimination against women				
120.	161.215 Enhance activities aimed at eliminating discrimination against women, which particularly affects women from lower castes (Kyrgyzstan); Source of position: A/HRC/36/10/Add.1	Supported	F12 Discrimination against women B31 Equality & non-discrimination S10 SDG 10 – inequality S05 SDG 5 – gender equality and women’s empowerment Affected persons: – women – vulnerable persons/groups	Partially Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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
Theme: F13 Violence against women				
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 ¹³
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 ¹⁴

¹³ 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/35wDZkh>

¹⁴ Reference: The Criminal Law Amendment Act 2018 and the POCSO Amendment Act 2019

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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); Source of position: A/HRC/36/10/Add.1	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
127.	161.201 Take additional serious measures to eliminate violence against women and children, including sexual violence (Kyrgyzstan); Source of position: A/HRC/36/10/Add.1	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 ¹⁵
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); Source of position: A/HRC/36/10/Add.1	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 ¹⁶
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); Source of position: A/HRC/36/10/Add.1	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	Not Implemented
130.	161.198 Step up efforts for comprehensive protection of women and girls, in particular against sexual violence (Greece); Source of position: A/HRC/36/10/Add.1	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

¹⁵ 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 child/en under 12 years of age as a deterrent – are against the principles of human rights and are not progressive.

¹⁶ 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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
131.	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); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – general – women	Partially Implemented
Theme: F31 Children: definition; general principles; protection				
132.	161.217 Ensure that legislation defining the minimum legal age of marriage at 18 is enforced at all levels, everywhere in the country (Iceland); Source of position: A/HRC/36/10/Add.1	Supported	F31 Children: definition; general principles; protection A41 Constitutional and legislative framework D8 Rights related to marriage & family S16 SDG 16 – peace, justice and strong institutions S05 SDG 5 – gender equality and women’s empowerment Affected persons: – general – women – children – girls	Partially Implemented
133.	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); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – children	Partially Implemented ¹⁷
134.	161.216 Implement the Protection of Children from Sexual Offences Act to increase the protection of children from sexual abuse (Kenya); Source of position: A/HRC/36/10/Add.1	Supported	F31 Children: definition; general principles; protection A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – children	Partially Implemented
135.	161.226 Accelerate work on the protection of the rights of children and women in particular (Turkey); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – women – children	Fully Implemented

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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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); Source of position: A/HRC/36/10/Add.1	Supported	F31 Children: definition; general principles; protection F12 Discrimination against women F33 Children: protection against exploitation S16 SDG 16 – peace, justice and strong institutions So8 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); Source of position: A/HRC/36/10/Add.1	Supported	F31 Children: definition; general principles; protection F13 Violence against women A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions So5 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); Source of position: A/HRC/36/10/Add.1	Supported	F31 Children: definition; general principles; protection F13 Violence against women So5 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); Source of position: A/HRC/36/10/Add.1	Supported	F31 Children: definition; general principles; protection F13 Violence against women So5 SDG 5 – gender equality and women’s empowerment S16 SDG 16 – peace, justice and strong institutions Affected persons: – women – children	Partially Implemented ¹⁸
140.	161.221 Continue and intensify the actions to prohibit child marriage (Gabon); Source of position: A/HRC/36/10/Add.1	Supported	F31 Children: definition; general principles; protection F13 Violence against women S16 SDG 16 – peace, justice and strong institutions So5 SDG 5 – gender equality and women’s empowerment Affected persons: – children	Not Implemented ¹⁹

¹⁸ Reference: The Criminal Law Amendment Act 2018 and the POCSO Amendment Act 2019.

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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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
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

²⁰ Reference: National Child Labour Project (NCLP). Available at: <https://labour.gov.in/childlabour/nclp>

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
147.	161.219 Step up efforts to combat and eliminate child, early and forced marriages (Sierra Leone); 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	Partially Implemented
Theme: F33 Children: protection against exploitation				
148.	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); Source of position: A/HRC/36/10/Add.1	Supported	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 Affected persons: – children – persons with disabilities	Not Implemented
Theme: F34 Children: Juvenile justice				
149.	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); Source of position: A/HRC/36/10/Add.1	Supported	F34 Children: Juvenile justice D51 Administration of justice & fair trial S16 SDG 16 – peace, justice and strong institutions Affected persons: – children	Partially Implemented ²¹
Theme: F4 Persons with disabilities				
150.	161.241 Expand the integration of persons with disabilities into programmes and plans for sustainable development (Qatar); Source of position: A/HRC/36/10/Add.1	Supported	F4 Persons with disabilities B31 Equality & non-discrimination S10 SDG 10 – inequality A42 Institutions & policies – General B41 Right to development Affected persons: – persons with disabilities	Not Implemented
151.	161.239 Continue efforts to promote opportunities for persons with disabilities to benefit from development gains (Libya); Source of position: A/HRC/36/10/Add.1	Supported	F4 Persons with disabilities B31 Equality & non-discrimination S10 SDG 10 – inequality B41 Right to development Affected persons: – persons with disabilities	Not Implemented
152.	161.240 Continue efforts aimed at improving the access of persons with disabilities to education, vocational training and health care (Oman); Source of position: A/HRC/36/10/Add.1	Supported	F4 Persons with disabilities B31 Equality & 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 Affected persons: – persons with disabilities	Partially Implemented

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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: A12 Acceptance of international norms				
153.	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); Source of position: A/HRC/36/10/Add.1	Noted	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 S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
154.	161.35 Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (Latvia); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms A41 Constitutional and legislative framework B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
155.	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); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms A41 Constitutional and legislative framework B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
156.	161.34 Ratify the Rome Statute of the International Criminal Court (Estonia); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
157.	161.36 Consider ratifying the Rome Statute of the International Criminal Court (Uruguay); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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 D23 Death penalty 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 ²²
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

²² 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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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
165.	161.29 Expedite efforts to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone); 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
166.	161.10 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal); 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 E1 Economic, social & cultural rights – general measures of implementation F12 Discrimination against women F31 Children: definition; general principles; protection S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
167.	161.28 Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Guatemala); 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 G4 Migrants S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
168.	161.23 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and swiftly move ahead with the Prevention of Torture Bill (Estonia); 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 S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
169.	161.37 Develop a national strategy to tackle exploitative labour practices and to ratify the ILO Protocol of 2014 to the Forced Labour Convention, 1930, and continue to strengthen protections for children (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms D27 Prohibition of slavery, trafficking E32 Right to just and favourable conditions of work F31 Children: definition; general principles; protection S16 SDG 16 – peace, justice and strong institutions So8 SDG 8 – economic growth, employment, decent work Affected persons: – general – children	Partially Implemented
170.	161.30 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Greece) (Ukraine); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms D32 Enforced disappearances S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
171.	161.31 Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Burkina Faso); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms D32 Enforced disappearances S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
172.	161.32 Accede to and implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1951 Convention relating to the Status of Refugees and article 7 of the Convention on the Rights of the Child to end statelessness and guarantee nationality for affected children (Kenya); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms D6 Rights related to name, identity, nationality F31 Children: definition; general principles; protection G4 Migrants G5 Refugees & asylum seekers S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
173.	161.33 Accede to and fully implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 1951 Convention relating to the Status of Refugees (Slovakia); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms D6 Rights related to name, identity, nationality G4 Migrants G5 Refugees & asylum seekers S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
174.	161.27 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms G4 Migrants S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
175.	161.42 Ratify other human rights conventions to which India is not yet a State party (Philippines); Source of position: A/HRC/36/10/Add.1	Noted	A12 Acceptance of international norms S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
176.	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	Noted	A12 Acceptance of international norms S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
Theme: A13 Reservations				
177.	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	Noted	A13 Reservations F12 Discrimination against women S16 SDG 16 – peace, justice and strong institutions Affected persons: – general – women	Not Implemented
Theme: A28 Cooperation with other international mechanisms and institutions				
178.	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	Noted	A28 Cooperation with other international mechanisms and institutions S17 SDG 17 – partnerships Affected persons: – general	Partially Implemented ²³
Theme: A41 Constitutional and legislative framework				
179.	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	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 ²⁴
180.	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	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

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-says-limited-to-loc/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 (LCI) in 2017. The LCI 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.gy/gdcz9l>

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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 recognizing their rights in *National Legal Services Authority (NALSA) v. Union of India* in 2014.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: A46 National Plans of Action on Human Rights (or specific areas)				
187.	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); Source of position: A/HRC/36/10/Add.1	Noted	A46 National Plans of Action on Human Rights (or specific areas) B32 Racial discrimination S10 SDG 10 – inequality Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not Implemented
Theme: A51 Human rights education – general				
188.	161.64 Include human rights education in the draft new education policy (Zambia); Source of position: A/HRC/36/10/Add.1	Noted	A51 Human rights education – general E51 Right to education – General So4 SDG 4 – education S16 SDG 16 – peace, justice and strong institutions A42 Institutions & policies – General Affected persons: – general	Not Implemented
Theme: B21 Right to self-determination				
189.	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); Source of position: A/HRC/36/10/Add.1	Noted	B21 Right to self-determination S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Partially Implemented
Theme: B31 Equality & non-discrimination				
190.	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); Source of position: A/HRC/36/10/Add.1	Noted	B31 Equality & non-discrimination A54 Awareness raising and dissemination S10 SDG 10 – inequality So5 SDG 5 – gender equality and women's empowerment B52 Impunity S16 SDG 16 – peace, justice and strong institutions Affected persons: – women – girls – minorities/ racial, ethnic, linguistic, religious or descent-based groups – lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partially Implemented ²⁶

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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
191.	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); Source of position: A/HRC/36/10/Add.1	Noted	B31 Equality & non-discrimination So4 SDG 4 – education S10 SDG 10 – inequality E51 Right to education – General Affected persons: – general – minorities/ racial, ethnic, linguistic, religious or descent-based groups – vulnerable persons/groups	Not Implemented
Theme: B52 Impunity				
192.	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); Source of position: A/HRC/36/10/Add.1	Noted	B52 Impunity A41 Constitutional and legislative framework D1 Civil & political rights – general measures of implementation S16 SDG 16 – peace, justice and strong institutions Affected persons: – military staff	Not Implemented
193.	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); Source of position: A/HRC/36/10/Add.1	Noted	B52 Impunity A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
194.	161.146 Take the necessary steps to ensure that all operations of intelligence agencies are monitored by an independent oversight mechanism (Liechtenstein); Source of position: A/HRC/36/10/Add.1	Noted	B52 Impunity A42 Institutions & policies – General S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	–
195.	161.49 Bring into law the Prevention of Communal and Targeted Violence bill (2013) (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/36/10/Add.1	Noted	B52 Impunity S16 SDG 16 – peace, justice and strong institutions A41 Constitutional and legislative framework Affected persons: – general	Not Implemented ²⁷
Theme: D23 Death penalty				
196.	161.104 Abolish the death penalty (Mozambique); 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
197.	161.105 Consider the abolition of the death penalty (Greece); 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

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>

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment				
207.	161.74 Enact the Prevention of Torture Bill (South Africa); Source of position: A/HRC/36/10/Add.1	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
208.	161.98 Review the Code of Criminal Procedure as regards the use of force by law enforcement officials, in particular section 46 (Sierra Leone); Source of position: A/HRC/36/10/Add.1	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – law enforcement / police officials	Not Implemented ²⁸
209.	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); Source of position: A/HRC/36/10/Add.1	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy B52 Impunity S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
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); Source of position: A/HRC/36/10/Add.1	Noted	D27 Prohibition of slavery, trafficking E32 Right to just and favourable conditions of work F33 Children: protection against exploitation So8 SDG 8 – economic growth, employment, decent work S16 SDG 16 – peace, justice and strong institutions Affected persons: – children	Not Implemented
211.	161.228 Consider repealing the provision that allows children to work in family-based occupations (Slovakia); Source of position: A/HRC/36/10/Add.1	Noted	D27 Prohibition of slavery, trafficking F33 Children: protection against exploitation So8 SDG 8 – economic growth, employment, decent work S16 SDG 16 – peace, justice and strong institutions Affected persons: – children	Not Implemented

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>

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: D29 Domestic violence				
212.	161.209 Adopt a comprehensive law to combat all forms of violence against women, including domestic violence and marital rape (Honduras); Source of position: A/HRC/36/10/Add.1	Noted	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 Affected persons: – women	Partially Implemented
Theme: D42 Freedom of thought, conscience and religion				
213.	161.126 Strengthen efforts to guarantee freedom of religion and belief, especially by retracting so-called anti-conversion laws (Holy See); Source of position: A/HRC/36/10/Add.1	Noted	D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – general	Not Implemented
214.	161.127 Take all necessary measures to protect the rights of persons belonging to religious minorities, and repeal laws which restrict religious conversion (Netherlands); Source of position: A/HRC/36/10/Add.1	Noted	D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partially Implemented ²⁹
215.	161.129 Repeal the requisite legislation to stop violence and discrimination against religious minorities (Kenya); Source of position: A/HRC/36/10/Add.1	Noted	D42 Freedom of thought, conscience and religion A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not Implemented
216.	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); Source of position: A/HRC/36/10/Add.1	Noted	D42 Freedom of thought, conscience and religion B32 Racial discrimination S16 SDG 16 – peace, justice and strong institutions Affected persons: – minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not Implemented

²⁹ Anti-conversion laws have not been repealed and continue to exist in at least eight Indian states.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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				
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

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
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
Theme: D45 Freedom of association				
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 ³⁰
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

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/2Tlh4m4>

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
230.	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); Source of position: A/HRC/36/10/Add.1	Noted	D45 Freedom of association S16 SDG 16 – peace, justice and strong institutions A41 Constitutional and legislative framework Affected persons: – general	Not Implemented
Theme: D51 Administration of justice & fair trial				
231.	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); Source of position: A/HRC/36/10/Add.1	Noted	D51 Administration of justice & fair trial S16 SDG 16 – peace, justice and strong institutions Affected persons: – judges, lawyers and prosecutors	Not Implemented
Theme: D6 Rights related to name, identity, nationality				
232.	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); Source of position: A/HRC/36/10/Add.1	Noted	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 Affected persons: – general – children	Not Implemented
233.	161.152 Remove barriers prohibiting scheduled castes and schedule tribes from registering their children's births and obtaining birth certificates (Bahrain); Source of position: A/HRC/36/10/Add.1	Noted	D6 Rights related to name, identity, nationality S16 SDG 16 – peace, justice and strong institutions S10 SDG 10 – inequality Affected persons: – children – vulnerable persons/groups	Not Implemented ³¹
Theme: F11 Advancement of women				
234.	161.191 Ensure implementation of the Gender Budgeting Scheme in all states and union territories (South Africa); Source of position: A/HRC/36/10/Add.1	Noted	F11 Advancement of women F12 Discrimination against women S05 SDG 5 – gender equality and women's empowerment S10 SDG 10 – inequality B31 Equality & non-discrimination A63 Budget and resources (for human rights implementation) Affected persons: – women	Not Implemented

³¹ While universalization of birth registration is pretty skewed across 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.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
Theme: F13 Violence against women				
235.	161.51 Criminalize marital rape (Portugal) (Sweden); Source of position: A/HRC/36/10/Add.1	Noted	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	Not Implemented
236.	161.52 Include a provision in its Penal Code criminalizing marital rape (Australia); Source of position: A/HRC/36/10/Add.1	Noted	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	Not Implemented
237.	161.53 Remove the exception relating to marital rape from the definition of rape in the Indian Penal Code and criminalize “honour crimes” (Slovenia); Source of position: A/HRC/36/10/Add.1	Noted	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	Not Implemented
238.	161.54 Remove the exception relating to marital rape from the definition of rape in section 375 of the Indian Penal Code (Belgium) (Iceland); Source of position: A/HRC/36/10/Add.1	Noted	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	Not Implemented
239.	161.55 Consider removing the exception relating to marital rape from the definition of rape in section 375 of the Indian Penal Code (Namibia); Source of position: A/HRC/36/10/Add.1	Noted	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	Not Implemented
240.	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); Source of position: A/HRC/36/10/Add.1	Noted	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	Not Implemented

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
241.	161.57 Criminalize all forms of sexual abuse of girls under 18 years of age, including marital rape and “honour crimes” (Zambia); Source of position: A/HRC/36/10/Add.1	Noted	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 - girls	Not Implemented
242.	161.58 Take additional steps in criminalizing marital rape (Lithuania); Source of position: A/HRC/36/10/Add.1	Noted	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	Not Implemented
243.	161.203 Eliminate traditional harmful practices, such as the rising number of deaths due to dowry and burning of widows (Bahrain); Source of position: A/HRC/36/10/Add.1	Noted	F13 Violence against women B52 Impunity S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 - gender equality and women’s empowerment Affected persons: - general - women	Partially Implemented
244.	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); Source of position: A/HRC/36/10/Add.1	Noted	F13 Violence against women B52 Impunity S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 - gender equality and women’s empowerment B53 Support to victims and witnesses Affected persons: - women	Partially Implemented
245.	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); Source of position: A/HRC/36/10/Add.1	Noted	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 Affected persons: - women	Partially Implemented ³²

³² India has brought in penal laws for preventing sex selective abortions in the country. However, there is no separate law defining the offence of “honour killing”. Similarly, it has not yet taken any special measures to ensure successful prosecution of the perpetrators of child marriages or to guarantee assistance to the victims.

S.No.	Recommendation	Position	Full list of themes	Assessment/ comments on level of implementation
246.	161.196 Implement existing laws on all forms of violence and sexual violence against women and girls, including “honour” 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); Source of position: A/HRC/36/10/Add.1	Noted	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
Theme: F14 Participation of women in political and public life				
247.	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); Source of position: A/HRC/36/10/Add.1	Noted	F14 Participation of women in political and public life A41 Constitutional and legislative framework B31 Equality & non-discrimination S10 SDG 10 – inequality S05 SDG 5 – gender equality and women’s empowerment Affected persons: – women	Not Implemented
248.	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); Source of position: A/HRC/36/10/Add.1	Noted	F14 Participation of women in political and public life A41 Constitutional and legislative framework B31 Equality & non-discrimination S10 SDG 10 – inequality S05 SDG 5 – gender equality and women’s empowerment Affected persons: – women	Not Implemented
249.	161.225 Adopt the law on quotas which aims to reserve seats for women in legislative bodies of the central and state governments (Algeria); Source of position: A/HRC/36/10/Add.1	Noted	F14 Participation of women in political and public life A41 Constitutional and legislative framework B31 Equality & non-discrimination S10 SDG 10 – inequality S05 SDG 5 – gender equality and women’s empowerment Affected persons: – women	Not Implemented
Theme: H1 Human rights defenders				
250.	161.134 Enact a law for the protection of human rights defenders (Lithuania); Source of position: A/HRC/36/10/Add.1	Noted	H1 Human rights defenders A41 Constitutional and legislative framework S16 SDG 16 – peace, justice and strong institutions Affected persons: – human rights defenders	Not Implemented

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.

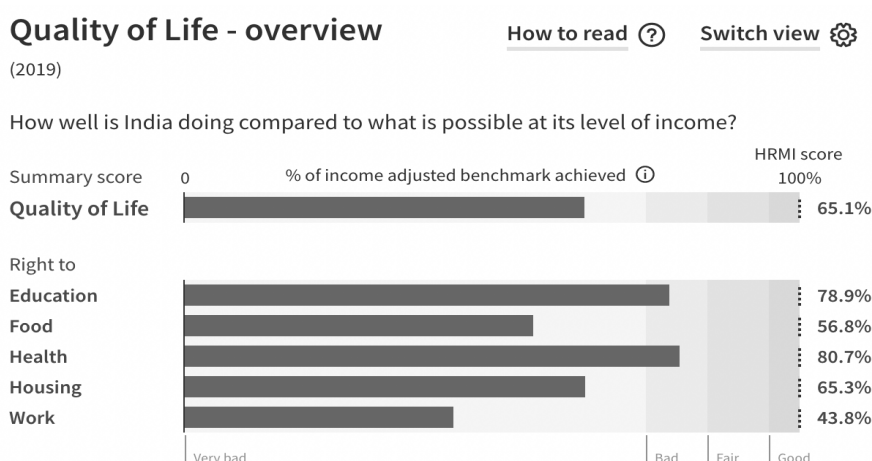
HRMI's Economic and Social Rights Scores

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


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

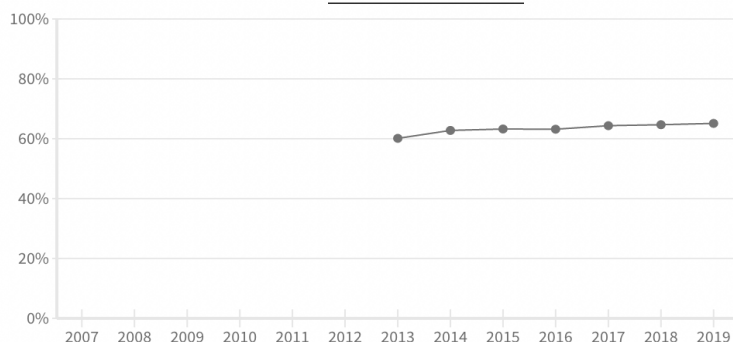
³⁴ Detailed scores for India available on HRMI's Rights Tracker: <https://rightstracker.org/en/country/IND>.

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.

Over time

[Switch view](#) 

How does India perform over time for **Quality of Life**  ?




Graph 2

Right to Housing

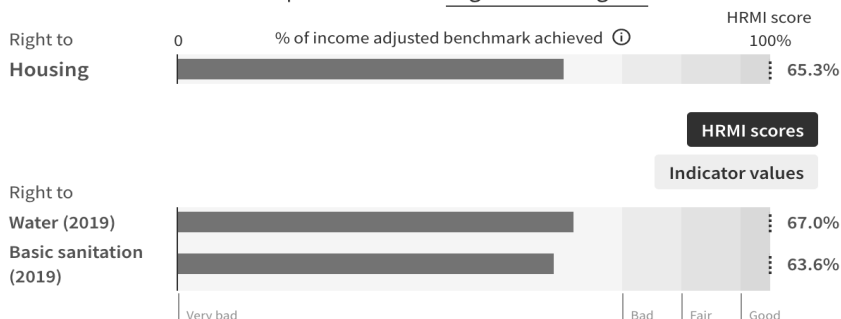
Based on the most recent available data, India's income-adjusted HRMI score for the Right to Housing — based on access to basic sanitation and access to drinking water on site — is 65.3%. This means that India is doing 65.3% of what is be possible of being done at its level of income.

Quality of Life - full details

[How to read](#) 

[Switch view](#) 

See more detail on how India performs on the **Right to housing**  ?



Graph 3


These scores can be used with the [World Bank Health, Nutrition and Population Statistics](https://data.worldbank.org/health) to understand the impact of income-adjusted 100% performance on the lives of people.

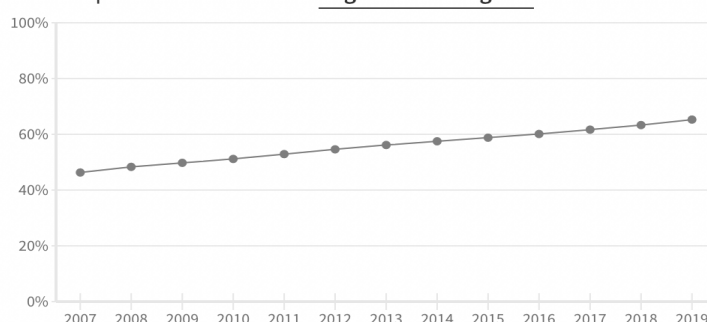
On the Right to Housing, India has shown a steady improvement over time from 2007 to 2019 as can be seen in Graph 4. If India uses its existing resources effectively and manages to reach the 100% mark, an additional 432 million people would have access to basic sanitation and about 433 million more people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

³⁵ Data in Action: Spotlight on Economic and Social Rights in India (2022): <https://humanrightsmmeasurement.org/country-spotlights/data-in-action-spotlight-on-esrs-in-india-2022/>.

Over time

Switch view 

How does India perform over time for **Right to housing**  ?



Graph 4

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 are³⁶:

- 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

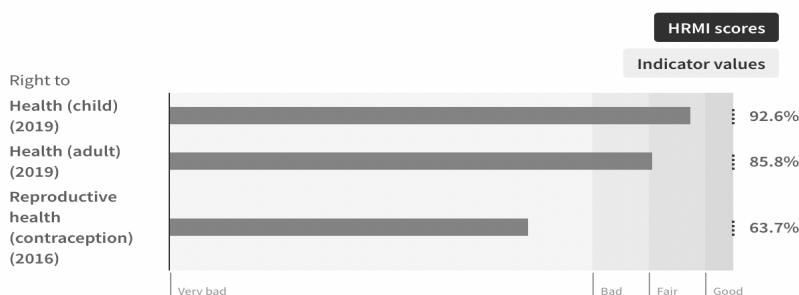
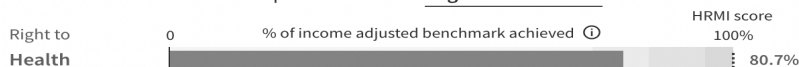
India's HRMI score for the Right to Health is 80.7% reflecting its performance on the access to child, adult, and reproductive healthcare. None of these scores fall in the 'good' range. This means that India is doing only 80.7% of what it is capable of doing with its resources.

Quality of Life - full details

How to read 

Switch view 

See more detail on how India performs on the **Right to health**  ?



Graph 5

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

³⁶ Rights Tracker 2022, India, People at risk: <https://rightstracker.org/en/country/IND?tab=atrisk>.

existing income for health, about 2.7 million more new-borns could be expected to eventually reach their fifth birthday.³⁷

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 60.³⁸

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.³⁹

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.

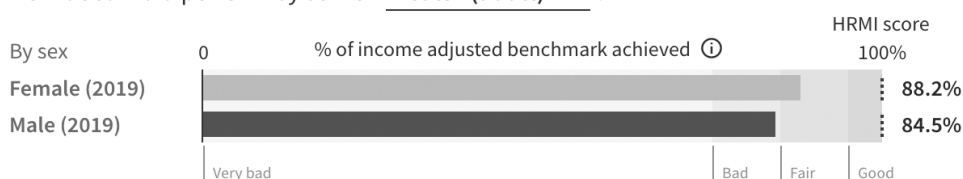
However, when compared to other countries at the same level, India is doing only 84.5% of what is possible to fulfil the Right to Health for men. India's score here narrowly falls in the 'bad' range.

By sex

[How to read](#) ?

[Switch view](#) ⚙️

How does India perform by sex for **Health (adult)** ?



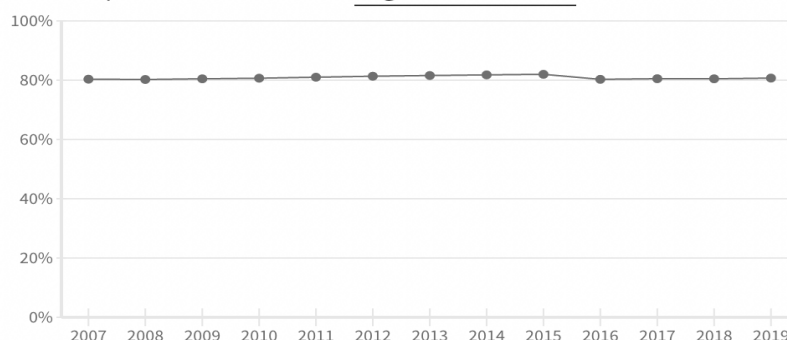
Graph 6

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.

Over time

[Switch view](#) ⚙️

How does India perform over time for **Right to health** ?



Graph 7

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 violated⁴⁰

- 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

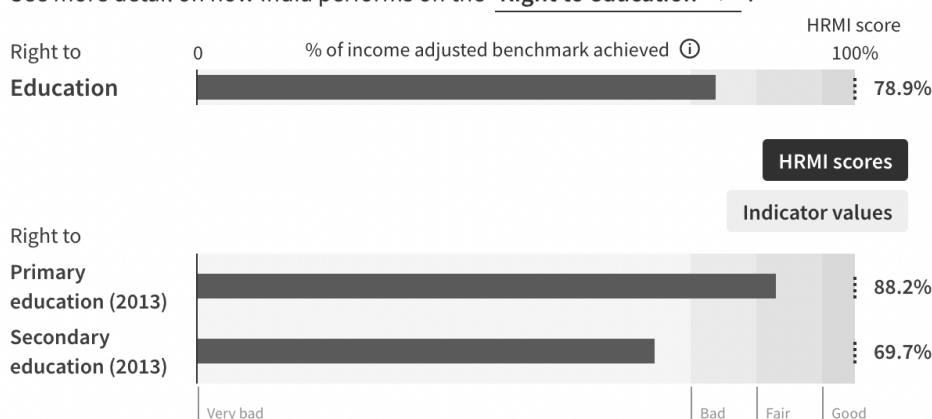
Right to Education

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.

Quality of Life - full details

[How to read](#) ?[Switch view](#) ⚙️

See more detail on how India performs on the **Right to education** ▾ ?



Graph 8

*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.⁴¹*

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.

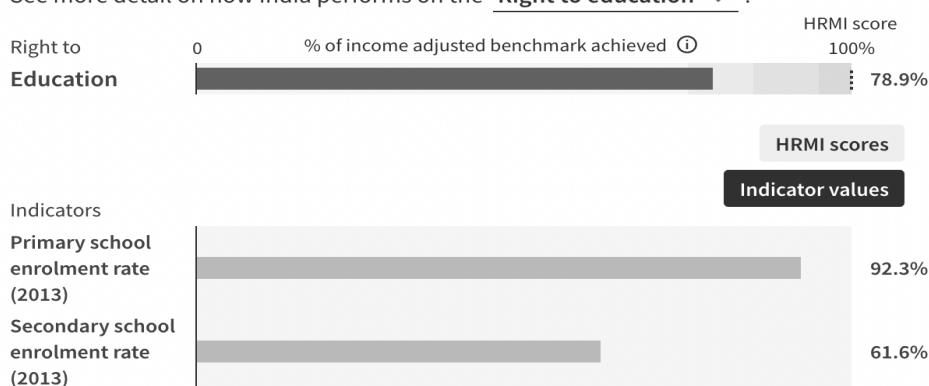
⁴⁰ See *supra* note 4.

⁴¹ See *supra* note 3.

Quality of Life - full details

[How to read ?](#)
[Switch view](#)

See more detail on how India performs on the [Right to education](#) ▾ ?



Graph 9

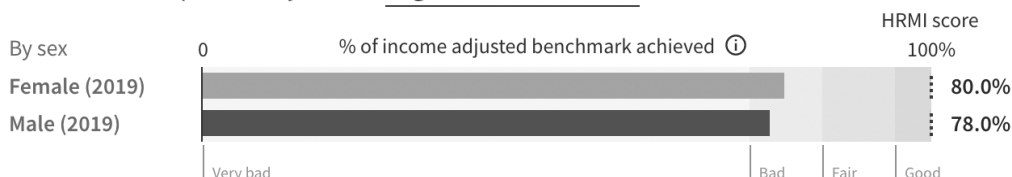
Looking at the gender disaggregated data on the Right to Education, Graph 10 shows that India is doing 80.0% of what is possible to fulfil the Right to Education of women when compared with other countries at similar income levels.

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.

By sex

[How to read ?](#)
[Switch view](#)

How does India perform by sex for [Right to education](#) ▾ ?



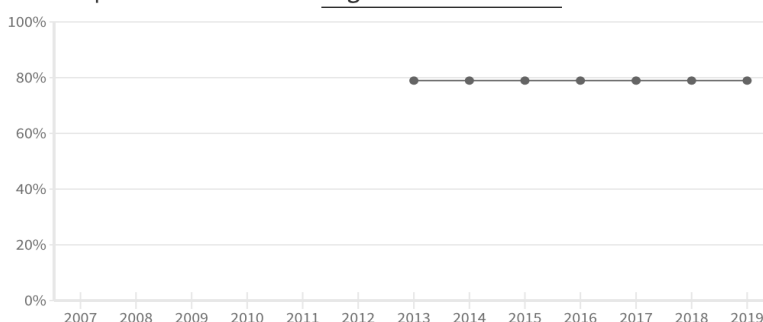
Graph 10

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.

Over time

[Switch view](#)

How does India perform over time for [Right to education](#) ▾ ?



Graph 11

Top-7 groups of people identified to be at risk of having their Right to Education violated⁴²

- 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

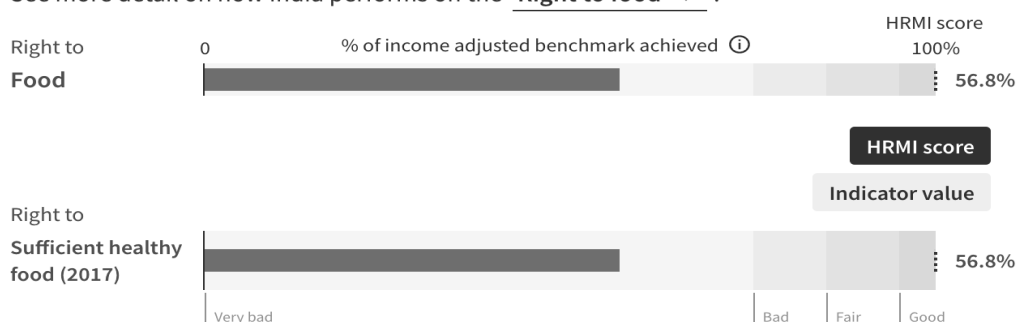
India's score for the Right to Food is 56.8%. It means that India is currently doing only 56.8% of what is possible for it to achieve at its current income to ensure that its children have sufficient nutritious food to eat.

Quality of Life - full details

[How to read](#) ?

[Switch view](#) ⚙️

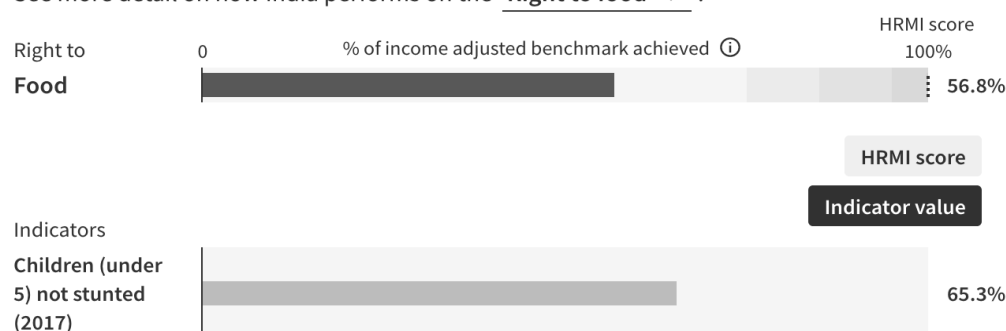
See more detail on how India performs on the [Right to food](#) ▾ ?



Graph 12

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)

See more detail on how India performs on the [Right to food](#) ▾ ?



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.⁴³

⁴² See supra note 4.

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.

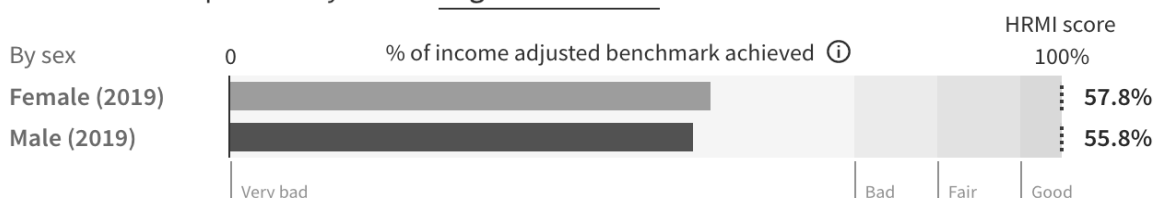
Scores for both women and men are in the ‘very bad’ range, indicating that India still has to make substantial progress to fulfil its obligation towards the Right to Food of its people.

By sex

How to read ?

Switch view

How does India perform by sex for **Right to food** ?



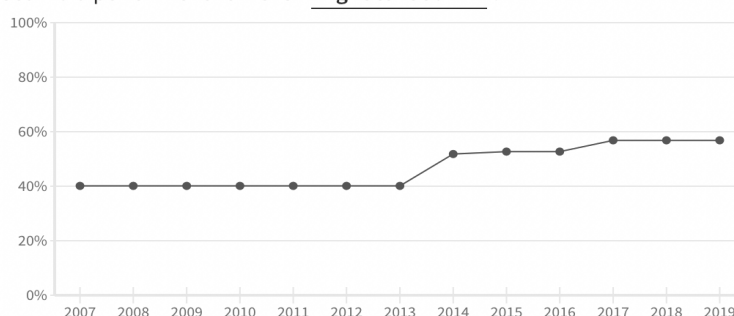
Graph 14

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.

Over time

Switch view

How does India perform over time for **Right to food** ?



Graph 15

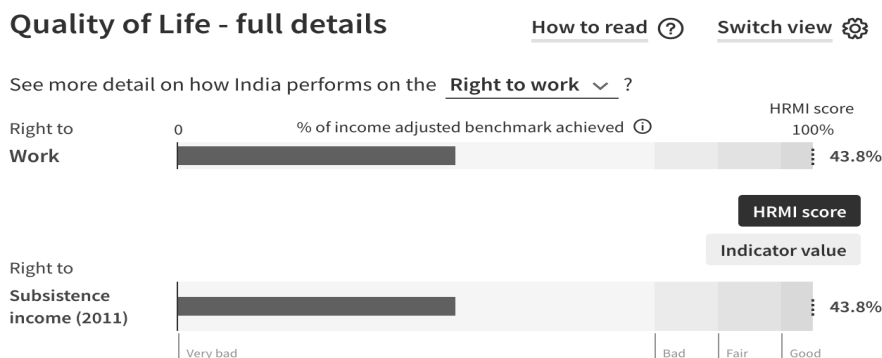
Top-7 groups of people identified to be most at risk of having their Right to Food violated⁴⁴

- 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

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.



Graph 16

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.*⁴⁵

Top-7 groups of people identified to be most at risk of having their Right to Work violated⁴⁶

- 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:

- '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.
- '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.⁴⁷

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

⁴⁵ See supra note 3.

⁴⁶ See supra note 4.

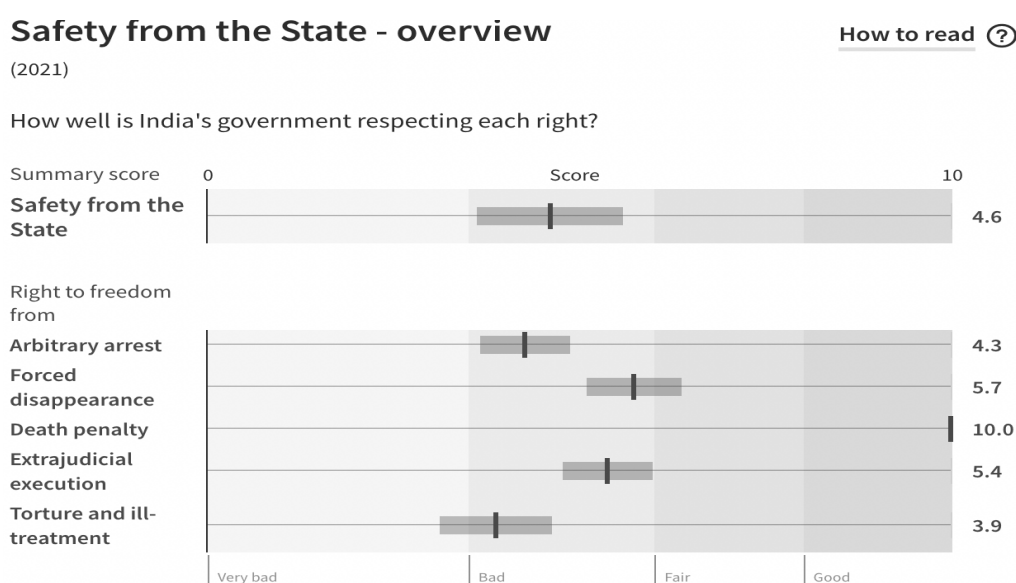
⁴⁷ HRMI's methodology for producing CPR scores can be found here: <https://bit.ly/3ypuZge>.

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.⁴⁸

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.

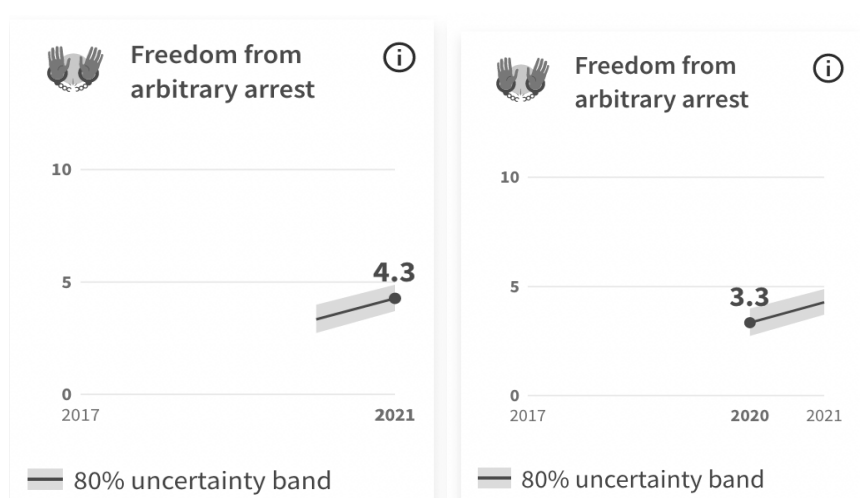


Graph 17

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.



Graph 18

48 See *supra* note 2.

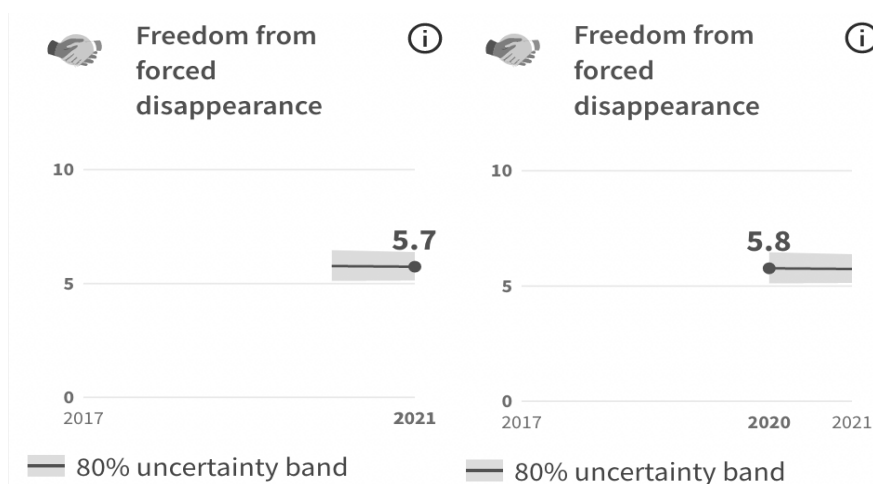
Top-7 groups of people identified to be most at risk of having their Right to Freedom from Arbitrary Arrest violated⁴⁹

- 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.



Graph 19

Top-7 groups of people identified to be most at risk of having their Right to Freedom from Forced Disappearance violated⁵⁰

- 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.

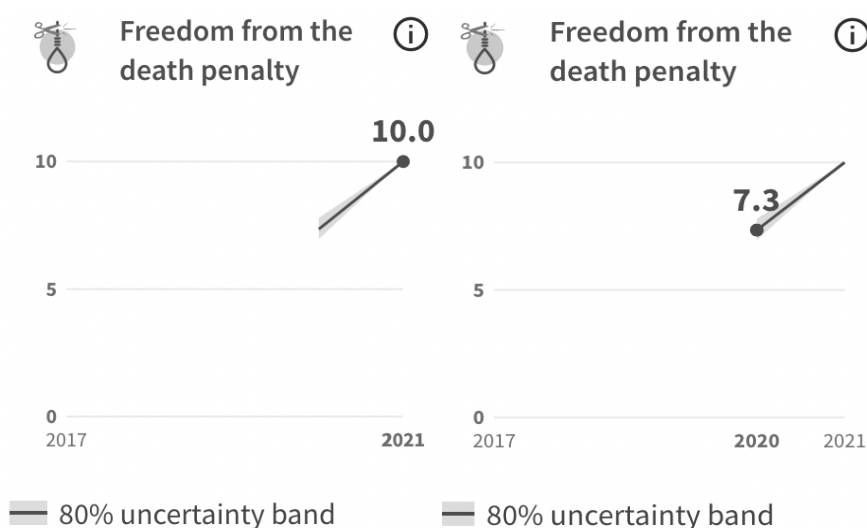
⁵⁰ Ibid.

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.



Graph 20

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 trends⁵¹:

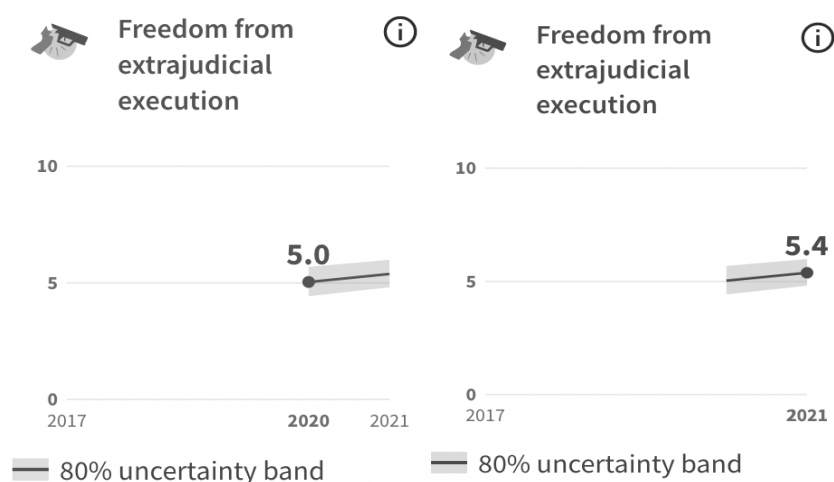
- People with particular religious beliefs or affiliations, especially Muslims
- People engaged in or suspected of terrorism, especially Muslims and Maoists
- The Adivasis
- Dalits

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.

51 Ibid.



Graph 21

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

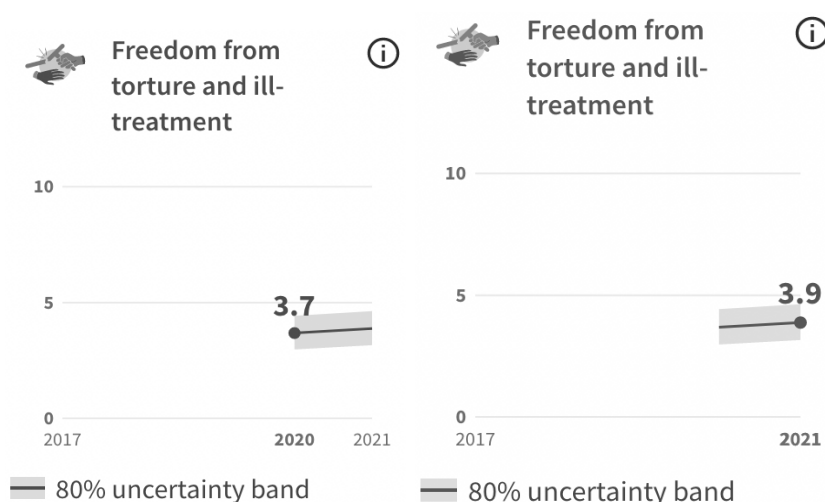
- People with particular religious beliefs or practices, especially Muslims and Christians
- The Adivasis, particularly those who resisted displacement or advocated against forced resettlement carried out by state forces
- People from the Scheduled Castes, Scheduled Tribes, or other Dalit communities
- 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.



Graph 22

⁵² Ibid.

Top-7 groups of people identified to be most at risk of having their Right to Freedom from Torture and Ill-treatment violated⁵³

- 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 5.4.⁵⁴

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.

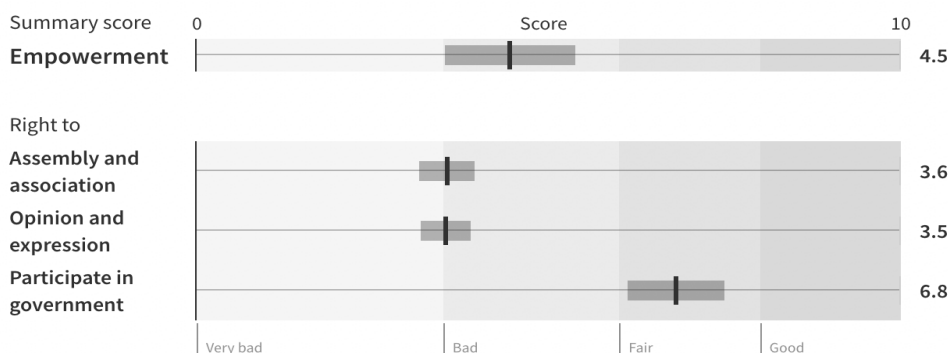
However, the Right to Participate in Government is 6.8, in the 'fair' range, and is significantly better compared to the other two rights in this category.

Empowerment - overview

How to read ?

(2021)

How well is India's government respecting each right?



Graph 23

Right to Freedom of Assembly and Association

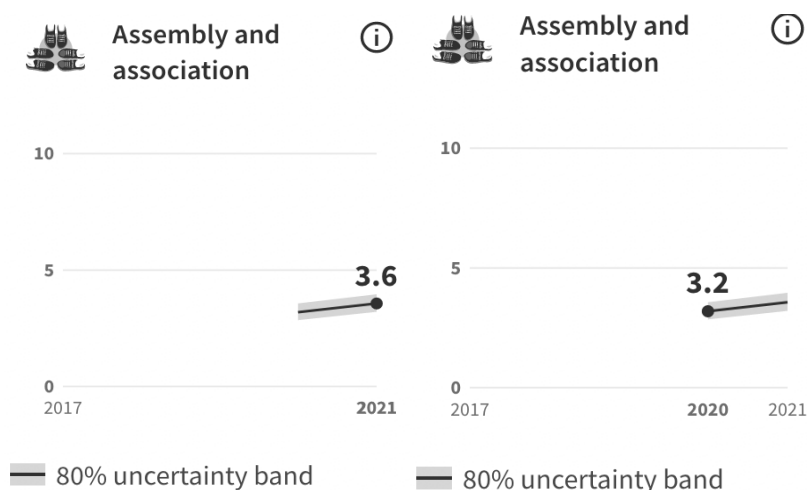
India's score on the Right to Freedom of Assembly and Association is 3.6 out of 10 falling within a narrow uncertainty band from 3.2 and 4.0.

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.



Graph 24

Top-7 groups of people identified to be most at risk of having their Right to Freedom of Assembly and Association violated⁵⁵

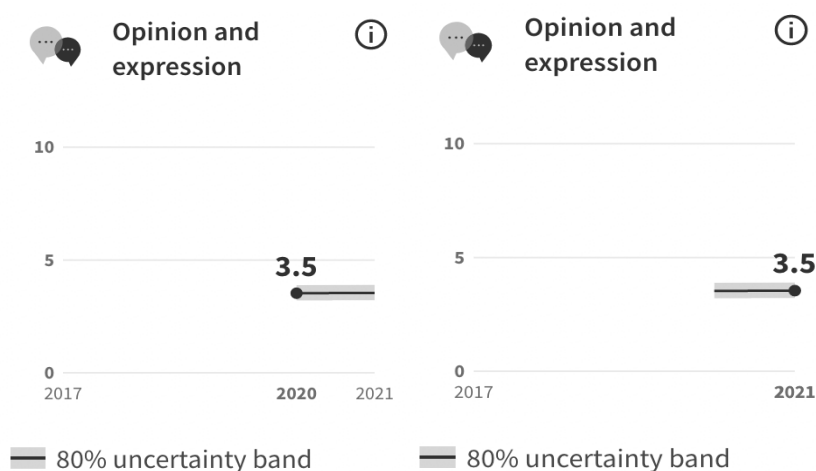
- Human rights advocates, especially those working on behalf of minority groups
- People from Scheduled Castes, Scheduled Tribes, and other Dalit and tribal communities
- People with particular religious beliefs or practices, especially Muslims, Dalits who practise Christianity, and others affiliated 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

⁵⁵ 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.



Graph 25

Top-7 groups of people identified to be most at risk of having their Right to Freedom of Opinion and Expression violated⁵⁶

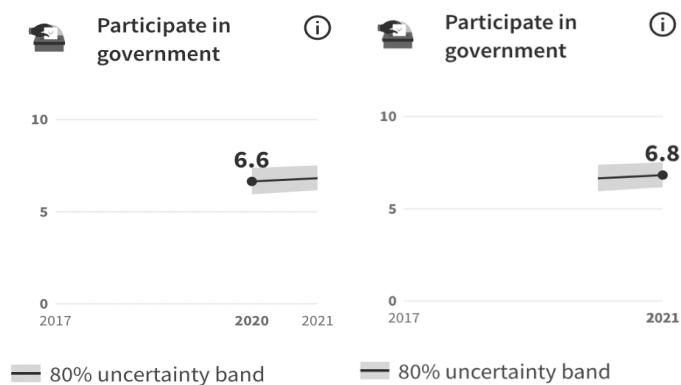
- Human rights advocates, especially those who work with or advocate for minority communities, as well as those who work on issues related to Dalits, Bahujan, Adivasis, migrants and migrant workers, and Muslims
- People with particular religious beliefs or practices, primarily Muslims and other religious 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.



Graph 26

Top-7 groups of people identified to be most at risk of having their Right to Participate in Government violated⁵⁷

- 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

⁵⁷ Ibid.

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
- 4 For the recommendations, please see – Universal Periodic Review (UPR): Mid-Term Report 2020 – Assessing India’s Implementation of UPR-III Recommendations, p. 112 – 113, available at: http://wghr.org/assets/publications/doc/WGHR_UPR_Mid-Term_Re_h9nmo.pdf.
- 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.
- 6 Press Information Bureau, ‘Ministry of Housing and Urban Affairs: Housing Sector shortage close to 10 million units – to be addressed through PMAY: Puri’, 15 November 2017, Available at: <https://bit.ly/3leDbXQ>, 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-Galance.html> Accessed on: 17 March 2022.
- 9 Ibid.
- 10 During the COVID-19 pandemic (March 2020 to July 2021), the Indian government demolished over 43,600 homes and forcibly evicted over 257,700 people. See: Housing and Land Rights Network (HLRN), “Forced Evictions in India in 2020: A Grave Human Rights Crisis During the Pandemic,” September 2020. Available at: https://www.hlrn.org.in/documents/Forced_Evictions_2020.pdf Accessed on: 18 March 2022.
- 11 OHCHR, “COVID-19 Guidance Note: Prohibition of Evictions by the UN Special Rapporteur on the right to adequate housing,” 28 April 2020, Available at: <https://bit.ly/3ke8osS>; Accessed on: 18 March 2022; OHCHR, “Ban evictions during COVID-19 pandemic, UN expert urges,” 18 August 2020. Available at: <http://bit.ly/3ldtbxT> Accessed on: 18 March 2022.
- 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 Khor Gaon, Haryana despite the pendency of the proceedings.
- 13 Primary and secondary research by HLRN reveals that nearly 16 million people across the country live under the threat of being forcefully evicted and displaced. Reasons for potential displacement include infrastructure projects, forest protection, restoration of water bodies, ‘slum’ clearance, removal of ‘encroachments’, and clearance of government land; implementation of court orders; and, tourism development. See: “Forced Evictions in India in 2020: A Grave Human Rights Crisis during the Pandemic,” Housing and Land Rights Network, September 2021, Available at: https://www.hlrn.org.in/documents/Forced_Evictions_2020.pdf, Accessed on: 18 March 2022.
- 14 During India’s stringent lockdown, a large number of people living on the streets were forcefully relocated to temporary shelters, without prior information, consultation, and consent. See: Housing and Land Rights Network, “Human Rights Assessment of India’s COVID-19 Lockdown,” May 2020, Available at: <https://bit.ly/3n3QDyJ>, Accessed on: 18 March 2022.

- 15 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.
- 16 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.
- 17 101 million householders (56%) out of a total of 170.92 million rural households do not own any agricultural land. See: Socio-economic and Caste Census 2011. Available at: <http://secc.gov.in/reportlistContent>, Accessed on: 18 March 2022.
- 18 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.
- 19 For example, Odisha Land Rights to Slum Dwellers Act 2017 (Available at: <https://govtpress.odisha.gov.in/pdf/2017/1652.pdf>), the Madhya Pradesh Housing Guarantee (for Lower Income Groups and Economically Weaker Sections) Act 2017 (Available at: <https://bit.ly/3eH2zTt>) and the Punjab Slum Dwellers (Proprietary Rights) Act, 2020 (Available at: <http://lgpunjab.gov.in/upload/5f86d5f2ec146Slum%20Dwellper%20Act%202020.pdf>)
- 20 India ranked 94th in 2020. In 2021, India is ranked behind its neighbours in South Asia Pakistan, Bangladesh and Nepal. See: Global Hunger Index 2021, available at: <https://www.globalhungerindex.org/ranking.html> , Accessed on: 13 March 2022.
- 21 Economic and Political Weekly, “Food Security and COVID-19: Why India’s Public Distribution System Requires an Overhaul”, 19 June 2020, Available at: <https://www.epw.in/engage/article/food-security-and-covid-19-why-indias-public> , Accessed on: 16 March 2022; Inter Press Service, “Poor Bear the Brunt of Corruption in India’s Food Distribution System”, 1 July 2015, available at: <https://www.ipsnews.net/2015/07/poor-bear-the-brunt-of-corruption-in-indias-food-distribution-system/>, Accessed on: 16 March 2022.
- 22 India Spend, “More than 100mn excluded from PDS as govt uses outdated Census 2011 data”, 16 April 2020, available at: <https://www.indiaspend.com/more-than-100mn-excluded-from-pds-as-govt-uses-outdated-census-2011-data/>, Accessed on: 16 March 2022.
- 23 Ibid.
- 24 Bandhua Mukti Morcha v. Union of India, 1984 AIR 802; Deepika Jagatram Sahani v. Union of India, SCC OnLine SC 22; Swaraj Abhiyan v. Union of India, Writ Petition(C) No. 857 of 2015.
- 25 Ibid. As per affidavits filed stating that Government of India has made provisions for only two million ration cards.
- 26 The Hindu, “Plea to CM to provide mid-day meal during school closure”, The Hindu, 24 January 2022, available at: <https://www.thehindu.com/news/cities/puducherry/plea-to-cm-to-provide-mid-day-meal-during-school-closure/article38320803.ece> , Accessed on: 16 March 2022.
- 27 Including eggs and animal protein in regions where this is part of the diet.
- 28 “The Water Gap – The State of the World’s Water 2018”, Water Aid, March 2018, Available at: <https://washmatters.wateraid.org/sites/g/files/jkxoof256/files/The%20Water%20Gap%20State%20of%20Water%20report%20lr%20pages.pdf> , Accessed on: 17 March 2022,
- 29 Swachh Bharat Mission, National Rural Clean Water Mission (Jal Jeevan Mission), Swajal Yojana and National Water Quality Sub-Mission, Ministry of Jal Shakti/Department of Drinking Water and Sanitation, see - <https://jalshakti-ddws.gov.in/about-us> , Accessed on: 17 March 2022.
- 30 Beneath the Surface: The State of the World’s Water 2019, Water Aid, March 2019, available at https://washmatters.wateraid.org/sites/g/files/jkxoof256/files/beneath-the-surface-the-state-of-the-worlds-water-2019-_0.pdf at page 6. Cited in International Commission of Jurists. COVID-19 Pandemic in India: The Right to Water. A Briefing Paper. <https://www.icj.org/wp-content/uploads/2020/06/India-Right-to-Water-COVID-19-Briefing-Paper-2020-ENG.pdf>, Accessed on 17 March 2022.

- 31 Down to Earth “Is India really open-defecation-free? Here’s what numbers say”, 13 July 2021. Available at: <https://www.downtoearth.org.in/news/rural-water-and-sanitation/is-india-really-open-defecation-free-here-s-what-numbers-say-77918#:~:text=The%20Government%20of%20India%20conducted,said%20the%20official%20from%20UNICEF>, Accessed 17 March 2022.
- 32 Only 44 percent of India’s population had access to piped water. Only 56 percent of people in rural areas and 77 percent of people in urban areas had access to water at their place of residence. More than one-third of the water consumed by rural populations was contaminated. International Commission of Jurists, “COVID-19 Pandemic in India: The Right to Water. A Briefing Paper.” <https://www.icj.org/wp-content/uploads/2020/06/India-Right-to-Water-COVID-19-Briefing-Paper-2020-ENG.pdf> Accessed on 17 March 2022.
- 33 International Commission of Jurists, “COVID-19 Pandemic in India: The Right to Water” – A Briefing Paper, Available at: <https://www.icj.org/wp-content/uploads/2020/06/India-Right-to-Water-COVID-19-Briefing-Paper-2020-ENG.pdf>, Accessed on 17 March 2022.
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- 35 The Indian Express, “Waste pickers need policy support”, 5 March 2022, available at: <https://indianexpress.com/article/opinion/columns/waste-pickers-policy-support-welfare-7801719/> , Accessed on 17 March 2022.
- 36 Ibid.
- 37 Particularly vulnerable communities include internal migrants and inhabitants of informal housing settlements.
- 38 The NHP 2017 recommended an increase in the Government’s health expenditure by 2.5 % of the GDP by 2025 and state sector health spending to over eight % of the state budgets by 2020. See: Ministry of Health and Family Welfare (MoHFW) – Government (Govt) of India, “National Health Policy 2011,” para 2.1, p. 1. Available at: https://www.nhp.gov.in/nhpfiles/national_health_policy_2017.pdf, Accessed on: 12 March 2022.
- 39 Universal Periodic Review (UPR): Mid-Term Report 2020 – Assessing India’s Implementation of UPR-III Recommendations, p. 70 – 99, WGHR, available at: http://wghr.org/assets/publications/doc/WGHR_UPR_Mid-Term_Re_h9nm0.pdf, Accessed on: 12 March 2022.
- 40 Insurance Regulatory and Development Authority of India (IRDAI), “Annual Report 2018-19,” p. 46 onwards. Available at: <https://bit.ly/35aLa2w> , Accessed on: 12 March 2022.
- 41 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-forIndiasMissingMiddle_28-10-2021.pdf , Accessed on: 12 March 2022.
- 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.
- 43 The Govt. directive called for the continuation of maternal health services during the Covid-19 lockdown.
- 44 Hindustan Times, “With hospitals overwhelmed, pregnant women left with no care or place to give birth,” 3 May 2020. Available at: <https://bit.ly/2I83cKf> , Accessed on: 12 March 2022.
- 45 Female sterilisation comprises 35.7% of all birth control. See: MoHFW – Govt of India, “National Family Health Survey (NFHS)-IV (2015-16)”, Available at: <https://bit.ly/38BTjiP> , Accessed on: 12 March 2022.
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- 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.

- 49 Section 3, The Right of Children to Free and Compulsory Education Act, 2009, Available at: <https://legislative.gov.in/sites/default/files/The%20Right%20of%20Children%20to%20Free%20and%20Compulsory%20Education%20Act,%202009.pdf>, Accessed on: 16 March 2022.
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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.
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stigma and discrimination from society. Mental health camps and awareness programs to understand gender, sexuality, sexual orientation and promote acceptance of diversity. Prohibit any attempts to medically “cure” or change the sexual orientation of LGBTIQ+ people to heterosexual or the gender identity of transgender people to cisgender. To take action against the concerned professional involving themselves in any form or method of conversion “therapy”, including withdrawal of license to practice. Sensitization programs as provided by Rule 10(7)(b) of Transgender Persons (Protection of Rights) Rules, 2020 shall be in addition to the above said.

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- 133 W.P.No.7284 of 2021 dated 18.02.2022 Garima Greh: Court had directed to consider extending the Garima Greh Scheme to all persons belonging to the LGBTQIA+ community and not to confine it to the Transgender persons.
- 134 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>, 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, Accessed on: 15 March 2022.
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 - Immediately ratify the 1951 Convention on the Status of Refugees and the Optional Protocol of 1967.
 - 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.
- 196 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 whistleblower 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.
- 197 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.
- 198 State of Information Commissions and the Use of RTI Laws in India, Rapid Review 4.0 is accessible on CHRI’s website at: <https://www.humanrightsinitiative.org/download/ICs-RapidReview4-finalreport-NDelhi-ATTITeam-Mar18.pdf> , Accessed on: 12 March 2022.
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- 203 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

Lockdown”, March 24, 2020, Available at: <https://thewire.in/rights/shaheen-bagh-cleared-coronavirus-lockdown>, Accessed on: 13 March 2022; The government attempted to stop the farmers from entering Haryana and Delhi by using water cannons, batons and tear gas. See: Times of India, “Protesting farmers brave water cannons, tear gas shells: Key points”, November 26, 2020, Available at: http://timesofindia.indiatimes.com/articleshow/79430745.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst Accessed on: 13 March 2022.

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- 210 There has been a vague denial by the Government of India (GoI) regarding the allegations made against them on this matter and no one so far has taken up the accountability. Pegasus is a tool used to unlawfully target HRDs, and civil society groups have called for the enactment of laws to establish “proper judicial and parliamentary oversight of government surveillance measures that fully comply with international standards on privacy and other 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.
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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.

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- 217 The Wire, “A Year on, NHRC’s Probes on Police Violence in AMU and Jamia Remain Testaments to Impunity”, 22 December 2020, Available at: <https://thewire.in/rights/nhrc-investigation-police-violence-jamia-milia-islamia-aligarh-muslim-university>, Accessed on: 18 March 2022.
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- 220 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.
- 221 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.
- 222 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.
- 223 This would include ratifying the three remaining treaties India has not ratified.
- 224 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.
- 225 UN OHCHR, “List of pending Treaty Body visits for India”, Available at: <https://spinternet.ohchr.org/ViewCountryvisits.aspx?visitType=pending&lang=En>, Accessed on: 18 March 2022.



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