

RECOMMENDATIONS OF UPR 2008 FOR INDIA

S.No.	Recommendations	Action Taken Report
1.	Expedite ratification of the Convention against Torture (United Kingdom France, Mexico, Nigeria, Italy, Switzerland, Sweden) and its Optional Protocol (United Kingdom)	To enable ratification of the UNCAT, the “Prevention of Torture Bill 2010” was introduced and passed by the Lower House of Parliament (Lok Sabha) in May 2010. The Select Committee of the Upper House (Rajya Sabha) has made certain recommendations which are currently being examined by Government. Although India has not yet ratified the Convention, Article 21 and other Articles of the Constitution of India and the relevant provisions under the Indian Penal Code, 1860, provide for adequate safeguards. The Supreme Court of India, through its judgements, has also laid down exacting standards on this issue.
2.	Continue to fully involve the national civil society in the follow-up to the UPR of India, as was done for its preparation (United Kingdom)	The various Ministries/ Departments involve the national civil society, as appropriate, in the formulation, implementation and assessment process relating to their respective policies, programmes and schemes. These include the process to operationalise of the recommendations of the UPR process. We will continue to involve the national civil society in this process. For e.g. with respect to the highly successful national employment programme initiative namely Mahatma Gandhi National Rural Employment Guarantee Act, 2005, it is worth mentioning that states have reported that social audit has been conducted in 91% of the Gram Panchayats. 244,000 reports on Social Audit have been uploaded on the MGNREGA website.
3.	Continue energizing existing mechanisms to enhance the addressing of human rights challenges (Ghana)	Government has continued to energize the various institutions/ mechanisms for protection and promotion of Human Rights. Some of the legislative and other initiatives address directly the human rights challenges India faces. The judiciary has also played its part to impart new momentum through its far-reaching pronouncements. In spite of a number of serious challenges, India will continue to promote and strengthen human rights.

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4.	Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals (Ghana)	GoI is engaging with domestic and international Human Rights procedures/mechanism at various levels so as to attain internationally recognized human rights goal. Judiciary in India has also played an important role in taking cognizance of international instruments on human rights through its judgments. For e.g. in 2007, the National Commission for the Protection of Child Rights (NCPDR) was established to ensure that all legislative and administrative measures are in consonance with the child rights perspective as enshrined in the Constitution of India and the Convention on the Rights of the Child.
5.	Maintain disaggregated data on caste and related discrimination (Canada, Belgium, Luxembourg)	India's programme of affirmative action is without parallel in scale and dimension in human history. In the Census of 2011, extensive data has been collated. Indian Census has always provided data/investigations of anthropological nature such as the socio-economic survey of villages, preparation of ethnographic notes on SC/ST etc. Data on weaker sections/minorities in the society is also available extensively in the public domain.
6.	Consider signature and ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Brazil)	The Constitution of India provides for direct access to the Supreme Court and High Courts for redressal of violations of any fundamental right, for any individual or group of individuals. In addition, we have several other statutory mechanisms to address such violations including the National Human Rights Commissions and the State Human Rights Commissions. There is also a separate National Commission and State Commissions for Women which <i>inter alia</i> have a mandate to address cases of violations of women rights. There exists, therefore, effective legal and constitutional framework to address individual cases of violations within India. Also India has been supportive and responsive to the various International Human Rights mechanism such as that of confidential complaint and of visits of Special Rapporteur.

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7.	Consider signature and ratification of ILO Conventions No. 138 and 182 (Brazil, Netherlands, Sweden)	Government of India fully subscribes to the objectives and purposes of the Convention on the Rights of the Child (to which India is a party) as well as the ILO Conventions No. 138 and 182. At the time of accession to Convention on Rights of Child, Government made a declaration to Article 32 of the Convention stating “ <i>Measures would be undertaken to progressively implement the provisions of Article 32 since it is not practical immediately to prescribe minimum age for admission to each and every area of employment in India.</i> ” Given the socio-economic conditions in the country, a multi-pronged strategy for elimination of child labour has been adopted, which emphasises on Legislative measures; general development programmes for the benefit of families of child labour; and project-based action in areas of high concentration of child labour. As per Child Labour (Prohibition & Regulation) Act, 1986, children below the age of 14 years are prohibited for employment in hazardous occupations/processes specified in the Act. Consequently, India has not ratified these two ILO Conventions since minimum age is fixed at 18 years. The Government is working on the modalities of ratifying these ILO Conventions, particularly on No. 182. However, it is pertinent to point out that the Government issued three notifications in the last five years, expanding the list of banned and hazardous processes and occupations in Schedule II of the <i>Child Labour (Prohibition and Regulation) Act, 1986</i> . The number of occupations listed in Part A now is 18 and the number of processes listed in Part B is 65. Further, the worst forms of child labour are already prohibited under various Acts such as Bonded Labour System (Abolition) Act, 1976, Immoral Traffic Prevention Act-1956, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988 and Child Labour (Prohibition & Regulation) Act.
8.	Share best practices in the promotion and protection of human rights taking into account the multi-religious, multi-cultural	Best Practices are being included in the body of UPR – II for sharing with Human Rights Council.

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	and multi-ethnic nature of Indian society (Mauritius)	
9.	Review the reservation to article 32 of the Convention on the Rights of the Child (the Netherlands)	Response at S.No. 7 above applies to this issue as well.
10.	Consider new ways of addressing growing economic and social inequities arising out of rapid economic growth and share experiences/ results of best practices in addressing poverty (Algeria)	The central vision of the 11 th Plan (2007-2012) is to trigger a development process which ensures broad-based improvement in the quality of life of the people in an inclusive manner. It includes several inter-related components, including rapid growth that reduces poverty and creates employment opportunities, access to essential services in health and education, equality of opportunity, empowerment through education, environmental sustainability, recognition of women's agency and good governance. In fact, there is now a mandatory requirement that all Cabinet proposals should specifically mention how 'equity' will be served by the proposal under discussion. As can be seen from our UPR – II, several policies and programmes have been put in place to address such inequities.
11.	Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation (Mexico)	India has always taken into account the recommendations made by the treaty bodies and special procedures and, in accordance to our socio economic conditions, we have strived to implement these recommendations. While the NHRC is in the process of drafting an National Action Plan for Human Rights, various Ministries have fully integrated human rights issues in their own National Plans in their respective spheres. For e.g. India has a National Action Plan for Children. This has led to focus on promotion and protection feeding into the overall national commitment to protect and promote of human rights.
12.	Ratify the Convention on Enforced Disappearances (Nigeria)	India has signed the Convention for Protection of all Persons from Enforced Disappearance. Government is studying the extent of changes in the domestic laws that would be required to bring domestic legislation compatible with the Convention. The

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		Constitution, however, continues to provide strong protection in such matters and guarantees the right to approach the higher courts by way of Habeas Corpus petitions. Indian courts have also been awarding compensation in such cases even though our domestic laws do not have any such provision.
13.	Strengthen human rights education, specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination (Italy)	The National curriculum for school education of National Council of Educational Research and Training (NCERT) has included the human rights education component in social science subjects. In order to create human rights education sensitivity and skills amongst the teachers in schools, a module for teacher training programme has also been prepared by the taskforce of the NHRC for this purpose. NHRC has continued to play an active role in raising all round human rights literacy and awareness including month-long internship programmes for University students and programmes focussed on public servants especially police in collaboration with the Administrative Training Institutes and Police Training Institutions. Human rights education, as indeed every aspect of our policies and schemes, is sensitive to gender and Scheduled Castes and Scheduled Tribes and Other Backward Classes.
14.	Extend standing invitation to special procedures (Latvia, Switzerland)	India has extended a standing invitation to Special Procedures in September 2011 in accordance to our voluntary pledges and commitments made to the HRC in May 2011.
15.	Receive as soon as possible the Special Rapporteur on the question of torture (Switzerland)	Since we have extended a Standing Invitation to the Special Procedures, we will schedule this visit depending on mutual convenience.
16.	Fully integrate a gender perspective in the follow-up process to the UPR (Slovenia)	Women related issues and gender perspective has been fully integrated into India's policies in various spheres and in the follow-up to the UPR process. A detailed account of all our policies, including gender budgeting, and legislative developments has been given in the UPR II report. It will be seen that all policies have strong gender

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		perspective.
17.	Follow up on CEDAW recommendations to amend the Special Marriage Act in the light of article 16 and the Committee's general recommendation 21 on giving equal rights to property accumulated during marriage (Slovenia)	<p>India is working towards making registration of all marriages compulsory. This direction comes from the Supreme Court which in its judgment in the case of Seema v. Ashwini Kumar (2006) directed that registration of marriages of all persons, irrespective of their religion, who are citizens of India should be made compulsory in their respective States. In this context, 19 States have already taken necessary legislative measures for compulsory registration of marriages.</p> <p>Mandatory registration of the wife in all property owned or acquired by the husband is another progressive step taken by many State Governments. Further, government financed asset ownership schemes have women's ownership of assets. Accordingly, in housing schemes like the Indira Awaas Yojana (IAY) or the Rajiv Gandhi Gramin LPG Vitrak (RGGLPGV) Scheme, the allotment is done in the name of the female member of the households or in the joint names of husband and wife. Further, the amendment of the Hindu Succession Act in 2005 was an important legal reform which will contribute towards economic empowerment of women, giving daughters equal rights in the ancestral property.</p>
18.	Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated (Tunisia)	<p>Constitutional guarantees, legislation, judicial pronouncements, policies and programmes and civil society have strived to address the issue of providing its diverse population fundamental rights, justice, welfare, protection, human rights, affirmative action, inclusive economic growth and all requirements to lead a life of dignity and prosperity as well as promoting the unity and integrity of the Nation. In spite of a number of serious challenges, India remains deeply committed to human rights and has taken significant strides towards these goals. Our recent efforts have been documented in the UPR – II report.</p>

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