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RESOLUTION 5/1 OF THE HUMAN RIGHTS COUNCIL

India

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions of the Office of the High Commissioner for Human Rights (OHCHR). It follows the structure of the general guidelines adopted by the Human Rights Council. Information included therein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being of four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless outdated. Since this report only compiles official United Nations documents, lack of information or focus on specific issues may be due to non ratification of a treaty, and / or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of Treaty bodies</i>
ICERD ²	03/12/1968	Art.22	Individual complaints (art.14): No
ICESCR ³	10/04/1979	Arts. 1, 4, 7 (c), 8	-
ICCPR ⁴	10/04/1979	Arts. 1,9,12,13, 19 (3),21, 22	Inter-state complaints (art.41):No
CEDAW ⁵	09/07/1993	Art. 5 (a), 16 (1) and (2) and 29 (1)	-
CRC ⁶	11/12/1992	Art. 32, para. 2 (a)	-
OP-CRC-AC ⁷	30/11/2005	Art. 3(2)	-
OP-CRC-SC ⁸	16/08/2005	No	-
CPD ⁹	01/10/2007	No	-
<i>Core treaties to which India is not a party: CAT (signature only, 1997), OP-CAT¹⁰, ICCPR OP1¹¹, ICCPR-OP2¹², ICRMW¹³, CEDAW-OP¹⁴, CPD-OP¹⁵, CED¹⁶.</i>			

<i>Other relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ¹⁷	No
Refugees and Stateless Persons ¹⁸	No
Geneva Conventions and their Protocols ¹⁹	Yes, except the three Protocols
ILO Fundamental Conventions Nos. 29, 105, 87, 98, 100, 111, 138 and 182 ²⁰ .	Yes, except conventions 87, 98, 138 and 182
UNESCO Convention against Discrimination in Education	No

1. Treaty bodies invited India to consider the ratification of the CAT²¹, ICRMW²², Palermo Protocol²³, ILO Conventions 138 and 182 relating to the abolition of child labour²⁴, ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries²⁵, 1951 Convention Relating to the Status of Refugees and its 1967 Protocol²⁶, ICCPR OP-1²⁷, OP-CEDAW²⁸; as well as to making the optional declaration provided for in article 14 of ICERD²⁹.

2. India was invited by treaty bodies to review the reservations or declarations it made to articles 1, 9, 13, 12, 19, paragraph 3, 21 and 22 of ICCPR³⁰ and to articles 5 (a) and 16 (1) of CEDAW³¹ with a view to withdrawing them; and to consider withdrawing its reservation to article 16 (2) of CEDAW³² and its declaration to article 32 of the CRC³³.

B. Constitutional and legislative framework

3. Notwithstanding the comprehensive constitutional and legal framework in India, the HR Committee³⁴ noted that international treaties are not self-executing in India and recommended full incorporation of ICCPR provisions in domestic law so that they may be invoked directly before the courts.

4. CRC, CERD and CEDAW noted important advances with respect to the right to education, including the Constitution (86th Amendment) Act, 2002, providing for the right to free and compulsory education to all 6-14 years old children.³⁵ CEDAW called upon the State

to consider using its powers under article 235 of the Constitution to enable the passing of legislation to operationalize this right.³⁶ CRC welcomed the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption but reiterated its concern, *inter alia*, at the absence of uniform adoption laws and procedures in India.³⁷

C. Institutional and human rights structure

5. Four Committees referred to various national human rights bodies³⁸, including the National Human Rights Commission (NHRC), which received 'A' status accreditation in 1999 that was reconfirmed in 2006³⁹, as well as National Commissions dealing with issues of women, minorities, Scheduled Castes and Scheduled Tribes, and Backward Classes. UNICEF noted that a bill establishing a Commission on Children's Rights was recently passed.⁴⁰

6. In 1997, the HR Committee welcomed the setting up of human rights commissions as well as human rights courts at state level. The Committee regretted that the NHRC is prevented from investigating directly complaints of human rights violations against the armed forces, but must request a report from the central Government and that complaints to the Commission are subject to a one-year limit.⁴¹

D. Policy measures

7. UNICEF reported positively on the recent elevation of the Department of Women and Child Development to an independent Ministry.⁴² CRC also welcomed the National Plan of Action for the Girl Child, the adoption of the National AIDS Prevention and Control Policy of 2001 and the decision to provide antiretroviral drugs to children and adults free of charge.⁴³ CEDAW commended the National Policy on Persons with Disabilities of 2005.⁴⁴ It also commended India on establishing the Women Component Plan in the national budget and called on India to meet its commitment of allocating 6 per cent of GDP to education.⁴⁵

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty Body</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD ⁴⁶	2006	March 2007	Due in 2008	20 th and 21 st periodic reports due in 2010
CESCR ⁴⁷	1989	January 1990	-	2 nd to 5 th periodic reports submitted in 2006
HR Committee ⁴⁸	1995	July 1997	-	4 th periodic report overdue since 2001
CEDAW ⁴⁹	2005	January 2007	Due in 2008	4 th and 5 th periodic reports due in 2010
CRC ⁵⁰	2001	January 2004	-	3 rd and 4 th periodic reports due in 2008
OP-CRC- AC			-	Initial report due in 2007
OP-CRC- SC			-	Initial report due in 2007

8. CRC in 2004 and CEDAW in 2007 indicated that India had not taken steps to address some of the recommendations made in previous concluding observations and urged India to

proceed with their implementation.⁵¹ India provided comments to CERD following the adoption of CERD's concluding observations in March 2007.⁵²

2. Cooperation with Special Procedures

<i>Standing invitation</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the Right to Health, 22 November to 3 December 2007; Special Rapporteur on the right to food, 20 August to 2 September 2005 ⁵³ ; Special Rapporteur on Violence against Women, 28 October to 15 November 2000 ⁵⁴ .
<i>Visits agreed upon in principle</i>	Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights; and Special Rapporteur on freedom of religion or belief.
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the question of torture (1993 and 2007); Special Representative of the Secretary-General on the situation of human rights defenders (2002, 2003 and 2004) ; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2004 and 2006); Special Rapporteur on extrajudicial, summary or arbitrary executions (2000, 2005 and 2006); Special Rapporteur on the sale of children, child prostitution and child pornography (2004) ; and the Working Group on arbitrary detention (2004, 2005 and 2006).
<i>Facilitation / Cooperation during missions</i>	The Special Rapporteur on the right to food welcomed the invitation and the commitment of the Government of India to engage in open and frank discussions on the right to food ⁵⁵ .
<i>Follow-up to visits</i>	
<i>Responses to communications and urgent appeals</i>	Between 01 January 2004 and 31 December 2007, a total of 119 communications were sent to the Government of India. In addition to communications sent for particular groups, 283 individuals were covered by these communications, including 66 women. Between 01 January 2004 and 31 December 2007, the Government replied to 23 communications, which represents replies to 19.3% of communications sent.
<i>Responses to questionnaires on thematic issues⁵⁶</i>	Out of 12 questionnaires sent by Special Procedures mandate holders ⁵⁷ between 01 January 2004 and 31 December 2007, the Government of the India responded to none within the deadlines. It did provide a response to the questionnaire of the Special Rapporteur on extrajudicial, summary or arbitrary executions on "Transparency and the imposition of the death penalty" ⁵⁸ which was sent to 12 States in 2005.

9. In 1997, the HR Committee expressed concern at the failure of the State to receive the Special Rapporteur on the question of torture.⁵⁹

3. Cooperation with OHCHR

10. India has contributed financially, on an annual basis, to OHCHR since 1996.⁶⁰ During the past 4 years, India has also hosted several meetings, including a 2007 workshop on "Using Indicators to Promote and Monitor the Implementation of Human Rights".⁶¹

B. Implementation of international human rights obligations

1. Non-discrimination and equality

11. The HR Committee expressed concern about the persistence of preferred treatment for males and deplored that practices such as foeticide continue.⁶² CEDAW, CRC and UNICEF also referred to the alarming decline in sex ratios.⁶³ Three Committees referred to the effect of the enforcement of personal laws based on religion in perpetuating gender inequality. CEDAW urged the State, *inter alia*, to encourage debate within the relevant communities and with women's groups to modify social and cultural patterns of conduct; and to reform

personal laws of different ethnic and religious groups to ensure *de jure* equality and compliance with CEDAW.⁶⁴

12. In 1997, the HR Committee noted with concern that members of scheduled castes and scheduled tribes as well as the so-called backward classes and ethnic and national minorities continue to endure severe social discrimination and to suffer disproportionately from violations of their rights, such as inter-caste violence, bonded labour and discrimination of all kinds.⁶⁵

13. CERD reaffirmed that discrimination on the ground of caste is fully covered by article 1 of ICERD.⁶⁶ The Committee also noted that *de facto* segregation of Dalits persists, in particular in rural areas, in access to places of worship, housing, hospitals, education, water sources, markets and other public places.⁶⁷ CERD, and the Special Rapporteur on freedom of religion in a communication, referred to reports that Dalits were denied equal access to emergency assistance or benefits during the post-tsunami relief and rehabilitation process. CERD also noted that according to the State those allegations merely concern isolated cases on the basis of information received.⁶⁸ In its comments to CERD, India stated that caste-based discrimination is not a form of racial discrimination and hence not covered by the ICERD. India also stated that in the context of India, the situation of her Scheduled Tribes is not covered under the mandate of CERD.⁶⁹

14. CERD recommended that India formally recognize its tribal peoples as distinct groups entitled to special protection under national and international law, including ICERD.⁷⁰ CERD also expressed concern that the so-called denotified and nomadic tribes continue to be stigmatized under the Habitual Offenders Act (1952). It recommended that India repeal the Act and effectively rehabilitate the tribes concerned.⁷¹

15. While welcoming initiatives to increase child participation, CRC remained concerned that traditional attitudes towards children in society, especially girls, still limit respect for their views, *inter alia*, within the family, at school and in institutions.⁷² It also expressed concern about: the discrimination experienced by children infected or affected by HIV/AIDS in society and the educational system as well as widespread discrimination against disabled children.⁷³

2. Right to life, liberty and security of the person

16. In 1997, the HR Committee remained concerned at the continuing reliance on special powers under legislation such as the Armed Forces (Special Powers) Act, the Public Safety Act and the National Security Act in areas declared to be disturbed and at serious human rights violations, in particular with respect to articles 6, 7, 9 and 14 of the Covenant, committed by security and armed forces acting under these laws as well as by paramilitary and insurgent groups. It emphasized that terrorism should be fought with means that are compatible with the Covenant.⁷⁴

17. The HR Committee expressed concern about the incidence of custodial deaths, rape and torture. CRC expressed concern about reported violations in detention facilities and about allegations of children killed by law enforcement officials. Similar concerns were raised by CERD with respect to members of scheduled castes and tribes.⁷⁵ A number of communications sent by two special procedures relate to cases of alleged deaths in custody⁷⁶ or following detention⁷⁷. The Special Rapporteur on torture has sent communications alleging ill-treatment⁷⁸ and torture⁷⁹ of individuals held in detention. Other cases deal with excessive

use of force against demonstrators, including human rights defenders⁸⁰ and journalists covering demonstrations⁸¹. Where the Government has responded, it denied allegations of ill-treatment⁸² or highlighted the existence of an investigation⁸³ and the provision of compensation to the victim⁸⁴. The Special Representative of the Secretary General (SRSG) on human rights defenders is also concerned about reports of defenders being killed as a result of their human rights work, including on land rights.⁸⁵

18. The HR Committee was concerned at overcrowding and poor health conditions and sanitation in many prisons, the inequality of treatment of prisoners and the lengthy periods of pretrial detention.⁸⁶ It also recommended that the State accept the admission of the ICRC to all types of detention facilities, particularly in areas of armed conflict.⁸⁷

19. As at the end of 2006, the Working Group on enforced or involuntary disappearances noted that there were 325 outstanding cases of disappearances and that most of the cases reported occurred between 1983 and 2004, in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. The disappearances allegedly relate to wide powers granted to the security forces under emergency legislation.⁸⁸

20. CEDAW recommended that India *inter alia*, develop a coordinated and comprehensive plan to combat all forms of violence against women; and eliminate the practice of witch-hunting, based on an analysis of its causes, including control over land.⁸⁹ Letters of allegation were also sent by the Special Rapporteur on violence against women concerning molestation of women and girls from Kashmiri families during searches by the police or members of the army. In most instances, no action was reportedly taken against the perpetrators.⁹⁰

21. Concern about on-going atrocities committed against Dalit women was raised by CEDAW.⁹¹ Four Committees expressed concern about the continuing practice of *devadasi*, whereby mostly Dalit girls are dedicated to temple deities and forced into ritualized prostitution, with CERD urging the effective enforcement of state laws prohibiting the practice.⁹² CERD was also concerned about the sexual exploitation of Dalit and tribal women who were trafficked and forced into prostitution. The high incidence of child prostitution and trafficking of women and girls into forced prostitution was deplored by the HR Committee.⁹³ CRC, while referring to various measures taken to address this issue, remained concerned that the Immoral Traffic Prevention Act, 1986 does not define trafficking and limits its scope to sexual exploitation.⁹⁴

22. CEDAW, while expressing appreciation at the enactment of the Domestic Violence Act 2005, recommended that India, *inter alia*, enforce this Act and ensure that all women victims of domestic violence are able to benefit from the legislative framework and support systems in place.⁹⁵ CEDAW also called upon India to widen the definition of rape in the Penal Code to reflect the realities of sexual abuse experienced by women and to criminalize other forms of sexual abuse, including child sexual abuse.⁹⁶

23. Concerns about communal violence, particularly in Gujarat, were raised by CEDAW. It welcomed India's statement that recommendations from the Committee will be considered for inclusion in the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill 2005, and requested, *inter alia*, that inaction or complicity of State officials in communal violence be urgently addressed under this legislation.⁹⁷

24. CERD expressed concern about the frequent failure to protect scheduled castes and tribes against communal violence.⁹⁸ Two mandate holders also reported on a group of 200

people attacking a Dalit settlement.⁹⁹ In another letter, three mandate holders raised allegations about torture, rape and the hacking to death of a woman and her three children belonging to the Dalit community.¹⁰⁰ In another case, two mandate holders sent an allegation letter regarding a dispute between members of the Jat and Dalit communities in Haryana State.¹⁰¹ The Special Rapporteur against racism noted that the Government's response in the latter case confirmed not only the political will but also the legal strategy of the Government to combat caste-based discrimination. However, he was particularly alarmed at the cultural depth of this form of discrimination in many parts of the countryside and by the continuing violence faced by the Dalit community.¹⁰²

25. Four special procedures expressed concern about the situation of the Manipuri indigenous communities in some areas of Manipur State. A case of rape and murder of an indigenous woman, as well as cases of excessive use of force and mass arrests during peaceful demonstrations were brought to their attention.¹⁰³ Three mandate holders also sent a letter regarding an indigenous human rights defender from Manipur who had allegedly been arrested without charge by the Manipur police commando.¹⁰⁴ The Government replied, *inter alia*, that it did not recognise any separate category of its citizens as "indigenous peoples" and that there is no internationally accepted definition of the term.¹⁰⁵ Mandate holders in their response, stated, *inter alia*, that the absence of an international definition does not prevent the international community from taking constructive action.¹⁰⁶

26. One or more treaty bodies raised concerns about children working and/or living on the street¹⁰⁷, violence against children, particularly child abuse¹⁰⁸, corporal punishment¹⁰⁹ and child labour, including debt bondage¹¹⁰. UNICEF provided details of a major 2007 study, on child abuse, initiated by the Ministry of Women and Development.¹¹¹ Four treaty bodies raised concerns about the situation of children in hazardous occupations, with CEDAW raising particular concern about the abuse, including sexual abuse, of children, employed as domestic help.¹¹² India stated that a ban on employment of children under 14 years as domestic help or at eateries came into force from 10 October 2006 and UNICEF pointed to this initiative as a positive change.¹¹³ CRC also recommended, *inter alia*, the prohibition of corporal punishment, and the undertaking of education campaigns on alternative ways of disciplining children.¹¹⁴

27. CRC, in 2004, expressed concern that the situation in areas of conflict, particularly Jammu and Kashmir and the north-eastern states, has seriously affected children. The Committee recommended that India, *inter alia*, ensure impartial and thorough investigations in cases of rights violations against children and the prompt prosecution of those responsible, and provide just and adequate reparation to the victims.¹¹⁵

3. Administration of justice and the rule of law

28. The HR Committee regretted that some parts of India have remained subject to declaration as disturbed areas over many years, and that in these areas the State was in effect using emergency powers. It, therefore, recommended that the application of those emergency provisions be closely monitored to ensure strict compliance with the ICCPR.¹¹⁶ The HR Committee, CEDAW and CERD raised particular concerns about the *Armed Forces (Special Powers) Act, 1958 (AFSPA)*, and the Special Rapporteur on extrajudicial, summary or arbitrary executions sent an allegation letter to the Government regarding that Act. He recommended that the Government consider either repealing the AFSPA or ensuring its compliance with international law. CERD and CEDAW also referred to the report of the Committee to Review the Armed Forces (Special Powers) Act (1958) set up by the Ministry

of Home Affairs, which recommended the repeal of this Act.¹¹⁷

29. The HR Committee also noted with concern that criminal prosecutions or civil proceedings against members of the security and armed forces, acting under special powers, may not be commenced without the sanction of the central Government and stated that this contributes to a climate of impunity and deprives people of remedies to which they may be entitled in accordance with the ICCPR.¹¹⁸ Special Rapporteurs have also brought to the attention of the Government concerns relating to reports of alleged impunity for criminal acts committed by officials. In some cases relating to reports of death or ill-treatment while in detention, it is alleged that the authorities had attempted to block the investigation¹¹⁹, to destroy evidence¹²⁰, or had taken no steps to investigate the allegations¹²¹. The Special Representative on human rights defenders also raised concern about what she sees as a pattern of impunity for violations committed against human rights defenders.¹²²

30. Concern about the culture of impunity in relation to perpetrators of atrocities committed against Dalit women was expressed by CEDAW.¹²³ CRC, CEDAW and CERD also raised concerns about the effective enforcement of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, such as the failure to properly register and investigate complaints, the high percentage of acquittals and the low conviction rate in cases registered, and the alarming backlog of atrocities cases pending in the courts.¹²⁴ CRC added that a majority of states had failed to set up special courts provided for under this Prevention of Atrocities Act.¹²⁵

31. The HR Committee in 1997 urged the institution of reforms to ensure a speedy trial of those charged with offences, prompt hearing in civil cases and similar urgency in hearing appeals.¹²⁶ CRC in 2004 expressed concern, *inter alia*, that mechanisms to implement Juvenile Justice Care and Protection of Children Act 2000 have not been set up in most states and that it does not apply to Jammu and Kashmir.¹²⁷

4. Freedoms of religion and belief, opinion and expression and right to participation in public and political life

32. The Special Rapporteur on freedom of religion or belief sent communications relating to reported draft laws regulating religious conversions and expressed fear that such legislative measures and the controversies surrounding them might lead to increased tensions between the various religious groups.¹²⁸ The Special Rapporteur also referred to cases of harassment against members of the Christian and Muslim communities and to the alleged illegal detention of numerous Muslim men, many of whom had been subsequently arrested under the Prevention of Terrorism Act.¹²⁹ It was alleged that this Act was used arbitrarily and punitively against Muslims, and that threats had been made to the detainees.¹³⁰ In its reply, the Government denied all allegations.¹³¹ CERD also expressed concern that Dalits who convert to Islam or Christianity to escape caste discrimination reportedly lose their entitlement under affirmative action programmes, unlike converts who become Buddhists or Sikh.¹³²

33. The Special Rapporteur on freedom of opinion and expression sent communications in relation to attacks on journalists, including murder attempts, as well as attacks on newspaper offices carried out by members of political parties or the police.¹³³

34. CEDAW made reference to the important initiative of reserving one-third of all seats for women in urban and local self-government. Additionally, it called upon the State, *inter alia*, to forge consensus on the constitutional amendment to reserve also one third of the seats

in Parliament and state legislatures for women; and to increase the number of women in government service, including in higher political, administrative and judicial posts.¹³⁴ CERD, while also welcoming special measures adopted by India, noted with concern that Dalit candidates, especially women, are frequently forcibly prevented from standing for election or, if elected, forced to resign from village councils or other bodies or not to exercise their mandate. CERD also noted that many Dalits are not included in electoral rolls or denied the right to vote and that the public service posts reserved for scheduled castes and tribes are almost exclusively filled in the lowest category. It recommended, *inter alia*, that India effectively enforce the reservation policy of seats in Union and State legislatures and of posts in public service.¹³⁵

5. Right to privacy, marriage and family life

35. CEDAW congratulated the State, *inter alia*, for amendments to the Hindu Succession Act and the Indian Divorce Act.¹³⁶ It was concerned, however, that the civil Special Marriage Act fails to ensure equality for women in marriage and its dissolution and recommended that the State amend the Act to give women equal rights to property accumulated during marriage.¹³⁷ India was called upon, *inter alia*, to implement the commendable commitment that all marriages are registered by 2010¹³⁸ and all births are registered by the year 2010¹³⁹. UNICEF reported that birth registration increased from 56 to 62 per cent between 2004 and 2006.¹⁴⁰

36. Four treaty bodies raised concerns about one or more harmful practices towards women and girls, including: early or forced marriage¹⁴¹, dowry and dowry-related violence¹⁴², and *sati* (self immolation of widows)¹⁴³. CERD also expressed concern about the persistence of social norms of purity and pollution which *de facto* preclude marriages between Dalits and non-Dalits and about violence and social sanctions against inter-caste couples.¹⁴⁴

6. Right to work and to just and favorable conditions of work

37. India pledged to expand the National Rural Employment Guarantee Programme, which provides for 100 days of assured employment annually to every rural household in the country.¹⁴⁵ CEDAW called upon India to ensure that rural women benefit *de facto* from this programme and CERD requested that India, *inter alia*, ensure the issuance of job cards under this scheme to Dalit applicants.¹⁴⁶ CEDAW also expressed concern, *inter alia*, that 93% of the workforce in the unorganized sector is facing job insecurity and unfavourable conditions of work and recommended the speedy enactment of the Unorganized Sector Workers Social Security Bill.¹⁴⁷

7. Right to social security and to an adequate standard of living

38. The Special Rapporteur on the right to food noted that 25% of the Indian population was still living below the national poverty line and that 80% were living on less than 2 USD per day.¹⁴⁸ UNICEF noted that national-level indicators do not adequately reflect internal disparities and that poverty is more widespread in the populous states of Uttar Pradesh, Bihar, Rajasthan, Orissa, Chhattisgarh, Jharkhand and Madhya Pradesh.¹⁴⁹ CRC and CEDAW expressed appreciation of women's self-help groups, with CEDAW urging India, *inter alia*, to establish programmes to issue credit to poor women unable to participate in these groups.¹⁵⁰ The Special Rapporteur on the right to food also noted that according to FAO, India is home to the largest share of the world's undernourished population¹⁵¹ and received allegations of violations of the right to food, such as deaths from starvation/malnutrition.¹⁵²

39. CEDAW, while noting various programmes undertaken, remained concerned that the maternal mortality rate in rural areas is among the highest in the world and was concerned that the privatization of health services has an adverse impact on women's capacity to access such services.¹⁵³ CEDAW also urged India to study the health implications of the practice of manual scavenging on Dalits and address the impediments to its eradication, including by putting in place modern sanitation facilities.¹⁵⁴ Furthermore, UNICEF reported that the under-five mortality rate among Scheduled Castes and Scheduled Tribes is more than 50% higher than the rest of the population.¹⁵⁵ CERD, concerned about reports on the situation of members of scheduled castes and scheduled and other tribes, recommended that India, *inter alia*, ensure equal access to ration shops, health facilities, reproductive health services, and safe drinking water.¹⁵⁶

40. CERD expressed concern about reports that Dalits are often denied access to and evicted from land by dominant castes and that tribal communities have been evicted from their land under the Forest Act, 1980 or in order to allow private mining activities.¹⁵⁷ According to the Special Rapporteur on the right to food around 40-50 per cent of the displaced are tribal people even though they make up only 8 per cent of the population reflecting serious discrimination against tribal peoples.¹⁵⁸ CERD was concerned that large scale projects such as the construction of dams on territories primarily inhabited by tribal communities, or the Andaman Trunk Road, are carried out without seeking their prior informed consent.¹⁵⁹ Three special procedures raised concern regarding the situation of Adivasi communities, including in the state of Chhattisgarh, due to the construction of a steel plant.¹⁶⁰ Other communications related to the raising of the Sardar Sarovar dam¹⁶¹ and concerns in the Andaman island¹⁶². CEDAW urged India, *inter alia*, to study the impact of megaprojects on tribal and rural women and to institute safeguards against their displacement and violation of their rights as well as to ensure that surplus land given to displaced rural and tribal women is cultivable.¹⁶³ CERD urged the State to fully respect and implement the right of ownership, collective or individual, of the members of tribal communities over the lands traditionally occupied by them in accordance with ILO Convention 107 on Indigenous and Tribal Populations. It also recommended, *inter alia*, that adequate safeguards against the acquisition of tribal lands are included in the Recognition of Forest Rights Act (2006) and other relevant legislation.¹⁶⁴

8. Right to education

41. CEDAW expressed concern, despite advances with respect to the right to education, about the continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and their limited access to higher education and requested the State, *inter alia*, to provide information in its next periodic report about the action taken on the recommendations of the Sachar Committee with regard to the education of Muslim women and girls.¹⁶⁵ CERD also recommended that the State take effective measures to reduce dropout and increase enrolment rates among Dalit children and adolescents at all levels of schooling.¹⁶⁶ Additionally, CRC expressed concern, *inter alia*, that 60 million children do not attend primary school and at the striking disparities in terms of access to education, attendance at primary and secondary school and drop out rates between boys and girls, between different states, between rural and urban areas, and between affluent and poor and disadvantaged groups.¹⁶⁷

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

42. The existence in India of a broad range of democratic institutions was noted with satisfaction by the HR Committee.¹⁶⁸ The important work of the Supreme Court of India was also noted, including its consideration of public interest litigation and its recognition of the justiciability of some economic and social rights as an extension of the right to life.¹⁶⁹

43. The HR Committee noted the persistence of traditional practices and customs, leading to women and girls being deprived of their rights, their human dignity and their lives, and to discrimination against members of the underprivileged classes and castes and other minorities, and ethnic, cultural and religious tensions constitute impediments to the implementation of the ICCPR.¹⁷⁰ The CRC in 2004 also stated that extreme poverty, massive social inequality and the persistence of deeply discriminatory attitudes as well as the impact of natural disasters represent serious difficulties in the fulfillment of all the State's obligations under the CRC. Furthermore, UNICEF reported that almost 80 per cent of India's geographical area is considered vulnerable to natural disasters.¹⁷¹

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

44. India stated, *inter alia*, that it will foster a culture of transparency, openness and accountability in the functioning of Government, as enacted in the Right to Information Act.¹⁷² It is also committed, *inter alia*, to actively supporting domestic and international processes that advance the rights of the child and seek to advance the empowerment of women, women's rights and gender equality.¹⁷³ Furthermore, India pledged, *inter alia*, to work towards the elimination of violence against women through legislative measures as well as the effective implementation of existing policies.¹⁷⁴

B. Specific recommendations for follow-up

45. CEDAW requested India to submit a follow-up report on the impact of the Gujarat massacres on women, and detailed eight areas for which it wished to receive information.¹⁷⁵ CERD requested India to provide, within one year, information on the implementation of recommendations contained in paras. 12, 15, 19 and 26 of its concluding observations.¹⁷⁶

46. The Special Rapporteur on the right to food recommended, *inter alia*, instituting the monitoring of chronic undernourishment and malnutrition and accountability for starvation or malnutrition deaths¹⁷⁷; implementation at all levels of government of the decisions of the Supreme Court¹⁷⁸; implementing land and agrarian reform to strengthen smallholder agricultural livelihoods¹⁷⁹; the amendment of the Land Acquisition Act or adoption of new legislation, to recognize a justiciable right to resettlement and rehabilitation for all displaced or evicted persons, including those without formal land titles and including women¹⁸⁰; and the non implementation of dams, mining and infrastructure projects if this entails displacement and irreversible destruction of people's livelihoods¹⁸¹.

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

47. UNICEF provided information on their capacity-building programmes and activities.¹⁸²

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed below may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006, ST/LEG/SER.E.25.; complemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs, <http://untreaty.un.org/>.

² International Convention on the Elimination of All forms of Racial Discrimination.

³ International Convention on Economic, Social and Cultural Rights.

⁴ International Covenant on Civil and Political Rights.

⁵ Convention on the Elimination of all Forms of Discrimination Against Women.

⁶ Convention on the Rights of the Child.

⁷ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

⁸ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

⁹ Convention on the Rights of Persons with Disabilities.

¹⁰ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹¹ First Optional Protocol to the International Covenant on Civil and Political Rights.

¹² Second Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

¹³ International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families.

¹⁴ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

¹⁵ Optional Protocol to the Convention on the Rights of Persons with Disabilities.

¹⁶ [International Convention for the Protection of All Persons from Enforced Disappearance](#).

¹⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

¹⁸ Include 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

¹⁹ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). Source: Switzerland, Federal department of foreign affairs, <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

²⁰ International Labour Organization Convention No. 29 Concerning Forced or Compulsory Labour and Convention; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

²¹ CRC Concluding observations 2004, para. 43 (a).

²² CEDAW, Concluding comments 2007, para. 64.

²³ CRC, Concluding observations 2004, para. 75 (g).

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- ²⁴ CRC Concluding observations 2004, para. 73 (d).
- ²⁵ CERD, Concluding observations 2007, para. 28.
- ²⁶ CERD, Concluding observations 2007, para 16; CRC, Concluding observations 2004, para. 71; CEDAW, Concluding comments 2007, para. 51; and UNHCR, UPR submission, pp.1-2.
- ²⁷ HR Committee, Concluding observations 1997, para. 13.
- ²⁸ CEDAW, Concluding comments 2007, para. 60.
- ²⁹ CERD, Concluding observations 2007, para. 30.
- ³⁰ HR Committee, Concluding observations 1997, para. 14.
- ³¹ CEDAW, Concluding comments 2007, para. 11.
- ³² CEDAW, Concluding comments 2007, para. 59.
- ³³ CRC, Concluding observations 2004, para.8.
- ³⁴ HR Committee, Concluding observations 1997, paras. 6 and 13.
- ³⁵ CRC, Concluding observations 2004, paras. 3 parts (a) and (d) and 64; CERD, Concluding observations, 2007, para. 25; and CEDAW, Concluding comments, 2007, paras. 6 and 31.
- ³⁶ CEDAW, Concluding comments 2007, paras. 30-31.
- ³⁷ CRC, Concluding observations 2004, para. 48.
- ³⁸ HR Committee, Concluding observations 1997, paras. 7-8; CRC, Concluding observations 2004, para. 17; CEDAW, Concluding observations 2007, para. 17; CERD, Concluding observations 2007, para. 5 ; and Report of the Special Rapporteur on the right to food, following his mission to India, E/CN.4/2006/44/Add.2, para. 28.
- ³⁹ A list of national human rights institutions (NHRIs) with accreditation status granted by the International Coordination Committee of NHRIs (ICC), is included as an annex in the forthcoming report of the Secretary general on national institutions for the promotion and protection of human rights (A/HRC/7/69) and the report of the Secretary general on the process currently utilized by the ICC to accredit NHRIs in compliance with the Paris Principles and ensure that the process is strengthened with appropriate periodic review and on ways and means of enhancing participation of NHRIs in the work of the Human Rights Council (A/HRC/7/70).
- ⁴⁰ UNICEF, UPR Submission, pages 1 and 3. See also Note verbale, A/61/718, page 3; and CRC, Concluding observations 204, para. 18.
- ⁴¹ HR Committee, Concluding observations 1997, paras. 7 and 22.
- ⁴² UNICEF, UPR submission, page 2.
- ⁴³ CRC, Concluding observations 2004, paras. 29-30 and 54-55.
- ⁴⁴ CEDAW, Concluding comments 2007, para. 4 part (c).
- ⁴⁵ CEDAW, Concluding comments 2007, para. 4 (b).
- ⁴⁶ Committee on the Elimination of Racial Discrimination.
- ⁴⁷ Committee on Economic, Social and Cultural Rights.
- ⁴⁸ Human Rights Committee.
- ⁴⁹ Committee on the Elimination of Discrimination Against Women.
- ⁵⁰ Committee on the Rights of the Child.
- ⁵¹ CRC, Concluding observations 2004, paras. 5-6 and CEDAW, Concluding comments 2007, paras. 8-9
- ⁵² For the full text of the Comments provided by the State Party on the Concluding Observations adopted by the Committee, see: CERD Report to the General Assembly No. 18 (A/62/18), annex X, page 162.
- ⁵³ Special Rapporteur on the right to food, E/CN.4/2006/44/Add.2.
- ⁵⁴ Special Rapporteur on violence against women, E/CN.4/2001/73/Add.2.
- ⁵⁵ Special Rapporteur on the right to food, Report following his mission to India, E/CN.4/2006/44/Add.2, para. 1.
- ⁵⁶ The questionnaires included in this section are those which have been reflected in a report by a Special Procedure mandate holder.
- ⁵⁷ - Special Rapporteur on the right to education (A/HRC/4/29): Questionnaire on the right to education of persons with disabilities Report of the Special Rapporteur on the right to education, the right to education of persons with disabilities sent in 2006)
- Special Rapporteur on the human rights of migrants (A/HRC/4/24): Questionnaire on the human rights of migrants on border control and measures to reduce/address irregular migration; expulsion; conditions for admission/stay; rights of migrants; and the protection of migrants sent on 8 and 9 September 2006
- Special Rapporteur on trafficking in persons, especially in women and children (A/HRC/4/23): Questionnaire on Forced marriages in the context of trafficking in persons, especially women and children Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children sent on 26 July 2006.

- Special Representative on human rights defenders (E/CN.4/2006/95/Add.5): Questionnaire aimed at identifying the main areas of progress and the remaining challenges that need to be addressed in relation to the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms sent in June 2005.

- Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15): Questionnaire on the human rights of indigenous peoples sent in August 2007

- Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67) : Joint questionnaire on demand for commercial sexual exploitation and trafficking and demand for sexual services deriving from exploitation sent on 25 and 26 July 2005.

- Special Rapporteur on the right to education (E/CN.4/2006/45): Questionnaire on girl's right to education sent in 2005.

- Working Group on the use of mercenaries as a means of violating human rights(A/61/341): Questionnaire on Mercenaries sent in mid-November 2005.

-Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31): Questionnaire on the Sale of Children's organs sent on July 2006.

- Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78): Questionnaire on Child pornography on the Internet sent on 30 July 2004.

- Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9): Questionnaire on the Prevention of child sexual exploitation sent on 29 July 2003.

-Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3) : Questionnaire to identify policies and practices by which states regulate, adjudicate and otherwise influence corporate actions

⁵⁸ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.3.

⁵⁹ HR Committee, Concluding observations/Comments 1997, para. 23.

⁶⁰ OHCHR Annual Reports 2004, 2005, 2006. For 2007, information was obtained from OHCHR External Relations Unit.

⁶¹ See OHCHR Annual Report 2007 (forthcoming); and also OHCHR Annual Report 2004, page 193 and OHCHR Annual Report 2005, page 188.

⁶² HR Committee, Concluding observations 1997, para.16.

⁶³ CEDAW, Concluding comments 2007, paras. 38-39; CRC, Concluding observations 2004, paras. 29-30, 33-34; and UNICEF, UPR submission, page 1.

⁶⁴ CRC, Concluding observations 2004, paras. 29-30 and 9-10. See also HR Committee, Concluding observations 1997, para. 17; and CEDAW concluding comments 2007, paras. 10-11.

⁶⁵ HR Committee, Concluding observations 1997, paras. 15, 29 and 34.

⁶⁶ CERD, Concluding observations, para. 8.

⁶⁷ CERD, Concluding observations 2007, para. 13. See also CRC, Concluding observations 2004, para. 28.

⁶⁸ CERD, Concluding observations 2007, para.22; and Special Rapporteur on freedom of religion and belief, E/CN.4/2006/5/Add.1, para 140. See also the work of The United Nations Team for Tsunami Recovery Support (UNTRS) and the following reports Tsunami: India Two Years After, a Joint report of the United Nations, World Bank and Asian Development Bank, page 16; and Progress report September 2007, UNTRS, pp. 2-3.

⁶⁹ For the full text of the Comments provided by the State Party on the Concluding Observations adopted by the Committee, see: CERD Report to the General Assembly No. 18 (A/62/18), annex X, page 162.

⁷⁰ CERD, Concluding observations 2007, para 10. See also CERD, fifty-first session (1997), general recommendation No. 23: *Indigenous Peoples* .

⁷¹ CERD, Concluding observations 2007, para. 11.

⁷² CRC, Concluding observations 2004, para. 36.

⁷³ CRC, Concluding observations 2004, paras. 54-57.

⁷⁴ HR Committee, Concluding observations 1997, para. 18.

- ⁷⁵ HR Committee, Concluding observations 1997, para. 23; CRC, Concluding observations 2004, paras. 42 and 43; and CERD, Concluding observations 2007, para. 14.
- ⁷⁶ Special Rapporteur on torture, A/HRC/4/33/Add.1, para. 76, 83, E/CN.4/2005/62/Add.1, para.727, 733, 736, 762. Special rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2005/7/Add.1, para. 298.
- ⁷⁷ Reports of the Special Rapporteur on the question of torture, E/CN.4/2006/6/Add.1, para. 84 and E/CN.4/2005/62/Add.1, paras. 724, 725, 726, 737, 756.
- ⁷⁸ A/HRC/4/33/Add.1, paras. 78, 80, 81, 82, E/CN.4/2006/6/Add.1, para. 87, E/CN.4/2005/62/Add.1, paras. 729, 744, 745, 730, 732, 734, 735, 761.
- ⁷⁹ E/CN.4/2005/62/Add.1, para.758, 759, 760.
- ⁸⁰ Special procedures on the right to freedom of opinion and expression, on human rights defenders and on the question of torture. See report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para. 768. See also report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para. 771.
- ⁸¹ Special Rapoporteurs on the right to freedom of opinion and expression and on the question of torture. See report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para. 775.
- ⁸² Reports of the Special Rapporteur on the question of torture, A/HRC/4/33/Add.1, para. 88, E/CN.4/2005/62/Add.1, paras.788, 791, 792.
- ⁸³ Report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para. 795
- ⁸⁴ Report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para. 790.
- ⁸⁵ Special Representative on human rights defenders, E/CN.4/2006/95/Add.5, para. 746.
- ⁸⁶ HR Committee, Concluding observations 1997, para. 26.
- ⁸⁷ HR Committee, Concluding observations 1997, para. 24.
- ⁸⁸ Report of the Working Group on enforced or involuntary disappearances, A/HRC/4/41, paras. 211-218.
- ⁸⁹ CEDAW, Concluding comments 2007, paras. 20-21 and 26-27. See also Note verbale, A/61/718, page 3.
- ⁹⁰ E/CN.4/2006/61/Add.1, paras. 67, 68, 70, 71.
- ⁹¹ CEDAW, Concluding comments 2007, para. 28. See also CERD, Concluding observations 2007, para. 15.
- ⁹² CERD, Concluding observations 2007, para. 18; HR Committee, Concluding observations 1997, para. 32; CRC, Concluding observations 2004, paras. 58-59; and CEDAW, Concluding comments 2007, para. 26.
- ⁹³ CERD, Concluding observations 2007, para. 15; and HR Committee, Concluding observations 1997, para. 31.
- ⁹⁴ CRC, Concluding observations 2004, paras. 74 and 75.
- ⁹⁵ CEDAW, Concluding comments 2007, paras. 20 and 21.
- ⁹⁶ CEDAW, Concluding comments 2007, paras. 22 and 23. See also HR Committee, Concluding observations 1997, para. 16; and. See also CRC, Concluding observations 2004, paras. 50-51.
- ⁹⁷ CEDAW, Concluding comments 2007, paras. 2 and 67-68 as well as paras. 24 and 25
- ⁹⁸ CERD, Concluding observations 2007, para. 14.
- ⁹⁹ Special Rapporteurs on racism and on violence against women. See report of the Special Rapporteur on violence against women, E/CN.4/2005/72/Add.1, para. 181.
- ¹⁰⁰ Special Rapporteurs on racism, on the question of torture and on violence against women. See report of the Special Rapporteur on violence against women A/HRC/4/34/Add.1, paras. 289-293.
- ¹⁰¹ Special Rapporteurs on adequate housing and against racism. See report of Special Rapporteur against racism, A/HRC/4/19/Add.1, paras. 85-87.
- ¹⁰² Report of the Special Rapporteur against racism, A/HRC/4/19/Add.1, paras. 96-98.
- ¹⁰³ Special Rapporteurs on the right to freedom of opinion and expression, on the question of torture, on the situation of human rights and fundamental freedoms of indigenous people and on violence against women. See report of the Special Rapporteur on violence against women, E/CN.4/2005/72/Add.1, paras. 186 to 189.
- ¹⁰⁴ Special Rapporteurs on the situation of human rights and fundamental freedoms of indigenous people, on the question of torture and on human rights defenders. See Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, E/CN.4/2005/88/Add.1, para. 52.
- ¹⁰⁵ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, E/CN.4/2005/88/Add.1, para. 54.
- ¹⁰⁶ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, para. 56.
- ¹⁰⁷ HR Committee, Concluding observations 1997, para. 33; and CRC, Concluding observations 2004, paras. 76-77.
- ¹⁰⁸ HR Committee, Concluding observations 1997, para. 33; and CRC, Concluding observations 2004, paras. 3 (f), 50-51 and 66-67.
- ¹⁰⁹ CRC, Concluding observations 2004, paras. 44 and 45.
- ¹¹⁰ HR Committee, Concluding observations 1997, para. 34; CRC, Concluding observations 2004, paras. 72 and 73; CEDAW, Concluding comments 2007, paras. 48 and 49; and CERD, Concluding observations 2007, para. 23.
- ¹¹¹ UNICEF, UPR submission, pp.2-3.

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- ¹¹² HR Committee, Concluding observations 1997, para. 34; CRC, Concluding observations 2004, paras. 72 and 73; CEDAW, Concluding comments 2007, paras. 48 and 49; and CERD, Concluding observations 2007, para. 23.
- ¹¹³ Note verbale, A/61/718, page 2; and UNICEF, UPR submission, page 1.
- ¹¹⁴ CRC, Concluding observations 2004, paras. 44 and 45.
- ¹¹⁵ CRC, Concluding observations, 2004, paras. 68-69.
- ¹¹⁶ HR Committee, Concluding observations 1997, para. 19.
- ¹¹⁷ HR Committee, Concluding observations 1997, paras. 18, 19 and also 21; CEDAW, Concluding comments 2007, paras 8-9; CERD, Concluding observations 2007, para. 12; Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.1, page 75 and pp. 78-83.
- ¹¹⁸ HR Committee, Concluding observations 1997, para. 21.
- ¹¹⁹ Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions. See the same case in the report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para. 726, and in the report of the Special Rapporteur on Extrajudicial, summary or arbitrary executions, E/CN.4/2005/7/Add.1, para. 300.
- ¹²⁰ Report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para.727.
- ¹²¹ Report of the Special Rapporteur on the question of torture, E/CN.4/2005/62/Add.1, para. 724, 725, 729 and 730. Other cases are included in the reports of the Special Rapporteur on the question of torture, E/CN.4/2006/6/Add.1, para. 85, and A/HRC/4/33/Add.1, para. 77.
- ¹²² Report of the Special Representative on human rights defenders, E/CN.4/2006/95/Add.5, para. 747.
- ¹²³ CEDAW, Concluding comments 2007, paras. 28-29.
- ¹²⁴ CRC, Concluding observations 2004, paras 27-28; CEDAW, Concluding comments 2007, paras. 28-29; and CERD, Concluding observations 2007, paras. 14, 15 and 26.
- ¹²⁵ CRC, Concluding observations 2004, para. 27.
- ¹²⁶ HR Committee, Concluding observations 1997, para. 27.
- ¹²⁷ CRC, Concluding observations 2004, para. 78.
- ¹²⁸ Special Rapporteur on freedom of religion or belief, A/HRC/4/21/Add.1, paras. 170-171; E/CN.4/2006/5/Add.1, paras. 145-146.
- ¹²⁹ Special Rapporteur on freedom of religion or belief, E/CN.4/2006/5/Add.1, paras. 141-143; and E/CN.4/2005/61/Add.1, para. 129.
- ¹³⁰ Special Rapporteur on freedom of religion or belief, E/CN.4/2005/61/Add.1, para. 129.
- ¹³¹ Special Rapporteur on freedom of religion or belief, E/CN.4/2005/61/Add.1, paras. 130-131.
- ¹³² CERD, Concluding observations 2007, para. 21.
- ¹³³ Reports of the Special Rapporteur on freedom of opinion and expression, E/CN.4/2005/64/Add.1, paras. 421-422 and A/HRC/4/27/Add.1, paras. 262-263.
- ¹³⁴ CEDAW, Concluding comments 2007, paras. 42-43. See also HR Committee, Concluding observations 1997, paras. 10-11.
- ¹³⁵ CERD, Concluding observations 2007, paras 4 and 17.
- ¹³⁶ CEDAW, Concluding comments 2007, para. 5.
- ¹³⁷ CEDAW, Concluding comments 2007, paras. 54-55.
- ¹³⁸ CEDAW, Concluding comments 2007, paras. 4 (a) and 58-59.
- ¹³⁹ CRC, Concluding observations 2004, para. 39.
- ¹⁴⁰ UNICEF, UPR submission, page 4.
- ¹⁴¹ HR Committee, Concluding observations 1997, para. 16; CRC, Concluding observations 2004, paras.29 and 60-61; CEDAW, Concluding comments 2007, paras. 56 and 57; and CERD, Concluding observations 2007, para. 18.
- ¹⁴² HR Committee, Concluding observations 1997, para. 16; CRC, Concluding observations 2004, paras. 58-59; CEDAW, Concluding comments 2007, para. 26; and CERD, Concluding observations 2007, para.18.
- ¹⁴³ CEDAW, Concluding comments 2007, para. 26; and HR Committee 1997, para. 16.
- ¹⁴⁴ CERD, Concluding observations 2007, para. 18.
- ¹⁴⁵ Note verbale, A/61/718, page 3. See also Special Rapporteur on the right to food, E/CN.4/2006/44/Add.2, para. 47.
- ¹⁴⁶ CEDAW, Concluding comments 2007, para. 36; and CERD, Concluding observations 2007, para. 23.
- ¹⁴⁷ CEDAW, Concluding comments 2007, paras. 44-45.
- ¹⁴⁸ Special Rapporteur on the right to food, E/CN.4/2006/44/Add.2, para. 8
- ¹⁴⁹ UNICEF, UPR submission, page 1.
- ¹⁵⁰ CEDAW, Concluding comments, paras. 36 and 37. See also CRC, Concluding observations 2004, para. 3 (c).
- ¹⁵¹ Special Rapporteur on the right to food, E/CN.4/2006/44/Add.2, para. 8.
- ¹⁵² E/CN.4/2006/44/Add.2, para. 42. See also Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, A/HRC/4/32/Add.1, para 244-248, 249-253.
- ¹⁵³ CEDAW, Concluding comments, paras. 40-41.

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- ¹⁵⁴ CEDAW, Concluding comments 2007, paras. 28-29. See also CRC, Concluding observations 2004, paras. 28 and 73; and CERD, Concluding observations, para. 23.
- ¹⁵⁵ UNICEF, UPR submission, page 1.
- ¹⁵⁶ CERD, Concluding observations 2007, para. 24.
- ¹⁵⁷ CERD, Concluding observations 2007, para. 20.
- ¹⁵⁸ Report of the Special Rapporteur on the right to food, on the mission to India, 2005, E/CN.4/2006/44/Add.2, para. 11.
- ¹⁵⁹ CERD, Concluding observations 2007, para. 19.
- ¹⁶⁰ Special Rapporteurs on the situation of human rights and fundamental freedoms of indigenous peoples, on adequate housing and on the right to food. See report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, A/HRC/6/15/Add.1, para. 256-263.
- ¹⁶¹ Special procedures on the situation of human rights and fundamental freedoms of indigenous peoples, on an adequate standard of living, on the right to food and on the situation of human rights defenders. See Reports of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, A/HRC/4/32/Add.1, paras. 238-242 and E/CN.4/2005/88/Add.1, para. 51.
- ¹⁶² Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, A/HRC/4/32/Add.1, paras. 257-260.
- ¹⁶³ CEDAW, Concluding comments 2007, paras. 46-47.
- ¹⁶⁴ CERD, Concluding observations 2007, paras. 19-20.
- ¹⁶⁵ CEDAW, Concluding comments 2007, paras. 32-33.
- ¹⁶⁶ CERD, Concluding observations 2007, para. 25.
- ¹⁶⁷ CRC, Concluding observations 2004, paras. 64-65.
- ¹⁶⁸ HR Committee, Concluding observations 1997, para. 6.
- ¹⁶⁹ See, HR Committee, Concluding observations 1997, para. 6, Note verbale, A/61/718, page 2, Report of the Special Rapporteur on the right to food, E/CN.4/2006/44/Add.2, paras. 16 and 24.
- ¹⁷⁰ HR Committee, Concluding observations 1997, para. 5. See also CRC, Concluding observations 2004, para. 4.
- ¹⁷¹ UNICEF, UPR submission, page 1.
- ¹⁷² Note verbale, A/61/718, page 3.
- ¹⁷³ Note verbale, A/61/718, page 4.
- ¹⁷⁴ Note verbale, A/61/718, page 3.
- ¹⁷⁵ CEDAW, Concluding comments 2007, paras. 67-68.
- ¹⁷⁶ CERD, Concluding observations 2007, para. 34.
- ¹⁷⁷ Report of the Special Rapporteur on the right to food, on the mission to India, 2005, E/CN.4/2006/44/Add.2, para. 48 (a).
- ¹⁷⁸ Report of the Special Rapporteur on the right to food, on the mission to India, 2005, E/CN.4/2006/44/Add.2, para. 48 ©.
- ¹⁷⁹ Report of the Special Rapporteur on the right to food, on the mission to India, 2005, E/CN.4/2006/44/Add.2, para. 48(f).
- ¹⁸⁰ Report of the Special Rapporteur on the right to food, on the mission to India, 2005, E/CN.4/2006/44/Add.2, para. 48 (g); and UNHCR, UPR submission, page 3.
- ¹⁸¹ Report of the Special Rapporteur on the right to food, on the mission to India, 2005, E/CN.4/2006/44/Add.2, para. 48(j).
- ¹⁸² UNICEF, UPR Submission, pp. 1-5