



PALAIS DES NATIONS – 1211, GENEVA 10, SWITZERLAND

17 July 2023

Sir,

I have the honour to refer to the fourth cycle review of India by the Universal Periodic Review (UPR) Working Group at its 41st session in November 2022. The constructive engagement between your Government, my Office, and the UPR mechanism is warmly welcome. As the final outcome report on the review of India was recently adopted by the Human Rights Council at its 52nd session, I have also taken note of the efforts of your Government to implement specific recommendations since the previous review.

A matrix of thematically clustered recommendations, starting with those supported by your Government, is available at OHCHR's website (<https://www.ohchr.org/en/hr-bodies/upr/in-index>), and should be considered as part of this letter. The matrix indicates the recommending State and links each recommendation to relevant Sustainable Development Goals (SDGs).

In annex, I have also attached my Office's observations in light of the outcome of the fourth cycle of the UPR. In line with previous practice, I will be sending similar observations to all Member States once their fourth cycle UPR outcome is adopted by the Human Rights Council, with a view to follow-up action in close cooperation with national entities and other stakeholders.

I take this opportunity to draw your attention to the support available through the Voluntary Fund for UPR Implementation, which may be activated at the request and with the consent of a concerned State, along with tools such as the "[UPR practical guidance](#)" and the "[UN good practices](#)" repository on how the UPR process supports sustainable development, with a view to facilitating efforts to implement UPR recommendations in line with the SDGs.

Please accept, Sir, the assurances of my highest consideration.

Volker Türk

His Excellency
Mr. Subrahmanyam Jaishankar
Minister for External Affairs of India



Observations in light of the outcome of the fourth cycle of the Universal Periodic Review

The establishment of the Inter-Ministerial Committee on Human Rights on 4 February 2023, which will serve as India's mechanism for implementation, reporting and follow-up to the processes of the United Nations human rights mechanisms, is welcome. OHCHR is ready to offer support to the new mechanism, also guided by the High Commissioner's report to the Human Rights Council, A/HRC/50/64.

The efforts by the Government to combat corruption and to improve the accountability of its institutions, as well as the multi-pronged strategy for poverty alleviation, are also welcome. The progress made in eradicating child labour and measures taken to reduce child marriage are noted, and are key to combatting the root causes of poverty and ensuring sustainable development. The Government's measures aimed at decriminalizing consensual same-sex relations and for the enactment of the Transgender Persons (Protection of Rights) Act of 2019 are also welcome.

Member States, during the review, have raised a number of key human rights concerns. These relate to the Scheduled Castes and Scheduled Tribes who still suffer from deeply entrenched discrimination, including regarding access to housing, water and sanitation, employment, health care, and education.

The tightening of space for human rights non-governmental organizations is of concern, including through use of the Foreign Contribution (Regulation) Act. Further concerns relate to the use of counter-terrorism legislation against human rights defenders, journalists and persons critical of the Government. The longstanding recommendation by OHCHR and UN human rights mechanisms to review the Unlawful Activities Prevention Act to ensure its compliance with international human rights standards is recalled. Allegations of the disproportionate use of force by law enforcement agencies, extrajudicial killings, and custodial torture are also of concern, and India is encouraged to consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as recommended by numerous delegations.

The proliferation of hate speech and violence against religious minorities is a concern that was raised prominently during India's review. As India approaches a pre-election period, the political leadership of the country is encouraged to ensure all such speech is swiftly and publicly condemned, independently investigated, and that perpetrators are brought to justice. The positive and proactive role of India's judiciary in this respect is most welcome.

India is further encouraged to develop an implementation plan in follow up to the UPR outcome, in close consultation and cooperation with all stakeholders, in particular the parliament, the judiciary, the National Human Rights Commission, local and regional governments, and civil society organizations. The Government's newly



established Inter-ministerial Committee on Human Rights would be well placed to take on this important task. The matrix may be of use in the development of such an implementation plan. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations of other international or regional human rights mechanisms and to the relevant SDG and its targets. This will, in turn, facilitate the creation of synergies between UPR implementation and SDG related actions and reporting within the context of the Voluntary National Review (VNR).

Further, an important measure that can positively contribute to follow-up action is voluntary mid-term UPR reporting. All Member States are encouraged to submit a voluntary mid-term UPR report some two years after the adoption of the UPR outcome. In this regard, the Government of India is encouraged to consider submitting a mid-term report on follow-up to the fourth cycle UPR recommendations by 2025, detailing both implementation efforts as well as challenges to implementation, including the possible need for technical or capacity-building assistance.

OHCHR
17 July 2023