



ACTIVITY REPORT

India

Multi-stakeholder Dialogue on UPR implementation

30-31 October 2018

Timeline for UPR engagement in the current cycle



1. Introduction

On 30-31 October 2018, national UPR stakeholders participated in a series of follow-up activities in New Delhi, India. The first day, graciously hosted by the National Human Rights Commission (NHRC), brought together government ministries; NHRC representatives and a wide range of CSO actors. Participants benefitted from updates on the progress made by the government to implement India's 3rd cycle UPR outcomes as well as interventions from civil society outlining their activities and strategies adopted to support realisation of recommendations. *UPR Info* shared concrete country-examples of the different structures and tools employed to stimulate multi-stakeholder cooperation and inter-ministerial coordination in the reporting and follow-up of human rights recommendations. The event proved successful in bringing together national actors to exchange perspectives and update each other on progress made and next steps in the UPR process. The NHRC also expressed a keen interest in bolstering their collaboration with parliament as well as working towards a UPR mid-term report.

Drawing on the discussions held during the first day, the main focus of the second day was to provide space for civil society to continue developing their implementation matrix. In the morning *UPR Info* opened the workshop by discussing good practices invoked by CSOs to position themselves as legitimate implementation partners of UPR recommendations. The practical work of building on the civil-society suggested implementation plan and corresponding action strategy was facilitated in thematic break-out groups before each cluster reported back to plenary for feedback on their work. In the afternoon, *UPR Info* also seized the opportunity to engage participants in a dialogue on practices of UPR mid-term reporting.

The event was co-organised by the NHRC, the Working Group on Human Rights in India and the UN (WGHR), and *UPR Info* and built on [previous activities](#) undertaken by *UPR Info* and national partner organisations.

2. Activity

2.1. Overview

On the first day, some 55 representatives from eight government ministries¹ participated alongside civil society coalitions and groups from both national and state level as well as NHRC representatives in a dialogue focused on UPR implementation. Opening remarks were offered by Shri Dilip Kumar, NHRC Joint Secretary; Shri Ambuj Sharma, NHRC Secretary General, Ms. Maja Daruwala, WGHR Co-Convener; Ms Farough Foyouzat, UNICEF Deputy Representative; and Prof. Ranbir Sing, Vice Chancellor at the National Law University. Several of the speakers noted the important role of the NHRC to act as a bridge builder between national actors and a driver for the implementation of constitutional rights and UPR commitments. It was further highlighted that the political aspect of the UPR contributes to reframing human rights implementation and adds incentive to harmonise domestic legislation, policies, and programmes and strengthens the linkage between human rights and the Sustainable Development.

Miloon Kothari, Independent Expert on Human Rights and Social Policy and former UN Special Rapporteur, and Dr. Aparna Chandra Professor of Law at the National Law University, commented in a joint session on the importance of the UPR and India's performance in the 3rd cycle. Mr Kothari recalled that India had been in the forefront of calling for a UN human rights peer-review mechanism, and that this commitment needs to be translated into implementation at the national level. He underscored that the drafting of the National report constitutes a welcomed educational exercise for government ministries as they need to report on the full gamut of human rights, regardless of ratification of international human rights treaties. Dr. Chandra added the need for multi-stakeholder consultations in the preparation of UPR reports and mentioned that India's draft National report had been made available online for comments from CSOs. She stressed the value of the UPR in bringing about a national conversation on human rights that also raises the visibility of underreported issues.

After tea, delegates from government ministries provided status updates on the implementation of recommendations which fall under their respective remit. The Ministry of Home Affairs announced that a series of inter-ministerial meetings had taken place to decide whether to accept or note recommendations and that these meetings were foreseen to continue every six months. After the adoption stage, line ministries have received templates in which they are expected to track the actions they undertake to implement recommendations. The delegate informed that the government is considering how to move on noted recommendations as Recommending states will reiterate them in the following reviews if they have not been implemented. The presentations that followed from ministries covered a broad range of topics including education; child marriage; housing; and rural economy. Civil society participants suggested that CSOs and the NHRC would be invited to upcoming inter-ministerial meetings to ensure an ongoing consultative process and seized the opportunity to ask how the

¹ Ministry of External Affairs; Ministry of Home Affairs; Ministry of Women and Child Development; Ministry of Rural Development; Ministry of Health and Family Welfare; Ministry of Labour and Employment; Ministry of Human Resource Development; Department of Disability Affairs

government collects data to measure implementation levels and what actions are being taken to enhance the situation for religious minorities.

The afternoon started with a presentation by *UPR Info* in which Hans Fridlund, Programme Manager, shared examples of how governments and NHRCs have worked on noted recommendations. The role and opportunities of cooperation between national stakeholders was also addressed. Emphasis was put on civil society coalition building and how the NHRC can cooperate with parliament in the follow-up phase to take stock of implementation. Together with Shri Ambuj Sharma, NHRC Secretary General, the session also discussed the necessary elements for a National Mechanism on Reporting and Follow-up (NMRF), including different inter-ministerial structures; its capacity to consult and coordinate with the judiciary, parliament, international and national actors; the need for a human rights action plan and the opportunity to host it as a public online database. Mid-term reporting was also addressed in a session at which the NHRC expressed its interest to;

- ❖ Activate the Commission at the mid-term stage and submit a report based on consultations with civil society utilising the traffic lights system;
- ❖ Increase their collaboration with the parliament in line with the Belgrade Principles; and
- ❖ Encourage the Government to develop a UPR implementation plan.

In the final session, CSOs presented their expectations on the government in the implementation processes and how they foresee to support realisation of recommendations. Throughout the thematic presentations, a lot different issues were raised pertaining to sexual violence, human trafficking, death penalty, hunger deaths, right to education, the situation for Dalits, women' human rights, freedom of opinion and expression, the situation for human rights defenders and freedom of assembly. In closing, Shri Ambuj Sharma thanked the participants for a fruitful and frank conversation. He stated that the NHRC is ready to take the lead in reinvigorating the national UPR momentum and take the discussion forward together with all stakeholders.

On the second day, WGHR and organised a practical workshop for some 30 civil society representatives from state and national level. Half of these were grassroots organisations active at the local level. The objective was for the thematic working groups shaped during the [follow-up meeting in August 2017](#) to continue to build on the work of developing an implementation matrix. To start the proceedings, UPR Info lead a conversation on how to develop effective tracking tools and showcased existing frameworks from Kenya, Sri Lanka and Togo. Examples were also given from Colombia and Tajikistan where CSOs have moved beyond their traditional watchdog role become implementing partners. The session underlined the need to work in cross-sectoral coalitions in order to pool financial and human resources to ensure that civil society can remain seized on the UPR between cycles. In this light, implementation plans and action strategies containing proposed activities, indicators, timeframes and a risk analysis is imperative. The practical work of filling in the implementation plan and corresponding action strategy was conducted in break-out groups following the themes which had been agreed upon during the follow-up meeting:

- ❖ Child rights; Right to Education; Human Rights Education
- ❖ Dalit rights
- ❖ Human Rights Defenders; Freedom of expression; Freedom of association
- ❖ Water; Sanitation; Food; Poverty; Land
- ❖ Gender Rights; Women's Human Rights; Right to health; LGBTIQ; Maternal health
- ❖ Freedom of religion and beliefs
- ❖ Access to justice; Torture; Militarisation

After lunch, rapporteurs from the respective cluster presented their work to the plenary which resulted in a fruitful and energetic discussion. It also demonstrated the added value of working together with colleagues that are active on different topics. Additional comments were provided by *UPR Info* and Mr. Kothari who also moderated the session. *UPR Info* also conducted a segment on civil society authored UPR mid-term reports and highlighted good practices including the need for consultations at the mid-term stage; to take stock of accepted and noted recommendations in the report; to provide an at-a-glance overview of implementation rates by utilising the Traffic Light System and infographics. Ms. Maja Daruwala, WGHR Co-Convener, facilitated the final session in which she gathered testimonies from participants on how they foresee to continue their UPR engagement and what support they expect from WGHR.

2.2. Achievements

The Multi-stakeholder dialogue on UPR implementation succeeded in bringing national stakeholders together to discuss UPR implementation, and the NHRC expressed its readiness to facilitate a continued dialogue between the Commission, government and civil society. The interest of the NHRC to explore avenues for cooperation with parliament and to engage at the mid-term stage also constitute key achievements. The event moreover provided a timely exercise to reinvigorate the UPR momentum among India's vibrant civil society groups and to continue the work with the implementation matrix.

The workshop succeeded in;

- ✓ Strengthening collaboration between the NHRC and civil society in the process of monitoring and implementing India's 3rd UPR cycle;
- ✓ Receiving a reassurance from the NHRC to participate in consultations and reporting at the mid-term stage;
- ✓ Updating UN agencies on national UPR activities;
- ✓ Sharing good practices and concrete country example of cooperation between the government, NHRC, parliament and civil society in the UPR process;
- ✓ Stressing the need for the establishment of a National Mechanism for Reporting and Follow-up as a critical tool for implementation of human rights recommendations; and
- ✓ Ensuring gender balance amongst civil society participants at the Multi-stakeholder dialogue on UPR Implementation (Day 1: 50% women, 50% men; Day 2: 54% women, 46% men).

2.3. Lessons learnt

More interactions are needed between the government, NHRC and civil society to build trust and to find common ground. The UPR provides an excellent platform for such activities as it offers a comprehensive platform to discuss the full gamut of human rights in conjunction with the Sustainable Development Goals. In bridging these actors, the importance of the NHRC as an independent institution and bridge-builder cannot be overemphasised. The willingness of the Commission to organise and host the first day is therefore a particularly promising sign. In future activities, organisers should consider inviting parliamentarians to inform about the UPR and their role in the process.

3. Way forward

The dialogue day was an important step towards bridging national stakeholders in the UPR process and it will be important to continue with frequent consultations inclusive of all actors. Civil society groups should take measures to finalise and consolidate their implementation

matrices into one coherent document to be shared with the government, NHRC, parliament, UN agencies and the donor and diplomatic community. Once finalised, the document should also be popularised through media channels. The proposed deadline for mid-term reporting is November 2019 and the Multi-stakeholder Dialogue on UPR Implementation has equipped stakeholders to optimise this opportunity.

4. Testimonies



Babloo Loitongbam,
Director, Human Rights Alert

*The amount of ripple effects created by the UPR across the world is amazing. The workshop provided me with a larger picture compared to the regional perspective. The UPR creates a space for focused and collective action. The fact that the NHRC wanted to invite us and UPR Info opened new doors for engagement. We will now use the space created. The Access to Justice cluster has a plan to work towards ratification of CAT. We are considering to form a national alliance of everyone who is interested in fighting torture. **There is an opening in the NHRC as well as the Ministry of Law and Justice so we are trying to galvanize for a big event on 10 December to mark the 10th anniversary of the UDHR and link it to the ratification of CAT.***



Aasha Ramesh,
Civil society activist

*I gained clarity on the entire UPR process and understood the importance of engaging with government ministries responsible for implementing UPR recommendations and protecting human rights in the country. Personally, it has been a learning process to understand how important the UN processes are. **I will be sharing what the UPR is all about with the staff in the organisations I am affiliated with so that more organisations are made aware, particularly those working on the grassroots level because they are seldom aware of national and global human rights mechanisms.***



Ajaykumar VB
Director, RIGHTS

*For the first time I was inside the Commission's building with government authorities which gave me a feeling that it is possible to cooperate with government and the NHRC. Without partnership we cannot move forward. CSOs cannot work in isolation so it was a great experience, and we can replicate this promising practice at the state level. **The groups working on the rights of Dalits will translate the experiences and lessons learnt at this workshop to our local context. We will utilise the tools introduced at the workshop and will use the mutually reinforcing nature of the SDGs and UPR in our advocacy. We are closely working with the local authorities and their role is critical in the implementation phase, particularly in relation to education and health.***



Meha Khanduri
Consultant, Working Group on Human Rights in India and the UN

*The workshop offered further clarity to the UPR process especially implementation practices and the reporting at mid-term which was very helpful. It proved a continuation of the UPR cycle, which started with pre-sessions and moved into implementation of UPR, which is really important in terms of follow up especially at the grassroots level. **This step towards initiating a dialogue between the government ministries, the CSOs and the NHRC on the UPR was the first ever in India, giving validity to the process for the future.***

In the immediate future we will collate all the completed matrices and send them to all partners to start outreach activities. A follow up after few months on the actions taken would be useful. In my opinion the most important next step of the UPR engagement should be a dialogue and training about the UPR and its implementation at state level. We also need to train Indian parliamentarians on the India's UPR commitments and recommendations. WGHR is trying to carry out this next step to continue the UPR engagement in India.

Annex: Agendas

MEETING OF STAKEHOLDERS ON IMPLEMENTATION OF UPR - III

DATE: 30TH OCTOBER 2018

VENUE: Room No. 205, NHRC, Manav Adhikar Bhavan, C-Block,
GPO Complex, INA, New Delhi, India

Tentative Programme Schedule

9:30-10:00 am	Registration
10:00-10:40 am	Inaugural Session <ul style="list-style-type: none"> ❖ Welcome address by Shri Dilip Kumar, Joint Secretary (T&R), NHRC ❖ Ms. Maja Daruwala (Co-Convener WGHR) ❖ Resident Co-ordinator UN (TBC) ❖ Prof Ranbir Singh, VC, National Law University, Delhi ❖ Ms Farooq Foyouzat, Deputy Representative, UNICEF (TBC) ❖ Shri Ambuj Sharma, Secretary General, NHRC ❖ Presidential address by Hon'ble Chairperson/Members, NHRC
10:40-11:00 am	What is UPR? – a short documentary film by WGHR
11:00-11:30 am	The importance of the UPR process & India's adoption of UPR III <ul style="list-style-type: none"> ❖ Miloon Kothari (Independent Expert on Human Rights and Social Policy and Former Special Rapporteur, UN Human Rights Council) ❖ Dr. Aparna Chandra, Professor of Law, National Law University, Delhi
11:30- 11:40am	TEA
11:40-1:30 pm	Presentation by the Union Ministries <ul style="list-style-type: none"> – Ministry of External Affairs – Ministry of Home Affairs – Ministry of Woman and Child Development – Ministry of Social Justice and Empowerment – Ministry of Rural Development – Ministry of Health and Family Welfare – Ministry of Labour and Employment – Ministry of Human Resource Development – Department of Disability Affairs, Ministry of Social Justice and Empowerment <p style="text-align: right;">(10 minutes each)</p>
1.30-2.15 pm	LUNCH
2.15 pm-3.15 pm	Ensuring sustainable implementation & good practices of UPR: a training session <ul style="list-style-type: none"> ❖ Mr. Hans Fridlund- Program Manager UPR-Info
3.15-4.15 pm	Collaborative and Co-operative action plan by the CSOs on UPR III implementation <p>CSO representatives of 8 themes groups to present their action plans on effective strategies implementing recommendations.</p>

Multi-Stakeholder Dialogue on UPR III Implementation in India

Organised By Working Group on Human Rights (WGHR)

31st October 2018

VENUE: India International Centre-Annexe

LECTURE HALL 2 (basement)

9-9:15 am	Registration
9:15 am-9:45 am	Good Practices for CSOs-UPR implementation ❖ Hans Fridlund, Program Manager UPR-Info
9:45 am-10:00 am	Introduction and Instructions for the Implementation Matrices ❖ Miloon Kothari, (Independent Expert on Human Rights and Social Policy and Former Special Rapporteur, UN Human Rights Council)
10 am-1 pm (11 am-TEA)	Role Of Civil Society In UPR III Implementation Thematic Division of all participants in 8 groups. Each group will be tasked with filling in the matrices and developing action strategies to participate in/ promote implementation of the UPR recommendations. ❖ Facilitator: WGHR / UPR-Info
1-2 pm	LUNCH
2-3:30 pm	Group Presentations: Group rapporteurs present their work for 7 minutes each.
3:30-4:00 pm 4 -4:10 pm	Reporting Practices For Mid Term Evaluation ❖ Hans Fridlund, Program Manager UPR-Info TEA
4:10 pm-5 pm	The Way Forward: Making a common national implementation plan up to midterm evaluation 2019.

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