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FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

**India**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedure, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference 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recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in 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 obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/ reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	3 Dec. 1968	Art. 22	Individual complaints (art. 14): No
ICESCR	10 Apr. 1979	Arts. 1, 4, 7 (c) and 8	--
ICCPR	10 Apr. 1979	Arts. 1, 9, 12, 13, 19 (3), 21 and 22	Inter-State complaints (art. 41): No
CEDAW	9 Sept. 1993	Arts. 5 (a), 16 (1) and (2) and 29 (1)	--
CRC	11 Dec. 1992	Art. 32 (2) (a)	--
OP-CRC-AC	30 Nov. 2005	Art. 3 (2)	--
OP-CRC-SC	16 Aug. 2005	None	--
CPD	1 Oct. 2007	None	--
<i>Core treaties to which India is not a party: ICCPR-OP1, ICCPR-OP2, OP-CEDAW, CAT (signature only, 1997), OP-CAT, ICRMW, OP-CPD, CED.</i>			
<i>Other main 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 <sup>3</sup>	No		
Refugees and stateless persons <sup>4</sup>	No		
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes, except the three Additional Protocols		
ILO fundamental conventions <sup>6</sup>	Yes, except Nos. 87, 98, 138 and 182		
UNESCO Convention against Discrimination in Education	No		

1. Treaty bodies invited India to consider the ratification of CAT,<sup>7</sup> ICRMW,<sup>8</sup> Palermo Protocol,<sup>9</sup> ILO Conventions 138 and 182 relating to the abolition of child labour,<sup>10</sup> ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries,<sup>11</sup> 1951 Convention Relating to the Status of Refugees and its 1967 Protocol,<sup>12</sup> ICCPROP1,<sup>13</sup> OP-CEDAW;<sup>14</sup> as well as to making the optional declaration provided for in article 14 of ICERD.<sup>15</sup>

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 ICCPR<sup>16</sup> and to articles 5 (a) and 16 (1) of CEDAW<sup>17</sup> with a view to withdrawing them; and to consider withdrawing its reservation to article 16 (2) of CEDAW<sup>18</sup> and its declaration to article 32 of the CRC.<sup>19</sup>

### B. Constitutional and legislative framework

3. Notwithstanding the comprehensive constitutional and legal framework in India, the HR Committee 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.<sup>20</sup>

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 children aged 6-14.<sup>21</sup> CEDAW called upon the State to consider using its powers under article 253 of the Constitution to enable the passing of legislation to operationalize this right.<sup>22</sup> CRC welcomed the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption but reiterated its concern, inter alia, at the absence of uniform adoption laws and procedures in India.<sup>23</sup>

### C. Institutional and human rights structure

5. Four committees referred to various national human rights bodies,<sup>24</sup> including the National Human Rights Commission (NHRC), which received “A” status accreditation in 1999 that was reconfirmed in 2006,<sup>25</sup> as well as National Commissions dealing with issues concerning 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.<sup>26</sup>

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 directly investigating 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.<sup>27</sup>

### D. Policy measures

7. UNICEF reported positively on the recent elevation of the Department of Women and Child Development to an independent Ministry.<sup>28</sup> CRC also welcomed the National Plan of Action for the Girl Child, the adoption of the National AIDS Prevention and Control Policy and the decision to provide antiretroviral drugs to children and adults free of charge.<sup>29</sup> CEDAW commended the State party on the National Policy on Persons with Disabilities.<sup>30</sup> It also commended India on establishing the Women Component Plan in the national budget and called on it to meet its commitment of allocating 6 per cent of GDP to education.<sup>31</sup>

## 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 <sup>32</sup>	2006	Mar. 2007	Due in 2008	Twentieth and twenty-first reports due in 2010
CESCR	1989	Jan. 1990	--	Second to fifth reports submitted in 2006
HR Committee	1995	July 1997	--	Fourth report overdue since 2001
CEDAW	2005	Jan. 2007	Due in 2008	Fourth and fifth reports due in 2010
CRC	2001	Jan. 2004	--	Third and fourth reports due in 2008
CRC-OP-AC			--	Initial report due in 2007
CRC-OP-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.<sup>33</sup> India provided comments to CERD following the adoption of CERD's concluding observations in March 2007.<sup>34</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (22 November-3 December 2007); <sup>35</sup> Special Rapporteur on the right to food (20 August-2 September 2005); <sup>36</sup> Special Rapporteur on violence against women (28 October-15 November 2000). <sup>37</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on toxic waste 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 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. <sup>38</sup>
<i>Follow-up to visits</i>	
<i>Responses to letters of allegation and urgent appeals</i>	Between 1 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. During the same period, the Government replied to 23 communications (19.3 per cent).
<i>Responses to questionnaires on thematic issues<sup>39</sup></i>	India responded to none of the 12 questionnaires sent by special procedures mandate-holders <sup>40</sup> between 1 January 2004 and 31 December 2007, within the deadlines. It did provide a response to the note verbale of the Special Rapporteur on extrajudicial, summary or arbitrary executions on transparency and the imposition of the death penalty which was sent to 12 States in 2005. <sup>41</sup>

9. In 1997, the HR Committee expressed concern at the failure of the State party to receive the Special Rapporteur on the question of torture.<sup>42</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

10. India has made voluntary contributions, on an annual basis, to OHCHR since 1996.<sup>43</sup> During the past four years, India has also hosted several meetings, including a 2007 workshop on using indicators to promote and monitor the implementation of human rights.<sup>44</sup>

### B. Implementation of international human rights obligations

#### 1. Equality and non-discrimination

11. The HR Committee expressed concern about the persistence of preferred treatment for males and deplored the fact that practices such as foeticide continue.<sup>45</sup> CEDAW, CRC and UNICEF also referred to the alarming decline in sex ratios.<sup>46</sup> CRC, CCPR and CEDAW 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 the Convention.<sup>47</sup>

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.<sup>48</sup>

13. CERD reaffirmed that discrimination on the ground of caste is fully covered by article 1 of ICERD.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup> 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.<sup>52</sup>

14. CERD recommended that India formally recognize its tribal peoples as distinct groups entitled to special protection under national and international law, including ICERD.<sup>53</sup> 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.<sup>54</sup>

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.<sup>55</sup> 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.<sup>56</sup>

## **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.<sup>57</sup>

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.<sup>58</sup> A number of communications sent by two special procedures relate to cases of alleged deaths in custody<sup>59</sup> or following detention.<sup>60</sup> The Special Rapporteur on torture has sent communications alleging ill-treatment<sup>61</sup> and torture<sup>62</sup> of individuals held in detention. Other cases deal with excessive use of force against demonstrators, including human rights defenders<sup>63</sup> and journalists covering demonstrations.<sup>64</sup> Where the Government has responded, it denied allegations of ill-treatment<sup>65</sup> or highlighted the existence of an

investigation<sup>66</sup> and the provision of compensation to the victim.<sup>67</sup> The Special Representative of the Secretary-General on the situation of human rights defenders is also concerned about reports of defenders being killed as a result of their human rights work, including on land rights.<sup>68</sup>

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.<sup>69</sup> It also recommended that the State accept the admission of representatives of the International Committee of the Red Cross to all types of detention facilities, particularly in areas of armed conflict.<sup>70</sup>

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.<sup>71</sup>

20. CEDAW recommended, inter alia, that India 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.<sup>72</sup> 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.<sup>73</sup>

21. Concern about ongoing atrocities committed against Dalit women was raised by CEDAW.<sup>74</sup> CEDAW, CERD, CRC and the HR Committee 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.<sup>75</sup> CERD was also concerned about the sexual exploitation of Dalit and tribal women who were trafficked and forced into prostitution.<sup>76</sup> The high incidence of child prostitution and trafficking of women and girls into forced prostitution was deplored by the HR Committee.<sup>77</sup> 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.<sup>78</sup>

22. CEDAW, while expressing appreciation at the enactment of the Domestic Violence Act 2005, recommended that India 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.<sup>79</sup> 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.<sup>80</sup>

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.<sup>81</sup>

24. CERD expressed concern about the frequent failure to protect scheduled castes and tribes against communal violence.<sup>82</sup> Two mandate-holders also reported on a group of 200 people attacking a Dalit settlement.<sup>83</sup> 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.<sup>84</sup> In another case, two mandate-holders sent an allegation letter regarding a dispute

between members of the Jat and Dalit communities in Haryana State.<sup>85</sup> 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.<sup>86</sup>

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.<sup>87</sup> 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.<sup>88</sup> The Government replied that it did not recognize any separate category of its citizens as "indigenous peoples" and that there is no internationally accepted definition of the term.<sup>89</sup> 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.<sup>90</sup>

26. One or more treaty bodies raised concerns about children working and/or living on the street,<sup>91</sup> violence against children, particularly child abuse,<sup>92</sup> corporal punishment<sup>93</sup> and child labour, including debt bondage.<sup>94</sup> UNICEF provided details of a major 2007 study on child abuse initiated by the Ministry of Women and Development.<sup>95</sup> 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.<sup>96</sup> India stated that a ban on employment of children under 14 as domestic help or at eateries came into force from 10 October 2006 and UNICEF pointed to this initiative as a positive change.<sup>97</sup> CRC also recommended, inter alia, the prohibition of corporal punishment, and the undertaking of education campaigns on alternative ways of disciplining children.<sup>98</sup>

27. In 2004, CRC 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 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.<sup>99</sup>

### **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.<sup>100</sup> 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 it. He recommended that the Government consider either repealing the AFSPA or ensuring its compliance with international law.<sup>101</sup> 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.<sup>102</sup>

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.<sup>103</sup> 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 investigation,<sup>104</sup> to destroy evidence,<sup>105</sup> or had taken no steps to investigate the allegations.<sup>106</sup> The Special Representative of the Secretary-General on the situation of human rights defenders also raised her concern about what she sees as a pattern of impunity for violations committed against human rights defenders.<sup>107</sup>

30. Concern about the culture of impunity in relation to perpetrators of atrocities committed against Dalit women was expressed by CEDAW.<sup>108</sup> 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.<sup>109</sup> CRC added that a majority of States had failed to set up special courts provided for under the Prevention of Atrocities Act.<sup>110</sup>

31. In 1997, the HR Committee 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.<sup>111</sup> In 2004, CRC expressed concern, inter alia, that mechanisms to implement the Juvenile Justice (Care and Protection of Children) Act, 2000 had not been set up in most states and that the Act does not apply to Jammu and Kashmir.<sup>112</sup>

#### **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.<sup>113</sup> 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.<sup>114</sup> It was alleged that this Act was used arbitrarily and punitively against Muslims, and that threats had been made to the detainees.<sup>115</sup> In its reply, the Government denied these allegations.<sup>116</sup> 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.<sup>117</sup>

33. The Special Rapporteur on the promotion and protection of the right to 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.<sup>118</sup>

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 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.<sup>119</sup> 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 are denied the right to vote and that the public service posts reserved for scheduled castes and tribes are almost exclusively in the lowest categories. It recommended, inter alia, that India effectively enforce the reservation policy of seats in Union and State legislatures and of posts in public service.<sup>120</sup>

## **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.<sup>121</sup> 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.<sup>122</sup> India was called upon, inter alia, to implement the commendable commitment that all marriages be registered by 2010<sup>123</sup> and all births by 2010 also.<sup>124</sup> UNICEF reported that birth registration increased from 56 to 62 per cent between 2004 and 2006.<sup>125</sup>

36. Four treaty bodies raised concerns about one or more harmful practices towards women and girls, including: early or forced marriage,<sup>126</sup> dowry and dowry-related violence,<sup>127</sup> and *sati* (self-immolation of widows).<sup>128</sup> 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.<sup>129</sup>

## **6. Right to work and to just and favourable 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.<sup>130</sup> CEDAW called upon India to ensure that rural women benefit de facto from this programme<sup>131</sup> and CERD requested that India ensure the issuance of job cards under this scheme to Dalit applicants.<sup>132</sup> CEDAW also expressed concern that 93 per cent 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.<sup>133</sup>

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

38. The Special Rapporteur on the right to food noted that 25 per cent of the Indian population was still living below the national poverty line and that 80 per cent were living on less than US\$ 2 per day.<sup>134</sup> 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.<sup>135</sup> CRC and CEDAW expressed appreciation of women's self-help groups, with CEDAW urging India, to establish programmes to issue credit to poor women unable to participate in these groups.<sup>136</sup> 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 population<sup>137</sup> and received allegations of violations of the right to food, such as deaths from starvation/malnutrition.<sup>138</sup>

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 that the privatization of health services has an adverse impact on women's capacity to access such services.<sup>139</sup> CEDAW also urged India to study the health implications for Dalits of the practice of manual scavenging and to address the impediments to its eradication, including by putting in place modern sanitation facilities.<sup>140</sup> Furthermore, UNICEF reported that the under-five mortality rate among scheduled castes and scheduled tribes is more than 50 per cent higher than the rest of the population.<sup>141</sup> CERD, concerned about reports on the situation of members of scheduled castes and scheduled and other tribes, recommended that India, ensure equal access to ration shops, health facilities, reproductive health services, and safe drinking water.<sup>142</sup>

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.<sup>143</sup> 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.<sup>144</sup> 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.<sup>145</sup> 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.<sup>146</sup> Other communications related to the raising of the Sardar Sarovar dam<sup>147</sup> and concerns in the Andaman island.<sup>148</sup> CEDAW urged India 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.<sup>149</sup> CERD urged the State party to fully respect and implement the right of ownership, collective or individual, of the members of tribal communities of the lands traditionally occupied by them in accordance with ILO Convention No. 107 (1957) 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.<sup>150</sup>

### **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 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.<sup>151</sup> CERD also recommended that the State take effective measures to reduce dropout rates and increase enrolment among Dalit children and adolescents at all levels of schooling.<sup>152</sup> Additionally, CRC expressed concern 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 dropout rates between boys and girls, between different States, between rural and urban areas, and between affluent and poor and disadvantaged groups.<sup>153</sup>

### **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.<sup>154</sup> 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.<sup>155</sup>

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 which constitute impediments to the implementation of the ICCPR.<sup>156</sup> 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 fulfilment of all the State's obligations under the CRC.<sup>157</sup> Furthermore, UNICEF reported that almost 80 per cent of India's geographical area is considered vulnerable to natural disasters.<sup>158</sup>

## IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

### A. Pledges by the State

44. India stated that it will foster a culture of transparency, openness and accountability in the functioning of Government, as enacted in the Right to Information Act.<sup>159</sup> It is also committed 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.<sup>160</sup> Furthermore, India pledged to work towards the elimination of violence against women through legislative measures and the effective implementation of existing policies.<sup>161</sup>

### 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.<sup>162</sup> CERD requested India to provide, within one year, information on the implementation of recommendations contained in paragraphs 12, 15, 19 and 26 of its concluding observations.<sup>163</sup>

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 deaths;<sup>164</sup> implementation at all levels of Government of the decisions of the Supreme Court;<sup>165</sup> implementing land and agrarian reform to strengthen smallholder agricultural livelihoods;<sup>166</sup> 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 women;<sup>167</sup> and the non-implementation of dams, mining and infrastructure projects if this entails displacement and irreversible destruction of people's livelihoods.<sup>168</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

47. UNICEF provided information on its capacity-building programmes and activities.<sup>169</sup>

### Notes

<sup>1</sup> 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, supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities

OP-CPD  
CED

Optional Protocol to Convention on the Rights of Persons with Disabilities  
International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 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.

<sup>5</sup> 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>.

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize 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.

<sup>7</sup> Committee on the Rights of the Child, concluding observations (CRC/C/15/Add.228), para. 43 (a).

<sup>8</sup> Committee on the Elimination of All Forms of Discrimination against Women, concluding comments (CEDAW/C/IND/CO/3), para. 64.

<sup>9</sup> CRC/C/15/Add.228, para. 75 (g).

<sup>10</sup> *Ibid.*, para. 73 (d).

<sup>11</sup> Committee on the Elimination of Racial Discrimination, concluding observations (CERD/C/IND/CO/19), para. 28.

<sup>12</sup> CERD/C/IND/CO/19, para 16; CRC/C/15/Add.228, para. 71; CEDAW/C/IND/CO/3, para. 51; and UNHCR, UPR submission, pp.1-2, available at <http://www.ohchr.org/EN/HRBodies/UPR/P.s/UPRIndiaUNContributionsS1.aspx>.

<sup>13</sup> Human Rights Committee, concluding observations (CCPR/C/79/Add.81), para. 13.

<sup>14</sup> CEDAW/C/IND/CO/3, para. 60.

<sup>15</sup> CERD/C/IND/CO/19, para. 30.

<sup>16</sup> CCPR/C/79/Add.81, para. 14.

<sup>17</sup> CEDAW/C/IND/CO/3, para. 11.

<sup>18</sup> *Ibid.*, para. 59.

<sup>19</sup> CRC/C/15/Add.228, para. 8.

<sup>20</sup> CCPR/C/79/Add.81, paras. 6 and 13.

<sup>21</sup> CRC/C/15/Add.228, paras. 3 (a) and (d) and 64; CERD/C/IND/CO/19, para. 25; and CEDAW/C/IND/CO/3, paras. 6 and 31.

<sup>22</sup> CEDAW/C/IND/CO/3, paras. 30-31.

<sup>23</sup> CRC/C/15/Add.228, para. 48.

<sup>24</sup> CCPR/C/79/Add.81, paras. 7-8; CRC/C/15/Add.228, para. 17; CEDAW/C/IND/CO/3, para. 17; CERD/C/IND/CO/19, 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.

<sup>25</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>26</sup> UNICEF, UPR submission, op. cit., p. 3. See also note verbale from the Permanent Mission of India (A/61/718), p. 3; and CRC/C/15/Add.228, para.18.

<sup>27</sup> CCPR/C/79/Add.81, paras. 7 and 22.

<sup>28</sup> UNICEF, UPR submission, op. cit., p. 2.

<sup>29</sup> CRC/C/15/Add.228, paras. 29 and 54.

<sup>30</sup> CEDAW/C/IND/CO/3, para. 4 part (c).

<sup>31</sup> Ibid., para. 4 (b) and 33.

<sup>32</sup> The following abbreviations have been used in this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

<sup>33</sup> CRC/C/15/Add.228, paras. 5-6 and CEDAW/C/IND/CO/3, paras. 8-9.

<sup>34</sup> For the full text of the comments see A/62/18, annex X.

<sup>35</sup> A/HRC/7/11/Add.4 (preliminary note).

<sup>36</sup> E/CN.4/2006/44/Add.2.

<sup>37</sup> E/CN.4/2001/73/Add.2.

<sup>38</sup> E/CN.4/2006/44/Add.2, para. 1.

<sup>39</sup> The questionnaires included in this section are those which have been reflected in a report by a special procedure mandate-holder.

<sup>40</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;

(iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, sent in July 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the 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;

(vi) report of the Special Rapporteur on trafficking in persons, especially 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 the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the 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 in July 2006;

(x) report of the 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 in July 2004;

(xi) report of the 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 in July 2003;

(xii) report of the 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 on human rights policies and management practices.

<sup>41</sup> E/CN.4/2006/53/Add.3, para. 3.

<sup>42</sup> CCPR/C/79/Add.81, para. 23.

<sup>43</sup> OHCHR, *Annual Report 2004, Annual Report 2005, Annual Report 2006*. For 2007, information was obtained from the OHCHR External Relations Unit.

<sup>44</sup> See OHCHR, *Annual Report 2007* (forthcoming), *Annual Report 2004*, p. 193 and *Annual Report 2005*, p. 188.

<sup>45</sup> CCPR/C/79/Add.81, para. 16.

<sup>46</sup> CEDAW/C/IND/CO/3, paras. 38-39; CRC/C/15/Add.228, paras. 29-30, 33-34; and UNICEF, UPR submission, p. 1.

<sup>47</sup> CRC/C/15/Add.228, paras. 29-30 and 9-10. See also CCPR/C/79/Add.81, para. 17 and CEDAW/C/IND/CO/3, paras.10-11.

<sup>48</sup> CCPR/C/79/Add.81, paras. 15, 29 and 34.

<sup>49</sup> CERD/C/IND/CO/19, para. 8.

<sup>50</sup> *Ibid.*, para. 13. See also CRC/C/15/Add.228, para. 28.

<sup>51</sup> CERD/C/IND/CO/19, para. 22 and Special Rapporteur on freedom of religion or 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, p. 16 and *Progress Report September 2007*, UNTRS, pp. 2-3.

<sup>52</sup> For the full text of the comments provided by the State party see A/62/18, annex X.

<sup>53</sup> CERD/C/IND/CO/19, para 10. See also CERD general recommendation No. 23 (1997) on the rights of indigenous peoples.

<sup>54</sup> CERD/C/IND/CO/19, para. 11.

<sup>55</sup> CRC/C/15/Add.228, para. 36.

<sup>56</sup> *Ibid.*, paras. 54-57.

<sup>57</sup> CCPR/C/79/Add.81, para. 18.

<sup>58</sup> *Ibid.*, para. 23; CRC/C/15/Add.228, para. 42 and CERD/C/IND/CO/19, para. 14.

<sup>59</sup> A/HRC/4/33/Add.1, paras. 76 and 83; E/CN.4/2005/62/Add.1, paras. 727, 733, 736, 762; E/CN.4/2005/7/Add.1, para. 298.

<sup>60</sup> E/CN.4/2006/6/Add.1, para. 84 and E/CN.4/2005/62/Add.1, paras. 724, 725, 726, 737, 756.

<sup>61</sup> A/HRC/4/33/Add.1, paras. 78 and 80-82; E/CN.4/2006/6/Add.1, para. 87; E/CN.4/2005/62/Add.1, paras. 729, 730, 732, 734, 735, 744, 745, 761.

<sup>62</sup> E/CN.4/2005/62/Add.1, paras. 758, 759, 760.

<sup>63</sup> See E/CN.4/2005/62/Add.1, para. 768 and E/CN.4/2005/62/Add.1, para. 771.

- <sup>64</sup> See E/CN.4/2005/62/Add.1, para. 775.
- <sup>65</sup> E/CN.4/2005/62/Add.1, paras. 788, 791, 792.
- <sup>66</sup> Ibid., para. 795
- <sup>67</sup> Ibid., para. 790.
- <sup>68</sup> E/CN.4/2006/95/Add.5, para. 746.
- <sup>69</sup> CCPR/C/79/Add.81, para. 26.
- <sup>70</sup> Ibid., para. 24.
- <sup>71</sup> A/HRC/4/41, paras. 211-218.
- <sup>72</sup> CEDAW/C/IND/CO/3, paras. 20-21 and 26-27.
- <sup>73</sup> E/CN.4/2006/61/Add.1, paras. 67, 68, 70, 71.
- <sup>74</sup> CEDAW/C/IND/CO/3, para. 28. See also CERD/C/IND/CO/19, para. 15.
- <sup>75</sup> CERD/C/IND/CO/19, para. 18; CCPR/C/79/Add.81, para. 32; CRC/C/15/Add.228, para. 58; and CEDAW/C/IND/CO/3, para. 26.
- <sup>76</sup> CERD/C/IND/CO/19, para. 15.
- <sup>77</sup> CCPR/C/79/Add.81, para. 31.
- <sup>78</sup> CRC/C/15/Add.228, para. 74.
- <sup>79</sup> CEDAW/C/IND/CO/3, paras. 20 and 21.
- <sup>80</sup> Ibid., paras. 22 and 23.
- <sup>81</sup> CEDAW/C/IND/CO/3, paras. 2 and 67-68, as well as paras. 24 and 25.
- <sup>82</sup> CERD/C/IND/CO/19, para. 14.
- <sup>83</sup> E/CN.4/2005/72/Add.1, para. 181.
- <sup>84</sup> A/HRC/4/34/Add.1, paras. 289-293.
- <sup>85</sup> A/HRC/4/19/Add.1, paras. 85-87.
- <sup>86</sup> Ibid., A/HRC/4/19/Add.1, paras. 96-98.
- <sup>87</sup> E/CN.4/2005/72/Add.1, paras. 186 to 189.
- <sup>88</sup> E/CN.4/2005/88/Add.1, para. 52.
- <sup>89</sup> Ibid., para. 54.
- <sup>90</sup> Ibid., para. 56.
- <sup>91</sup> CCPR/C/79/Add.81, para. 33 and CRC/C/15/Add.228, paras. 76-77.
- <sup>92</sup> CCPR/C/79/Add.81, para. 33 and CRC/C/15/Add.228, paras. 3 (f), 50-51 and 66-67.
- <sup>93</sup> CRC/C/15/Add.228, paras. 44 and 45.
- <sup>94</sup> CCPR/C/79/Add.81, para. 34; CRC/C/15/Add.228, paras. 72 and 73; CEDAW/C/IND/CO/3, paras. 48 and 49; and CERD/C/IND/CO/19, para. 23.
- <sup>95</sup> UNICEF, UPR submission, op. cit., pp. 2-3.
- <sup>96</sup> CCPR/C/79/Add.81, para. 34; CRC/C/15/Add.228, paras. 72 and 73; CEDAW/C/IND/CO/3, paras. 48 and 49; and CERD/C/IND/CO/19, para. 23.
- <sup>97</sup> A/61/718, p. 2 and UNICEF, UPR submission, p. 2, para. 4.
- <sup>98</sup> CRC/C/15/Add.228, paras. 44 and 45.
- <sup>99</sup> Ibid., paras. 68-69.

- <sup>100</sup> CCPR/C/79/Add.81, para. 19.
- <sup>101</sup> E/CN.4/2006/53/Add.1, p. 75.
- <sup>102</sup> CCPR/C/79/Add.81, paras. 18, 19, 21; CEDAW/C/IND/CO/3, paras. 8-9; CERD/C/IND/CO/19, para. 12.
- <sup>103</sup> CCPR/C/79/Add.81, para. 21.
- <sup>104</sup> E/CN.4/2005/62/Add.1, para. 726 and E/CN.4/2005/7/Add.1, para. 300.
- <sup>105</sup> E/CN.4/2005/62/Add.1, para. 727.
- <sup>106</sup> *Ibid.*, paras. 724, 725, 729 and 730. See also E/CN.4/2006/6/Add.1, para. 85 and A/HRC/4/33/Add.1, para. 77.
- <sup>107</sup> E/CN.4/2006/95/Add.5, para. 747.
- <sup>108</sup> CEDAW/C/IND/CO/3, para. 28.
- <sup>109</sup> CRC/C/15/Add.228, paras. 27-28; CEDAW/C/IND/CO/3, paras. 28-29 and CERD/C/IND/CO/19, paras. 14, 15 and 26.
- <sup>110</sup> CRC/C/15/Add.228, para. 27.
- <sup>111</sup> CCPR/C/79/Add.81, para. 27.
- <sup>112</sup> CRC/C/15/Add.228, para. 78.
- <sup>113</sup> A/HRC/4/21/Add.1, paras. 170-171; E/CN.4/2006/5/Add.1, paras. 145-146.
- <sup>114</sup> E/CN.4/2006/5/Add.1, paras. 141-143 and E/CN.4/2005/61/Add.1, para. 129.
- <sup>115</sup> *Ibid.*
- <sup>116</sup> *Ibid.*, paras. 130-131.
- <sup>117</sup> CERD/C/IND/CO/19, para. 21.
- <sup>118</sup> E/CN.4/2005/64/Add.1, paras. 421-422 and A/HRC/4/27/Add.1, paras. 262-263.
- <sup>119</sup> CEDAW/C/IND/CO/3, paras. 42-43. See also CCPR/C/79/Add.81, paras. 10-11.
- <sup>120</sup> CERD/C/IND/CO/19, paras. 4 and 17.
- <sup>121</sup> CEDAW/C/IND/CO/3, para. 5.
- <sup>122</sup> *Ibid.*, paras. 54-55.
- <sup>123</sup> *Ibid.*, paras. 4 (a) and 58-59.
- <sup>124</sup> CRC/C/15/Add.228, para. 39.
- <sup>125</sup> UNICEF, UPR submission, *op. cit.*, p. 4, para. 2 (d).
- <sup>126</sup> CRC/C/15/Add.228, paras. 29 and 60-61; CEDAW/C/IND/CO/3, paras. 56 and 57; and CERD/C/IND/CO/19, para. 18.
- <sup>127</sup> CCPR/C/79/Add.81, para. 16; CRC/C/15/Add.228, para. 58; CEDAW/C/IND/CO/3, para. 26; and CERD/C/IND/CO/19, para.18.
- <sup>128</sup> CEDAW/C/IND/CO/3, para. 26 and CCPR/C/79/Add.81, para. 16.
- <sup>129</sup> CERD/C/IND/CO/19, para. 18.
- <sup>130</sup> A/61/718, p. 3. See also E/CN.4/2006/44/Add.2, para. 47.
- <sup>131</sup> CEDAW/C/IND/CO/3, para. 36.
- <sup>132</sup> CERD/C/IND/CO/19, para. 23.
- <sup>133</sup> CEDAW/C/IND/CO/3, paras. 44-45.
- <sup>134</sup> E/CN.4/2006/44/Add.2, para. 8.
- <sup>135</sup> UNICEF, UPR submission, *op. cit.*, p. 1.

- <sup>136</sup> CEDAW/C/IND/CO/3, paras. 36 and 37. See also CRC/C/15/Add.228, para. 3 (c).
- <sup>137</sup> E/CN.4/2006/44/Add.2, para. 8.
- <sup>138</sup> Ibid., para. 42. See also A/HRC/4/32/Add.1, paras. 244-248, 249-253.
- <sup>139</sup> CEDAW/C/IND/CO/3, paras. 40-41.
- <sup>140</sup> Ibid., paras. 28-29. See also CRC/C/15/Add.228, paras. 28 and 73 and CERD/C/IND/CO/19, para. 23.
- <sup>141</sup> UNICEF, UPR submission, op. cit., p. 1.
- <sup>142</sup> CERD/C/IND/CO/19, para. 24.
- <sup>143</sup> Ibid., para. 20.
- <sup>144</sup> E/CN.4/2006/44/Add.2, para. 11.
- <sup>145</sup> CERD/C/IND/CO/19, para. 19.
- <sup>146</sup> A/HRC/6/15/Add.1, paras. 256-263.
- <sup>147</sup> A/HRC/4/32/Add.1, paras. 238-242 and E/CN.4/2005/88/Add.1, para. 51.
- <sup>148</sup> A/HRC/4/32/Add.1, paras. 257-260.
- <sup>149</sup> CEDAW/C/IND/CO/3, paras. 46-47.
- <sup>150</sup> CERD/C/IND/CO/19, paras. 19-20.
- <sup>151</sup> CEDAW/C/IND/CO/3, paras. 32-33.
- <sup>152</sup> CERD/C/IND/CO/19, para. 25.
- <sup>153</sup> CRC/C/15/Add.228, para. 64.
- <sup>154</sup> CCPR/C/79/Add.81, para. 6.
- <sup>155</sup> Ibid., para. 6; A/61/718, p. 2; E/CN.4/2006/44/Add.2, paras. 16 and 24.
- <sup>156</sup> CCPR/C/79/Add.81, para. 5.
- <sup>157</sup> CRC/C/15/Add.228, para. 4.
- <sup>158</sup> UNICEF, UPR submission, op. cit., p. 1.
- <sup>159</sup> A/61/718, p. 3.
- <sup>160</sup> Ibid., p. 4.
- <sup>161</sup> Ibid., p. 3.
- <sup>162</sup> CEDAW/C/IND/CO/3, paras. 67-68.
- <sup>163</sup> CERD/C/IND/CO/19, para. 34
- <sup>164</sup> E/CN.4/2006/44/Add.2, para. 48 (a).
- <sup>165</sup> Ibid., para. 48 (c).
- <sup>166</sup> Ibid., para. 48 (f).
- <sup>167</sup> Ibid., para. 48 (g).
- <sup>168</sup> E/CN.4/2006/44/Add.2, para. 48 (j).
- <sup>169</sup> UNICEF, UPR submission, op. cit., pp. 4-5.

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