

## **ADVANCE QUESTIONS TO INDIA**

### **DENMARK**

- In Indian law the basic rights of Dalits are firmly inscribed. How will the Indian government ensure that the legislative rights of Dalits are implemented?

### **FINLAND**

- We acknowledge that the Government of India has made commitments to protect children from violence, including by undertaking research on violence against children, such as the National Study on Child Abuse released by the Ministry of Women and Child Development in April 2007<sup>1</sup>.
- With regard to the United Nations study on violence against children<sup>2</sup>, which states that "no violence against children is justifiable; all violence against children is preventable", we would appreciate to receive further information on legislative, administrative and other measures taken to implement the Study's overarching and setting-specific recommendations in India. In particular, we would greatly appreciate if the Government of India could share with us good practices to prevent and respond to violence against children<sup>3</sup>.

### **GERMANY**

- What is India doing in law and in practice to ensure equal treatment of Dalits and other scheduled casts, in particular regarding the access to land, education and medical services as well as the allocation of derogative and harmful work and in how far are the Concluding Observations of the CERD-Committee taken into account in this respect ?
- Is India considering resuming the modifications of the Armed Forces Special Power Act (AFSPA) and which modification will be considered to align the stipulations of this law with international human rights standards?

---

<sup>1</sup> Report (which provides information on the dissemination of the United Nations study on violence against children and on progress made in the initial phase of follow-up to the study) of the independent expert for the United Nations study on violence against children (A/62/209, see footnote 63).

<sup>2</sup> Report of the independent expert for the United Nations study on violence against children (A/61/299).

<sup>3</sup> Report (which provides information on the dissemination of the United Nations study on violence against children and on progress made in the initial phase of follow-up to the study) of the independent expert for the United Nations study on violence against children (A/62/209, see footnotes 15, 26 and 58).

- What is India doing in practice to implement respective national laws to abolish child labor?

## **IRELAND**

- What measures have been taken to ensure full enjoyment of the freedoms of expression, assembly and association, with particular regard to the right to protest?
- What measures have been taken to promote the role of human rights defenders, through education and inclusion in decision-making, in particular amongst national authorities, law enforcement officials and security officers?
- What measures have been put in place to support the work of human rights defenders?
- Is the Government of India willing to consider changing the provisions of the Foreign Contribution Regulation Bill 2006 in light of widely held concerns that the Bill as it stands, if adopted, would restrict the independence and operation of non-governmental organizations?
- Has the Government of India any plans to amend or repeal the Armed Forces Special Powers Act (AFSPA) provisions which give rise to concern about the potential for impunity, particularly in areas of conflict such as Jammu and Kashmir and the North East of India?

## **ITALY**

- As India announced its intention to take steps towards the ratification of the convention against torture, could you provide more information about this process?
- Does India intend to issue a standing invitation to special procedures in order to enhance its longstanding cooperation with the human rights machinery of the United Nations?
- According to human rights monitoring mechanism – particularly the Committee against racial discrimination – traditional practices and customs are still leading to discrimination against women, unprivileged classes and minorities. Could you elaborate on this issue, in particular on what are the main challenges and on what measures can be envisaged to eradicate this phenomenon?

## **LATVIA**

- According to the information of the Office of the UN High Commissioner for Human Rights 59 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering the cooperation of India with the special procedures (visits of Special Rapporteur on violence against women, its causes and consequences in 2000, Special Rapporteur on the right to food in 2005, Special Rapporteur on Myanmar in 2006, Special Rapporteur on the right to health in 2007) – would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

## **NETHERLANDS**

- The different initiatives the Indian government has undertaken to protect the rights of children as described in the report can be applauded. The excellent work of the National Commission on Child Rights deserves special mentioning in this regard. Child Labour is an issue the Indian government has taken on with renewed vigour through the 2006 Child Labour Law. The Indian Ministry of Women and Child Development acknowledges in the Sub Group Report on Child Protection in the eleventh Five Year plan (2007 – 2012) that child labour remains difficult to eradicate. Could you explain where the main challenges lie in getting the Child Labour Law observed? Having companies comply with these kind of laws is not an easy task, especially in a country the size of India. Would India consider it useful to address the issue of Child Labour via (the reinforcement of) Corporate Social Responsibility (in addition to law enforcement)? Does India plan to withdraw its reservations to articles 32 and 33 to the CRC in the near future? Is it India's intention to ratify ILO conventions 138 and 182?
- The review touches upon the issue of untouchability in the general chapter in paragraph 31 and beyond. Your Constitution has abolished the practice and the Protection of Civil Rights Act has provided for punishment for untouchability. In addition you have enacted several schemes to promote the socio-economic and educational development of Scheduled Castes and Scheduled Tribes. It is clearly an issue that is taken on with vigour by the Indian government and acknowledged at the highest political levels. The UN Committee on the Elimination of Racial Discrimination (CERD) in May 2007 made some recommendations on how to improve the situation of Scheduled Classes. Could you please elaborate how these recommendations have been taken up?

## **PORTUGAL**

- We welcome the Government of India's efforts to combat the scourge of child labour, namely through the adoption of the Child Labour Law, that came into force in October 2006. Could India share the preliminary results of the implementation of this law?

## **SWEDEN**

- The constitution of India stipulates a number of fundamental rights enjoyed by individuals. India has ratified and acceded to several instruments of international law relating to human rights. There are also instruments to which India is not party, notably the Convention against Torture, the Refugee Convention and its 1967 Protocol, and International Labor Organization conventions 138 and 182 relating to child labor. In its national report to the 2008 Universal Periodic Review, India indicated its intention to ratify the Convention against Torture. Could the government of India elaborate on its efforts to ratify this and other conventions instruments of international law relating to human rights?
- The constitution of India forbids discrimination of individuals. Provisions in the constitution and in other law provide special protection for members of vulnerable groups. Homosexual conduct, however, is prohibited by the Indian Penal Code. Civil society organizations have reported discrimination of homosexual, lesbian, bisexual, transgender and transsexual persons, both by agents of the state and on a general societal level. What measures is the government of India taking to ensure full equality before the law of all individuals regardless of their sexual orientation?

## **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- Could you please elaborate further on the role of civil society in India in the preparation of your national report for this process?
- Could you please brief us on what steps have you taken to ratify the Convention Against Torture and its Optional Protocol?
- Could you please elaborate further on the existence and status of a national human rights institution in India, and its conformity with the Paris Principles?

\*\*\*\*\*