



**Human Rights Council**

**Universal Periodic Review (UPR) of**

**India**

**27<sup>th</sup> Session (April - May 2017)**

**Joint Stakeholders' Submission on:**

**Human Rights in India:**

**The situation of children and women**

**Submitted by:**

**IIMA - Istituto Internazionale Maria Ausiliatrice**

**VIDES International - International Volunteerism Organization for Women, Education  
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**(NGOs in Special Consultative Status with ECOSOC)**

**Geneva, October 2016**

## I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Children's and Women's Rights in India. Each section conveys recommendations to the Government of India.
2. The data and information obtained for this submission came from various sources and includes information from IIMA and VIDES members in India working with children and their families in Tamil Nadu, Chhattisgarh, and across the country. All information concerns the period between the previous UPR of India held in 2012 and October 2016.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 94 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 42 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels for ensuring human rights of vulnerable groups, especially children and women.

## II. GENERAL REMARKS

5. This NGO coalition welcomes the constructive participation of India in the 1<sup>st</sup> and 2<sup>nd</sup> cycles of the Universal Periodic Review (UPR).<sup>1</sup> The present joint submission represents the follow-up to the UPR recommendations accepted by India in 2012, with a special focus on children-related issues such as the full implementation of their right to education. The rights of women in India also are addressed in the present report.
6. This NGO coalition perceives **children and women, especially in remote and rural areas**, as the most vulnerable groups in India, due to the discrimination and human rights abuses to which they are subjected.
7. The implementation of recommendations is critical in order to ensure a true advancement of human rights in the State under review. Therefore, special attention should be paid by India to the follow up of recommendations in an effective manner and in consultation with Civil Society.
8. *We recommend that the Government of India:*
  - a. *Ensure the effective implementation of UPR recommendations through the establishment of a National Mechanism for Reporting and Follow-up as a permanent governmental mechanism to liaise with relevant ministries and consult with Civil Society, NHRI's and all relevant stakeholders.*

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<sup>1</sup> The last review of India was held at the 8th meeting on 24 May 2012. See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012; and its Addendum (A/HRC/21/10/Add.1), 17 Sep 2012.

### III. DISCRIMINATION AGAINST CHILDREN

9. This coalition welcomes the Indian government's acceptance of Recommendation No. 138.75 to place the appropriate monitoring mechanisms to ensure the promotion and protection of the welfare and rights of vulnerable groups.<sup>2</sup> We have observed that the groups that are most discriminated against in India are the **indigenous children, orphaned and abandoned children, children in street situation, children with disabilities, children affected by HIV/AIDS, girl children, and scheduled caste and scheduled tribe children**. They are discriminated against because of age, gender, religion, social and caste system and they are discriminated from accessing quality education and health services, and later on in employment.

10. While there has been progress within legislative and judicial institutions as well as through government and civil society programmes, further efforts are needed to fully implement the rights of children, especially girl children, belonging to these groups. **Particularly in rural areas**, vulnerable children are marginalized from society because of lack of awareness and do not benefit from positive measure undertaken by the Indian government. As a result, we express our concerns for the lack of effective implementation of legislation and relevant programmes in the rural areas where they are needed the most.

11. India has a sizable number of indigenous communities like scheduled castes and scheduled tribes, tribal communities, and other ethnic groups. There are many special programmes for these groups, but they are unaware of these government initiatives. Indigenous people experience displacement, ill treatment and are exploited in various ways such as economically and physically. Even though policies are in place, such as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 that entered into force on January 26, 2016,<sup>3</sup> their condition is still uncertain and threatening. We continue to see discrimination against indigenous groups, especially towards children and adolescents. Discrimination in schools towards lower caste children still occurs. Children from scheduled castes are made to clean school toilets and carry their footwear in their hands. Exclusion of Dalit children by teachers and peers also perpetuates the discrimination against these groups.

#### 12. We recommend that the Government of India:

*a. Designs and implement programmes that monitor the progress of government initiatives aiming to improve the quality of life and human rights of discriminated groups.*

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<sup>2</sup> Recommendation No. 138.75: Put in place appropriate monitoring mechanisms to ensure that the intended objectives of the progressive policy initiatives and measures for the promotion and protection of the welfare and the rights of the vulnerable, including women, girls and children, as well as the Scheduled Castes and Scheduled Tribes and Minorities are well achieved (Ghana). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>3</sup> Press Information Bureau, Government of India, Ministry of Social Justice and Empowerment, 25 Jan 2016. See: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=135764>

*b. Continues its efforts to carry out comprehensive public education campaigns to prevent and combat caste, gender, religious and minorities based discrimination with a view to changing social attitudes in accordance with a human rights-based approach.*

*c. Conducts further awareness and outreach campaigns that target discriminated children in rural areas as most vulnerable groups with limited knowledge and understanding of their rights.*

*d. Includes members of indigenous and other discriminated groups in the decision-making process of national and state governments in aiming to conceive and design specific policies and programmes for these various groups.*

#### **IV. BIRTH REGISTRATION**

13. In accordance with Recommendation No. 138.131 and 138.132<sup>4</sup>, this NGO coalition welcomes India's efforts to organize a well-defined system at the rural level where birth registration is entrusted to officials of the Panchayat Department in 15 states and 3 union territories, the Health Department in 7 states and 4 union territories, the Revenue Department in 3 states, the Education Department in 2 states and the Police Department in 1 state.<sup>5</sup> However, we continue to report ineffective implementation of this system in rural and remote areas. In Tamil Nadu, for example, despite awareness campaigns, people from remote villages and scheduled tribes continue to lack birth registration. This can lead to lost opportunities for the child to attend school and increase the costs of a family to obtain the child's birth registration.

#### **14. We recommend that the Government of India:**

*a. Accelerates and improves the birth registration service delivery system within rural and remote areas.*

*b. Facilitates demand creation amongst parents, guardians, community leaders and service providers in rural and remote areas for registration and issuance of birth certificates.*

*c. Enhances compilation, analysis and use of the vital statistics in rural and remote areas collected through the civil registration system to inform future planning and programming for government programmes.*

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<sup>4</sup> Recommendation No. 138.131: Take the necessary measures to ensure birth registration on a universal basis, particularly for persons living in extreme poverty, belonging to religious minorities or in remote areas (Mexico). Recommendation No. 138.132: Ensure timely registration of all births (Holy See). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>5</sup> Vital statistics of India based on the Civil Registration System 2013. Office of the Registrar General, India. See : [http://www.censusindia.gov.in/2011-Documents/CRS\\_Report/CRS\\_Report2013.pdf](http://www.censusindia.gov.in/2011-Documents/CRS_Report/CRS_Report2013.pdf)

## V. RIGHT TO EDUCATION

15. This NGO coalition welcomes the recommendations accepted by the Indian government towards the promotion of free and compulsory education for children in India.<sup>6</sup> The Right of Children to Free and Compulsory Education (RTE) Act serves as a building block to ensure that every child has the right (as an entitlement) to obtain a quality primary education, and that the Indian government, with the help of families and communities, fulfils this obligation. Despite the efforts of the Indian government to sustain the educational system in the country through programmes such as the Sarva Shiksha Abhiyan (SSA),<sup>7</sup> several critical issues continue to persist, particularly in rural areas, such as **low enrolment rates, high dropout rates in rural areas, shortage of qualified teachers, inadequate curricula, and lack of quality education.**

### *Legislation*

16. This coalition welcomes the progress and efforts by the Indian government to implement Recommendation No. 128.52<sup>8</sup>, which calls on the central government to enhance coordination with state governments to guarantee implementation of the RTE Act. However, there appears to be a lack of stringent implementation of the RTE Act throughout the nation. While states have met the three-year to set RTE rules and provide notifications to the central government, it appears that the actual implementation of the Act is not seen as a “time-bound constitutional provision.” As a result, it appears that overall compliance to the RTE Act is poor and not satisfactory across all the states.<sup>9</sup>

17. We welcome the Indian government’s acceptance of Recommendation No. 138.114 to rehabilitate child labourers.<sup>10</sup> However, this coalition is concerned about the recent passage of the Child Labour (Prohibition and Regulation) Amendment Act, 2016 that allows children under the age of 14 to work in “family or family enterprises” or as an “artist in an audio-visual entertainment industry.” This has a negative impact on children, especially from poor families and rural areas, since they are more inclined to drop out and work for their families who suffer

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<sup>6</sup> Recommendation No. 138.160: Further promote children’s right to education (Greece); and Recommendation No. 138.162: Continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all the girls and boys in its country (Ecuador). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>7</sup> SSA Programme: Operational since 2000-01, it provides for a variety of interventions for universal access to primary education. See: <http://mhrd.gov.in/sarva-shiksha-abhiyan>

<sup>8</sup> Recommendation No. 138.52: Enhance the coordination of both [the central and state governments] in an effective manner in order to guarantee the smooth implementation of the 2010 Right of Children to Free and Compulsory Education Act (Indonesia). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>9</sup> Status of Implementation of the Right of Children to Free and Compulsory Education Act, 2009: Year Five (2015-15), RTE Forum, March 2015.

<sup>10</sup> Recommendation No. 138.114: Continue the implementation of the national child labour project aiming at the rehabilitation of child labourers (Angola). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

from “intergenerational debt bondage.”<sup>11</sup> This law has the potential to increase drop out rates of children living in rural areas, who are already the more disadvantaged groups in the enjoyment of the right to education.

### ***Access and Availability to Education***

18. In accordance with information received from the field, in particular from Chhattisgarh, this NGO coalition expresses deep concern about the access to education for vulnerable groups in rural areas, such as children in street situations and children from poor families. In addition, while welcoming the acceptance of Recommendation No. 138.166<sup>12</sup> that prioritises efforts to ensure that children with disabilities are afforded the same right to education as all children, we note with concern that children with disabilities in rural areas often remain totally excluded from the education system due to physical and/or social barriers and receive no education at all. Attendance and drop out rates are poor especially in rural areas. The lack of motivation and encouragement to attend school leads to more unemployment and poverty for these disadvantaged groups.

19. Accordingly, in the state of Tamil Nadu, access and quality of education is suffering due to social disparities between the rich and the poor. Despite existing legal framework that ensures that all children have equal access to education, children in street situation, migrant children, girl children as well as children from lower castes do not enjoy equal educational opportunities, which further marginalizes them from society.

### ***Quality of Education***

20. In Chhattisgarh and Tamil Nadu there is a perceived disparity between public and private school education; private teachers reportedly provide more quality education than teachers at public schools. It was reported in 2016 that there were 660,000 teachers that lacked adequate training and that 13% of the teachers in India were contract workers who at times were not qualified enough.<sup>13</sup> In addition, the school system suffers from shortages in teachers as there are 586,000 teacher vacancies across India and there are 105,650 schools managed by a single teacher alone.<sup>14</sup> Clearly there is a need for the Indian government to enact reforms that address the quality of teacher training and the shortage of teachers in the school system.

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<sup>11</sup>“A law that allows child labour,” The Hindu, 10 Aug 2016. See: <http://www.thehindu.com/opinion/columns/ru-chira-gupta-child-labour-prohibition-and-regulation-amendment-act-2016-a-law-that-allows-child-labour/article8964940.ece>

<sup>12</sup> Recommendation No. 138.166: Prioritise efforts to ensure that children with disabilities are afforded the same right to education as all children. (Australia). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>13</sup> “Teachers’ Travails: Battling crowded classrooms and non-teaching duties,” Hindustan Times, 4 Sep 2016. See: <http://www.hindustantimes.com/india-news/teachers-travails-battling-crowded-classrooms-staff-shortages-and-several-non-teaching-duties/story-4Vcn6sujpCqaTa2eXVQh9J.html>

<sup>14</sup> Ibid.

21. This NGO coalition congratulates the Indian government for improving the pupil-to-teacher ratio (PTR) in primary and upper primary schools to 28:1 and 30:1, respectively, in 2013-14 compared to the RTE Act's recommended figures of 30:1 and 35:1. However, government figures still show that 30% of primary schools, and 15% of upper primary schools still have PTRs that are higher than the recommended RTE Act figures. Also a Maharashtra state education department survey in 2014 found that the PTR in government schools was 30:1 while many private schools, where there is larger demand, have 50 students in one classroom.<sup>15</sup>

22. While drop out rates appear to generally decrease in India, the rate remains high in rural areas where a significant number of children still drop out of school mainly as result of the low quality of education.

23. In several regions of India, we observed that human rights education is not included in the curricula, and if it is, the courses are very superficial and do not properly address the core values of human rights.

### ***Corporal Punishment***

24. We welcome the Indian government's efforts to raise awareness against the use of corporal punishment within the educational system such as the guidelines issued by the Ministry of Women and Child Development (MWCD) and National Commission for Protection of Child Rights (NCPCR). However, the elimination of corporal punishment of children in all settings as stated under Recommendation No. 138.104 still remains to be achieved.<sup>16</sup> Though beating of children in schools is prohibited according to the RTE Act, it still appears to be a common issue across schools in India.<sup>17</sup> Moreover, the Act only addresses the ban of corporal punishment against children ages 6-14. In general, corporal punishment against children should be banned up to 18 years of age.

25. In addition, we report inconsistencies with the implementation of the RTE Act within national and state legislative frameworks. The prohibition of corporal punishment in the RTE Act does not apply in the state of Jammu and Kashmir, which is exempt from the Act.<sup>18</sup> Children in the states of Goa, Andhra Pradesh, and Tamil Nadu, are legally protected from corporal punishment in all schools. However, an amendment made to the RTE Act in 2012 states that the Act "shall not apply to Madrasas, Vedic Pathsalas and educational insitutions primarily imparting religious instruction."<sup>19</sup> The amendment occurred after the Indian Supreme Court made a ruling in April

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<sup>15</sup> "The pupil-teacher ratio has improved but not enough," DNA India, 12 Sep 2015. See: <http://www.dnaindia.com/analysis/column-the-pupil-teacher-ratio-has-improved-but-not-enough-2124403>

<sup>16</sup> Recommendation No. 138.104: Introduce legislation to prohibit corporal punishment of children in all settings (Liechtenstein). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>17</sup> "Beatings for asking for help: corporal punishment in India's schools," The Guardian, 22 May 2015

<sup>18</sup> Article 1, sub-paragraph (1) of The Right of Children to Free and Compulsory Education Act, 2009 states that the act "shall extend to the whole of India except the State of Jammu and Kashmir." For full text of the Act see: [http://mhrd.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/rte.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/rte.pdf)

<sup>19</sup> Corporal punishment of children in India, Global Initiative to End All Corporal Punishment of Children, July 2016.

2012 that stated that the Act does not apply to unaided minority schools.<sup>20</sup> The inconsistencies in which the Act applies to school children in certain settings or states is troublesome as it does not fulfil the notion of banning corporal punishment of school children in all settings.

**26. We recommend that the Government of India:**

- a. Fully implement the incorporation of the Right to Education Act in their state education systems, ensuring consistency of states legal framework with the RTE Act.*
- b. Institutes programmes that make children, especially in rural settings, aware of their rights at school and at the home.*
- c. Implements monitoring mechanisms that measure and ensure access to education for vulnerable children.*
- d. Strengthens educational programmes in rural areas in order to decrease dropout and truancy rates.*
- e. Adopts recommendations for teacher education reform to ensure a better quality of education, through teachers that are fully qualified and motivated.*
- f. Follow-up with states and union territories to ensure that human rights education is adequately incorporated into all state education curricula.*
- g. Increases the age of corporal punishment against a child from 14 to 18 years in accordance with the Convention on the Rights of the Child.*
- h. Ensure full implementation of the law against corporal punishment and stricter enforcement of the law across all states, and types of schools (including other child care institutions) in India.*

**VI. RIGHTS OF WOMEN**

27. This coalition commends the acceptance of Recommendation N. 138.130 providing for “more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities.”<sup>21</sup> However, violence against women in the form of physical abuse, exploitation, rape and murder is highly pervasive and perpetrated with impunity. This NGO coalition remains concerned that implementation appears insufficient despite the passage of the Protection of Women from Domestic Violence Act, 2005. Generally, police still consider acts of violence as a private family matter and do not provide accurate information and support to the victims. Lack of support services and shelters

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<sup>20</sup> Ibid.

<sup>21</sup> Recommendation No. 138.30: Provide more resources for the enjoyment of economic and social rights, especially in favour of vulnerable groups like women, children, poor people and minorities (Viet Nam). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.



become significant barriers to women's protection in India. Perpetrators of violence against women – husbands, relatives, police personnel and others – often remain unpunished.

28. We welcome the Government of India's acceptance of Recommendation No. 138.84 that calls for the continued promotion of initiatives that eradicate "all forms of discrimination against women."<sup>22</sup> Discrimination against women is still occurring in rural areas despite efforts to promote gender equality and prevent gender discrimination. Lack of adequate knowledge and awareness among women with regard to their rights is very common in India, including their legal rights like property and inheritance. Moreover, women from lower castes are still discriminated against and are relegated to menial "caste-designated" such as manual scavenging,<sup>23</sup> despite prohibitions against this type of work.<sup>24</sup>

### *Child Marriage*

29. We welcome the Government of India's acceptance of Recommendation No. 138.102 to take effective measures to dissuade child marriages. <sup>25</sup> States such as Tamil Nadu have made efforts to eliminate child marriages. The state's Social Welfare Department stopped about 1,651 child marriages in 2014 but challenges still remain to eradicate child marriages in the state where the Indian government's 2011 census recorded 65,200 child marriages.<sup>26</sup> In addition, there are reports of child brides using the courts to annul marriages.<sup>27</sup> However, more efforts need to be taken in order to reduce child marriages, which continue to limit opportunities for millions of women and girls in India, which has the highest number of child brides in the world.<sup>28</sup>

30. According to the Prohibition of Child Marriage Act (PCMA), 2006, the minimum age for marriage is 21 for boys and 18 for girls. However, the PCMA does not declare all child marriages illegal. Rather, child marriages are only considered null and void if they resulted from the use of force, threat, fraud, kidnapping or violation of a court injunction order to prevent the

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<sup>22</sup> Recommendation No. 138.84: Continue to promote its many initiatives for the eradication of all forms of discrimination against women (Trinidad and Tobago). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>23</sup> Manual scavenging is the practice of manually cleaning excrement from private and public dry toilets and open drains.

<sup>24</sup> "Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India," Human Rights Watch, 25 Aug 2014. See: <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india>

<sup>25</sup> Recommendation No. 138.102: Take effective measures to dissuade child marriage to protect the fundamental rights of the children (Switzerland). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>26</sup> "Child marriage is a major challenge," The New Indian Express, 2 Jun 2014. See: <http://www.newindianexpress.com/cities/chennai/2014/jun/02/Child-Marriage-is-a-Major-Challenge-620144.html>; and "62500 child marriages in Tamil Nadu, Chennai leads," Times of India, 22 Mar 2016. See: <http://timesofindia.indiatimes.com/city/coimbatore/62500-child-marriages-in-Tamil-Nadu-Chennai-leads/articleshow/51505945.cms>

<sup>27</sup> "Child marriage in India finally meets its match as young brides turn to courts," The Guardian, 27 May 2015. See: <https://www.theguardian.com/global-development/2015/may/27/india-child-marriage-annulment-brides-go-to-court>

<sup>28</sup> Girls not Brides: Child marriage in India. See: <http://www.girlsnotbrides.org/child-marriage/india/>

marriage. Child marriages are still legally valid unless either party decides to nullify it.<sup>29</sup>

28. The PCMA appears to contradict other laws that govern marriages and child sexual abuse. In India, there are personal laws<sup>30</sup> that allow for child marriages,<sup>31</sup> which are in clear contradiction with the law that addresses child sexual abuse (Protection of Children from Sexual Offences Act, POCSO) that makes any sexual act with a child below the age of 18 years an offence.<sup>32</sup>

31. In addition, marriage registration is not compulsory across the country; each state has its own method or reason for registration marriages. However, it has been noted that states, which register marriages, specify the registration of all marriages, including child marriages. Thus, these state requirements reinforce and legitimize the practice of child marriage.<sup>33</sup>

## **32. We recommend that the Government of India:**

*a. Takes measures to coordinate with NGOs, police officers and the public to protect women and the girl child in all settings.*

*b. Monitors the implementation of laws and policies that are designed to protect women from lower castes from discrimination.*

*c. Harmonizes the laws that govern child marriages so that they are effectively considered illegal across the country.*

*d. Considers the adoption of a national law that ensures compulsory registration of marriages and ensures that young couples who are getting married are confirmed to be of legal age.*

*e. Ratifies the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.*

## **VII. RIGHT TO HEALTH**

33. The National Rural Health Mission (NRHM) was launched to improve availability and access to quality health care in rural areas. While it is an ambitious central government programme, the benefits are not reaching the poorest of the poor. The recent announcement in the Budget 2012 to introduce a National Urban Health Mission is a positive step towards

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<sup>29</sup> Child Marriages in India: Achievements, Gaps, and Challenges: Response to Questions for OHCHR Report on Preventing Child, Early and Forced Marriage for 26th Session of the Human Rights Council, Submission by HAQ Centre for Child Rights. See:

<http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/HAQCentreForChildRights1.pdf>

<sup>30</sup> The people of India belong to different religions and faiths. They are governed by different sets of personal laws in respect of matters relating to family affairs, i.e., marriage, divorce, succession, etc. See: <http://www.archive.india.gov.in/citizen/lawnorder.php?id=16>

<sup>31</sup> Child Marriages in India: Achievements, Gaps, and Challenges. op cit

<sup>32</sup> Child Marriages in India: Achievements, Gaps, and Challenges. op cit

<sup>33</sup> Child Marriages in India: Achievements, Gaps, and Challenges. op cit

providing health care to the urban poor in the course of the Twelfth Five-Year Plan.<sup>34</sup> The success of this mission would depend on adequate budgetary allocations, a clear plan of action incorporating a human rights-based approach, and a monitoring mechanism to ensure that targets are met.

34. Aggregate levels of under nutrition in India remain high and adolescent girls, women, and children, especially from scheduled castes and scheduled tribes are the most vulnerable groups.<sup>35</sup> Right to health is a pre-condition for the enjoyment of all other human rights by children. The Integrated Child Development Services (ICDS) did not achieve its target that children below six years are provided food in anganwadis<sup>36</sup> and primary schools, mainly because of poor implementation. In addition, a report by the Comptroller and Auditor General of India stated that more than 50,000 children in 32 government-aided schools were not served cooked meals in 2015. The auditor's report found that because of non-implementation of the government's Mid-Day Meal Scheme<sup>37</sup> in 32 government-aided schools of Amritsar and Ludhiana, 50,417 students were deprived of the benefits of the scheme.<sup>38</sup> This has resulted in malnutrition. Many children are physically and mentally challenged because of malnutrition, which in turn can affect their contribution to the country's socio-political and economic development.

35. We welcome the Indian government's efforts to ensure that all women have access to "adequate obstetric delivery services and sexual and reproductive health services" as noted under Recommendation No. 138.153.<sup>39</sup> Unplanned fertility is experienced by considerable proportions of young women. Despite increased awareness, government schemes, and international pressure, women in India continue to face immense obstacles in accessing and exercising their reproductive rights. Government authorities have provided some awareness programmes on health education to adolescents. However, the quality of health education is either inadequate or the inclusion of sex education in school curricula is inconsistent across the country. In addition, a 2005 Supreme Court decision stated that "sexual education was not a fundamental right."<sup>40</sup> Access to adequate health and sex education would greatly benefit vulnerable and help the Indian government achieve its acceptance of Recommendation No. 138.153.

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<sup>34</sup> "National Urban Health Mission to enhance access to urban poor," The Times of India, 20 Mar 2012. See: <http://timesofindia.indiatimes.com/city/indore/National-Urban-Health-Mission-to-enhance-access-to-urban-poor/articleshow/12334828.cms>

<sup>35</sup> "We need a Nutrition Mission," The Hindu, 23 Jul 2016. See: <http://www.thehindu.com/opinion/lead/on-indias-slow-progress-in-the-malnutrition-front/article8887622.ece>

<sup>36</sup> Anganwadi, which means "courtyard shelter" is a government sponsored child-care and mother-care center in India that caters to children in the 0-6 age group. See: [www.aanganwadi.org](http://www.aanganwadi.org)

<sup>37</sup> Mid-day meal scheme (MDMS) is a centrally sponsored government scheme to boost the universalisation of primary education by increasing enrolment, retention and attendance in primary and upper primary classes.

<sup>38</sup> "Over 50,000 children not served mid-day meal in Punjab," All India, 15 Sep 2015. See: <http://www.ndtv.com/india-news/over-50-000-children-not-served-mid-day-meal-in-punjab-report-1458817>

<sup>39</sup> Recommendation No. 138.153: Take further measures to ensure all women without any discrimination access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortion and gender-sensitive comprehensive contraceptive services (Finland). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.

<sup>40</sup> "Activists are trying to stop gang rape in India by talking about sex," Global Post, 29 Oct 2014. See: <http://www.pri.org/stories/2014-10-29/activists-are-trying-stop-gang-rape-india-talking-about-sex>; "Outsourcing sex education," Wall Street Journal, 30 Jan 2015. See: <http://blogs.wsj.com/indiarealtime/2015/01/30/indsex/>

## ***Child Sex Ratio***

36. India's sex ratio is slightly improving. In 2001, the ratio was 933 girls for every 1000 boys whereas it increased to 943 in 2011 but child sex ratio has decreased from 927 in 2001 to 919 in 2011.<sup>41</sup> The Government of India has made efforts to increase the sex ratio by amending legislation and bringing awareness to female foeticides. A Supreme Court-appointed National Inspection and Monitoring Committee submitted a series of suggestions to keep a check on doctors who committed foeticides, such as banning convicted doctors for five years.<sup>42</sup> However, this coalition encourages the Indian government to continue efforts to bring awareness and to implement and enforce laws that prohibit sex selection in view of its acceptance of Recommendation No. 138.152.<sup>43</sup>

### **37. We recommend that the Government of India:**

- a. Reviews its nutrition programmes and schemes to ensure that they are properly reaching the population of children and youth in the country.*
- b. Improves health and sex education courses in school curricula throughout the country.*
- c. Strengthens legal and institutional systems in order to provide the discriminated groups of children with proper health services in schools along with education to health.*
- d. Enhance compilation, analysis and use of the vital statistics in rural and remote areas collected through the civil registration system to inform future planning and programming for government programmes.*

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<sup>41</sup> Census 2011: Sex Ratio in India. See: <http://www.census2011.co.in/sexratio.php>

<sup>42</sup> "Ban doctors found guilty of female foeticide: SC panel," New Indian Express, 31 Jan 2016. See: <http://www.newindianexpress.com/thesundaystandard/2016/jan/31/Ban-Doctors-Found-Guilty-of-Female-Foeticide-SC-Panel-875609.html>

<sup>43</sup> Recommendation No. 138.152: Strengthen its efforts to improve maternal health and act to effectively balance the skewed sex-ratio among children, including by combating female foeticide (Norway). See Report of the Working Group on the Universal Periodic Review of India (A/HRC/21/10), 9 Jul 2012.