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## India

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The United Nations country team recommended that India ratify all the international instruments that it had signed and sign and ratify those to which it was not yet a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocols to the International Covenant on Civil and Political Rights, the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>2</sup>

3. The Committee on the Rights of Persons with Disabilities recommended that the Government promptly ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.<sup>3</sup>

4. The Special Rapporteur on the human rights to safe drinking water and sanitation recommended that the Government ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>4</sup>

5. The United Nations country team recommended that the Government consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).<sup>5</sup>

6. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government accede to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.<sup>6</sup>

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that India ratify the Convention against Discrimination in Education of 1960.<sup>7</sup>



8. The United Nations country team recommended that the Government invite special procedure mandate holders to visit the country, in line with the standing invitation it had extended to them.<sup>8</sup>

9. India contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2017, 2018, 2019, 2020 and 2021.<sup>9</sup>

### **III. National human rights framework**

#### **1. Constitutional and legislative framework**

10. The United Nations country team recommended that the Government continue strengthening national and state legislation to give full expression to the principles enshrined in international treaties, in line with the recommendations of several treaty bodies.<sup>10</sup>

#### **2. Institutional infrastructure and policy measures**

11. The United Nations country team stated that the National Human Rights Commission would benefit from further strengthening to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by appointing independent commissioners, increasing internal capacity and interacting with civil society. The country team recommended that the Government ensure full compliance with the recommendations of the Commission and provide it with adequate resources.<sup>11</sup>

### **IV. Promotion and protection of human rights**

#### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

##### **1. Equality and non-discrimination**

12. The United Nations country team stated that every Indian citizen had a fundamental right to equality and non-discrimination.<sup>12</sup>

13. The Special Rapporteur on water and sanitation stated that Dalits were victims of the gravest forms of caste-based discrimination, often had limited or unequal access to resources and services, including water and sanitation, and were disproportionately affected by poverty. More than 20 per cent of Dalits still did not have access to safe drinking water and about 50 per cent of Dalit villages were denied access to water sources.<sup>13</sup>

14. The United Nations country team noted that, despite the adoption of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, local governments and municipalities continued to employ manual scavengers.<sup>14</sup>

15. It recommended that the Government raise public awareness about the prohibition of caste-based discrimination.<sup>15</sup>

##### **2. Right to life, liberty and security of person, and freedom from torture**

16. The United Nations country team stated that the expanded use of the death penalty in India in recent years might violate the spirit of article 6 (2) of the International Covenant on Civil and Political Rights, and that the death penalty appeared to be used more frequently in the lower courts, while the Supreme Court seemed to be more sceptical about applying it.<sup>16</sup>

17. The Committee on the Rights of Persons with Disabilities was concerned about the prevalence in institutions, including childcare facilities, of inherent forms of violence and ill-treatment, including physical and chemical restraints, forced medication, coercion, physical abuse, humiliation, electroconvulsive therapy, shackling, forced labour and corporal punishment, which particularly affected children with disabilities, persons with intellectual or psychosocial disabilities and women with disabilities.<sup>17</sup>

18. The same Committee recommended that the Government ensure that all forms of ill-treatment of persons with disabilities constituted criminal offences, in line with the definition of torture in international law, that cases of torture and ill-treatment were investigated, prosecuted and the perpetrators sanctioned, and that redress was provided for persons with disabilities who were subjected to ill-treatment.<sup>18</sup>

19. The United Nations country team stated that, despite explicit legal prohibitions, some schools continued to use corporal punishment.<sup>19</sup>

20. UNESCO recommended that the Government consider including in its legislation an explicit prohibition of all violence, including gender-based violence, in educational settings.<sup>20</sup>

21. The United Nations country team recommended that the Government achieve full compliance with national legislation prohibiting corporal punishment in schools through prevention, response, redress and accountability.<sup>21</sup>

22. The United Nations country team recommended that the Government increase the number of prison staff, especially medical personnel, and provide training on effective prison management to better manage vulnerable inmates, including women, children, persons with communicable diseases and drug users. It also recommended that the Government make sufficient provision for drug addiction treatment and care in prisons.<sup>22</sup>

23. UNHCR recommended that the Government ensure that detention of persons in need of international protection was used only as a measure of last resort and, where necessary and justified by law, for as short a period as possible. It also recommended that the Government ensure that detention did not constitute an obstacle to pursuing an asylum application, and that alternatives to detention were sought and given preference, particularly while an asylum application was pending adjudication.<sup>23</sup>

### **3. Administration of justice, including impunity, and the rule of law**

24. The United Nations country team recommended that the Government reduce the time required for court proceedings and establish time-sensitive procedures for repatriating foreign victims.<sup>24</sup>

25. The Committee on the Rights of Persons with Disabilities recommended that the Government ensure that the justice system adjudicated cases in a gender-sensitive manner and that procedures for lodging complaints were responsive to women with disabilities and guaranteed their privacy and safety.<sup>25</sup>

26. UNHCR recommended that the Government guarantee minimum procedural safeguards to detained asylum-seekers and refugees, including the possibility to contact and be contacted by UNHCR, as well as access to legal counsel and prompt judicial review of the appropriateness and legality of their confinement.<sup>26</sup>

27. The United Nations country team recommended that the Government develop strong legislation, detailed rules and mechanisms to prevent and prosecute online abuse.<sup>27</sup>

### **4. Fundamental freedoms and the right to participate in public and political life**

28. In 2020, the United Nations High Commissioner for Human Rights expressed regret at the tightening of space for human rights non-governmental organizations (NGOs), including by the application of vaguely worded laws that constrained their activities and restricted foreign funding. She cited as worrying the use of the Foreign Contribution (Regulation) Act, which prohibited the receipt of foreign funds for any activities prejudicial to the public interest. The Act had had a detrimental impact on the rights to freedom of association and expression of human rights NGOs and as a result, on their ability to serve as effective advocates to protect and promote human rights in India.<sup>28</sup>

29. OHCHR noted that activists and human rights defenders had come under mounting pressure in 2020, particularly because of their engagement in mass protests against the Citizenship (Amendment) Act, 2019. More than 1,500 people had reportedly been arrested in relation to the protests, with many charged under the Unlawful Activities (Prevention) Act – a law that had also been widely criticized for its lack of conformity with international human rights standards.<sup>29</sup>

30. The High Commissioner urged the Government to ensure that no one was detained for exercising their rights to freedom of expression and peaceful assembly and to do its utmost, in law and in policy, to protect the country's robust civil society. She urged the authorities to carefully review the Foreign Contribution (Regulation) Act for its compliance with international human rights standards and to release people who had been charged under the Unlawful Activities (Prevention) Act for simply exercising basic human rights that India was obligated to protect.<sup>30</sup>

31. UNESCO noted that the Government had not established a specific national mechanism for the protection of journalists.<sup>31</sup>

32. UNESCO urged the Government of India to continue to investigate the cases of journalists who had been killed, and to voluntarily report to UNESCO on the status of judicial follow-up.<sup>32</sup>

33. The United Nations country team stated that section 3 (c) of the Official Secrets Act, 1923, had been used to prosecute media houses and journalists.<sup>33</sup>

34. The United Nations country team noted that the Whistle Blowers Protection Act, 2014, did not cover journalism sources and that the Indian Penal Code (sects. 500–502) criminalized defamation and libel.<sup>34</sup>

35. UNESCO recommended that the Government decriminalize defamation and libel and place them within a civil code that was in accordance with international standards.<sup>35</sup>

36. The United Nations country team recommended that the Government establish a national mechanism for the protection of journalists and amend the Whistle Blowers Protection Act to include protection of the anonymity of journalists' sources.<sup>36</sup>

37. It also recommended that the Government establish an independent broadcast media authority and authorize news broadcasts on private and community radio stations to enhance the plurality and diversity of news content and news media.<sup>37</sup>

38. UNESCO urged the Government to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers.<sup>38</sup>

## **5. Right to privacy**

39. UNESCO noted that the Information Technology Act permitted surveillance and criminalized online information intended to cause "annoyance or inconvenience" and that, under the Act, the Government had the authority to block content whenever it was in the national interest to do so.<sup>39</sup>

40. UNESCO stated that the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, required social media intermediaries to track and identify the first originator of information on their computer resources if ordered to do so by the authorities. Furthermore, there were concerns about the use in the law of vague terminology when providing grounds for online content restriction and the fact that there were no procedural safeguards for requests by law enforcement agencies for information possessed by intermediaries.<sup>40</sup>

41. UNESCO recommended that the Government amend the Information Technology Act and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules to provide for greater privacy online and to include narrowly defined considerations for the surveillance and blocking of online content.<sup>41</sup>

## **6. Prohibition of all forms of slavery, including trafficking in persons**

42. The United Nations country team stated that, decades after enactment of the Bonded Labour System (Abolition) Act, 1976, forced and bonded labour continued to be prevalent in India. Disaggregated government statistics on bonded and forced labour were not available.<sup>42</sup>

43. UNHCR noted that many civil society organizations and experts working with victims of trafficking had called for strengthening of the provisions of the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill. They had suggested promoting a community-based rehabilitation model that provided health services, legal aid, access to welfare schemes

and income opportunities, which were crucial for ensuring the reintegration of victims into their communities and families.<sup>43</sup>

44. The United Nations country team recommended that the Government increase the allocation of resources, including personnel, infrastructure, finance and capacity, to the Anti-Human Trafficking Unit.<sup>44</sup>

## **7. Right to work and to just and favourable conditions of work**

45. The United Nations country team noted that, according to ILO, 89 per cent of employed women were in informal jobs, while the national average for men and women was 88.6 per cent. Women workers had limited access to employer-based maternity benefits.<sup>45</sup>

46. The United Nations country team noted that domestic and home-based workers continued to be excluded from the labour codes. The Ministry of Labour and Employment had started to develop a policy on national domestic workers.<sup>46</sup>

47. The United Nations country team recommended that the Government facilitate the formalization of informal workers.<sup>47</sup>

48. It also recommended that the Government ensure that effective labour inspections were conducted in all workplaces and that labour inspectors had full powers, in compliance with the ILO Labour Inspection Convention, 1947 (No. 81).<sup>48</sup>

49. It further recommended that the Government strengthen regulatory mechanisms to bring them into compliance with the ILO conventions India had ratified, including regarding equal pay for work of equal value, a social security system and reducing the unequal burden of unpaid care and domestic work.<sup>49</sup>

50. UNHCR stated that labour unions and workers' collectives had highlighted that labour laws needed to be further strengthened to ensure proper implementation of the laws, especially concerning informal workers, and to preserve and promote social dialogue and tripartism.<sup>50</sup>

51. The United Nations country team recommended that the Government amend the Code on Wages, 2019, to ensure full application of the ILO Equal Remuneration Convention, 1951 (No. 100).<sup>51</sup>

## **8. Right to social security**

52. The Special Rapporteur on water and sanitation stated that the Aadhaar number – a number linked to citizenship documents – presented negative implications for populations without access to documents that provided their address at formal housing. The Aadhaar system was linked to the household and required the logging of personal and biometric data. By law, persons without an Aadhaar number could not be excluded from receiving government benefits. However, persons who were homeless had been denied access to shelter as they did not have an Aadhaar number.<sup>52</sup>

53. UNHCR stated that most refugees were unable to access social security or welfare schemes, as they did not possess government-recognized documentation such as Aadhaar cards or PAN cards. As a result, financial inclusion was a challenge.<sup>53</sup>

54. The Committee on the Rights of Persons with Disabilities recommended that the Government ensure access for all persons with disabilities to social protection programmes, including to pension schemes and to unemployment, transportation or care allowances or other entitlements, fostering adequate living conditions in urban and rural areas.<sup>54</sup>

## **9. Right to an adequate standard of living**

55. The United Nations country team noted that, according to the Comprehensive National Nutrition Survey 2016–2018, nearly 39 million Indian children, or nearly 34.7 per cent of all children under 5, were stunted. Poor diet, hygiene and sanitation and unequal food sharing contributed to child and adolescent undernutrition.<sup>55</sup>

56. The United Nations country team stated that, despite extensive food safety-net programmes, acute malnutrition challenges persisted. Owing to a lack of awareness and to

social norms, women and girls often ate last and least; food insecurity among women and poor and vulnerable children could reverse recent progress in reducing malnutrition.<sup>56</sup>

57. The United Nations country team recommended that the Government reinforce social safety nets and provide a full range of entitlements to food for those suffering from acute malnutrition, and that it broaden the range of entitlements to include diverse, nutritious and indigenous foods in government food-based safety net programmes.<sup>57</sup>

58. The United Nations country team stated that housing and amenities remained a challenge, particularly for low-income urban households, and that social exclusion based on discrimination contributed to housing inequality. It recommended that the Government develop a policy on non-discriminatory access to housing and adopt slum improvement strategies, focusing particularly on slums where minorities were concentrated.<sup>58</sup>

59. The Special Rapporteur on water and sanitation stated that, while a large part of the population in India enjoyed access to water and sanitation, certain groups in vulnerable situations were still being left behind, either due to lack of access to services or to the lower level of the services to which they had access. Those groups included Dalits, tribes/Adivasis, nomadic tribes, denotified tribes, Muslim minority communities, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, women in sex work, fisher communities, the urban poor (slum dwellers), orphan children, homeless people and the migrant population.<sup>59</sup>

60. The Special Rapporteur stated that in slums and resettlement sites, open defecation remained the only feasible option, as community toilets were often far away or non-existent.<sup>60</sup>

61. While reiterating his praise of the Government's continued efforts to eliminate open defecation, the Special Rapporteur emphasized that abusive and coercive practices in the context of those efforts continued to demonstrate the urgent need for the Government to properly address the issue.<sup>61</sup>

62. He raised the concern that the government subsidies for households to build toilets were not adequate for the needs of persons with disabilities.<sup>62</sup>

63. He recommended that the Government establish a clear legislative framework that recognized the human rights to water and sanitation and that such legal recognition was harmonized and consistent throughout all states of India.<sup>63</sup>

64. He strongly recommended that the Government establish an independent regulatory mechanism to monitor the implementation of the human rights to water and sanitation.<sup>64</sup>

65. He also recommended that the Government provide equal access to water and sanitation services irrespective of the place and status of residence, including in informal settlements and resettlements and for persons who were homeless.<sup>65</sup>

66. He further recommended that the Government maintain a strong surveillance system to identify, monitor and prevent aggressive and abusive practices, such as coercion, shaming, violence or punishment, in the effort to eliminate open defecation in the country.<sup>66</sup>

67. Furthermore, he stated that it was crucial that provisions regarding the availability and accessibility of water and sanitation for persons with disabilities, women and transgender persons were translated into practice.<sup>67</sup>

## **10. Right to health**

68. The United Nations country team stated that progress needed to be accelerated in several aspects of the population's health, including to further reduce childhood malnutrition and the maternal mortality rate, eliminate communicable diseases and combat non-communicable diseases.<sup>68</sup>

69. The United Nations country team stated that the coronavirus disease (COVID-19) pandemic had disrupted essential non-COVID health services, putting vulnerable populations at higher risk of malnutrition, food insecurity, family violence and disease exposure.<sup>69</sup>

70. The United Nations country team recommended that the Government invest in building a resilient health system with sustained public funding in health, while maximizing its effectiveness and impact.<sup>70</sup>

71. It also recommended that the Government invest in the public health workforce to prevent, prepare for and respond to all types of health emergencies, including gender-based violence.<sup>71</sup>

72. It further recommended that the Government build the capacity of a people-centred primary health-care system, including the provision of mental health care and improving the quality of mental health and psychosocial support.<sup>72</sup>

73. The Committee on the Rights of Persons with Disabilities recommended that the Government ensure universal health-care coverage and access for all persons with disabilities in rural and urban areas.<sup>73</sup>

74. The United Nations country team recommended that the Government examine and address all barriers to the uptake of integrated, non-judgmental sexual and reproductive health services, including HIV testing, as a key entry point for HIV prevention and treatment among adolescents.<sup>74</sup>

## **11. Right to education**

75. UNESCO noted that the Constitution of India of 1949, as amended in 2020, did not enshrine the right to education in all its dimensions, but provided for free and compulsory education for all children from 6 to 14 years of age.<sup>75</sup>

76. UNESCO also noted that India faced persistent disparities in terms of access to and quality of education.<sup>76</sup>

77. UNESCO noted with concern that, despite the steady expansion of access to education, especially at the primary and secondary levels and above, India still had a significant number of out-of-school children and youths and illiterate persons owing to its sheer population size. In 2019, 34.2 per cent of Indian young people aged between 15 and 29 years had not been in education, employment or training.<sup>77</sup>

78. The United Nations country team stated that children with disabilities accounted for nearly one third of out-of-school children. The majority (72 per cent) of the 5.6 million children with disabilities aged up to 14 years lived in rural areas and many of them, especially girls, were either excluded from or only marginally involved in education.<sup>78</sup>

79. UNESCO recommended that the Government align its legislation with the Education 2030 Framework for Action, which required States to ensure at least 12 years of free primary and secondary education, of which at least 9 were compulsory, and 1 year of free and compulsory pre-primary education.<sup>79</sup>

80. The Committee on the Rights of Persons with Disabilities recommended that the Government take measures to ensure the implementation of inclusive education for students with disabilities and redouble its efforts to reduce illiteracy among persons with disabilities.<sup>80</sup>

81. The United Nations country team recommended that the Government encourage curriculum and pedagogy changes in an effort to be more flexible, inclusive and focused on twenty-first century skills and rights education.<sup>81</sup>

82. It also recommended that the Government address the digital gender and equity divide in education, ensuring that the right to education of all children was met through traditional and hybrid forms of education.<sup>82</sup>

## **12. Cultural rights**

83. UNESCO encouraged the Government to promote access to and participation in cultural heritage and creative expressions, which were conducive to implementing the right to take part in cultural life. In doing so, it encouraged the Government to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups such as minorities, indigenous peoples,

migrants, refugees, young people and persons with disabilities, and to ensure that equal opportunities were given to women and girls to address gender disparities.<sup>83</sup>

### **13. Development, the environment, and business and human rights**

84. The United Nations country team recommended that the Government engage with business stakeholders and raise awareness of the importance of preventing forced, bonded and child labour in business supply chains and of adhering to business responsibility and sustainability reporting indicators.<sup>84</sup>

85. The Special Rapporteur on water and sanitation stated that, while social impact assessments continued to exist under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, no human rights impact assessment had been made mandatory for megaprojects in India. He reiterated the need for the Government to make human rights impact assessments a requirement for all megaprojects.<sup>85</sup>

## **B. Rights of specific persons or groups**

### **1. Women**

86. The United Nations country team recommended that the Government ensure that adequate resources were available to expedite adjudication of cases of violence against women.<sup>86</sup>

87. It also recommended that the Government increase the capacity and effectiveness of the One Stop Centres.<sup>87</sup>

88. It further recommended that the Government operationalize the health sector response to gender-based violence at all levels, including medical and legal care for survivors of sexual violence, including during crises and disasters.<sup>88</sup>

89. It recommended that the Government ensure that the full range of quality sexual and reproductive health-care services and information was available, accessible and acceptable to all, especially vulnerable groups including adolescents, disabled persons and persons with non-conforming gender identity and sexual orientation, and that it remove legal and policy impediments.<sup>89</sup>

90. It also recommended that the Government introduce further evidence-based prevention programmes to eliminate gender-based violence.<sup>90</sup>

### **2. Children**

91. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended calling on the Government to strengthen child protection by implementing concrete measures, including by ending the use of pellets guns against children, and to continue its constructive engagement with the United Nations on practical measures to strengthen existing child protection systems.<sup>91</sup>

92. The United Nations country team recommended that the Government consider banning the use of pellets, which could cause indiscriminate injury to children.<sup>92</sup>

93. It also recommended that the Government standardize alternatives to detention, diversion mechanisms and detention protocols to ensure that detention was used as a last resort, in accordance with the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.<sup>93</sup>

94. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended urging the Government to ensure that children were detained only as a measure of last resort and for the shortest appropriate period of time, and to prevent all forms of ill-treatment in detention.<sup>94</sup>

95. The United Nations country team noted that child institutionalization remained high and that family-based alternative care systems were underfunded.<sup>95</sup>

96. It recommended that the Government prevent family separation and promote family-based alternatives for alternative care for children without parental care, including by issuing guidelines on family-based alternative care programmes for children without parental care, and enhance connections to the social protection programme.<sup>96</sup>

97. It also recommended that the Government further professionalize the child protection workforce and develop an integrated information management system to better manage child protection cases and oversight.<sup>97</sup>

98. It further recommended that the Government develop a multisectoral costed action plan to end violence against children.<sup>98</sup>

99. The Committee on the Rights of Persons with Disabilities was concerned about the exclusion of and disregard for children with disabilities, particularly girls with disabilities, from basic public services such as health care and education and the lack of early intervention and support programmes for children with disabilities.<sup>99</sup>

100. The United Nations country team indicated that the Government had taken significant steps to reduce child marriage through programmes such as Beti-Bachao, Beti-Padhao (“save the girl child, educate the girl child”) and that, as a result, the incidence of child marriage had decreased by 50 per cent in 15 years. Nevertheless, 23 per cent of females still married before the age of 18.<sup>100</sup>

### **3. Persons with disabilities**

101. The Committee on the Rights of Persons with Disabilities recommended that the Government complete the review process to bring its legislation, policies and schemes into line with the Convention on the Rights of Persons with Disabilities and eliminate derogatory terminology and concepts against persons with disabilities from its legislation, policies, government regulations and government websites and from public discourse.<sup>101</sup>

102. The Committee also recommended that the Government ensure that community services were available for and inclusive of all persons with disabilities without discrimination, especially in rural areas where the unique disability identification card had yet to be implemented.<sup>102</sup>

103. The Committee was concerned about the absence of measures to combat multiple and intersecting discrimination against, inter alia, persons with disabilities in scheduled castes and scheduled tribes, including Dalits and Adivasi, older persons with disabilities, persons with disabilities living with HIV/AIDS, indigenous persons with disabilities, persons with disabilities who belonged to ethnic, linguistic and religious minorities, and lesbian, gay, bisexual, transgender and intersex persons with disabilities.<sup>103</sup>

104. The Committee recommended that the Government ensure the effective protection of all children with disabilities under the Child Protection Scheme and other programmes, prioritizing children in rural areas and children who faced a risk of abandonment and institutionalization, and strengthening measures to provide support in the community, including in foster families.<sup>104</sup>

105. The Committee also recommended that the Government adopt a national strategy to raise awareness and combat prejudice and stigma against persons with disabilities, including in rural areas and targeting schools, and monitor its impact.<sup>105</sup>

106. The Committee further recommended that the Government recognize sign language as an official language, allocate public resources to provide training and increase the availability of sign language interpreters in court proceedings and in health-care, education, leisure, religious and cultural services.<sup>106</sup>

107. The Committee recommended that the Government adopt national and state strategies for ensuring access to employment by persons with disabilities in the open labour market, through equal opportunity policies, recruitment and skills development training programmes for persons with disabilities.<sup>107</sup>

#### 4. Indigenous peoples and minorities

108. Several special procedure mandate holders urged the Government to uphold the spirit of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act by safeguarding the inherent rights of scheduled tribes and other traditional forest-dwelling peoples. They stated that governments must seek the free, prior and informed consent of the indigenous peoples affected by evictions, ensure that compensation was adequate and that any resettlement plans were determined through a process of meaningful consultation.<sup>108</sup>

109. The United Nations country team recommended that the rights of scheduled tribes, vulnerable tribal groups and traditional forest dwellers, guaranteed under the ILO Indigenous and Tribal Populations Convention, 1957 (No. 107), were fully recognized and respected.<sup>109</sup>

#### 5. Lesbian, gay, bisexual, transgender and intersex persons

110. The United Nations country team recommended that the Government make medical education and textbooks gender sensitive, including by amending content that discriminated against the LGBTIQI+ community.<sup>110</sup>

111. It also recommended that the Government review and amend the Transgender Persons (Protection of Rights) Act, 2019, to enable the issuance of official certificates of identity.<sup>111</sup>

#### 6. Migrants, refugees and asylum-seekers

112. UNHCR stated that refugees and asylum-seekers continued to have access to the territory of India and approached UNHCR for registration and status determination. The Government allowed refugees and asylum-seekers to have access to public health and education services and to the national legal system. Nevertheless, a lack of awareness of those services and of the local language constituted practical and administrative barriers to effective access to them. Refugees and asylum-seekers were sometimes subjected to exploitation by employers and competition for scarce resources sometimes led to disputes with the host community. Many of them found themselves living in conditions of poverty, while trying to make a living in the harsh and complex urban environment of a large country. While instances of gender-based violence affecting refugee and asylum-seeking women and girls had reduced, instances of child labour existed among some refugee communities.<sup>112</sup>

113. UNHCR recommended that the Government adopt national refugee legislation to formalize its long-standing commitment to refugee protection and to establish a consistent and coherent framework for delivering protection and assistance to refugees and asylum-seekers in full compliance with international human rights obligations.<sup>113</sup>

114. It also recommended that India review the Foreigners Act to classify refugees and asylum-seekers as a special category of foreigners who should not be penalized for irregular entry and stay and who would have access to asylum procedures, in line with international standards.<sup>114</sup>

115. It further recommended that the Government remove administrative barriers to allow for unhindered and equitable access of refugees and asylum-seekers to essential services, including birth registration, health and education facilities and financial services. It recommended that the Government ensure that asylum-seekers and refugees could effectively access essential services by providing them with government-issued documentation, such as a special category of Aadhaar cards or an equivalent government-issued document.<sup>115</sup>

116. The United Nations country team stated that the COVID-19 national lockdown had highlighted the urgent need to include both internal and external migrants in existing social protection mechanisms.<sup>116</sup>

#### 7. Stateless persons

117. UNHCR recommended that the Government put in place statelessness determination procedures, in line with international principles and the statelessness conventions, in order to build a strong framework for the protection and assistance of stateless persons.<sup>117</sup>

118. While noting the reforms in the Citizenship (Amendment) Act, 2019, to expedite access to naturalization for certain groups, the United Nations country team recommended that the Government consider extending the application of the Act to other persecuted groups.<sup>118</sup>

119. Several special procedure mandate holders called on the authorities to take resolute action to review the implementation of the National Register of Citizens and other similar processes in Assam and in other states, and to ensure that they did not result in statelessness, discriminatory or arbitrary deprivation or denial of nationality, mass expulsion or arbitrary detention.<sup>119</sup>

### C. Specific regions or territories

120. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that a growing concern was the detention of children by Indian security forces in Jammu and Kashmir for alleged association with armed groups or on national security grounds, as well as the use of torture against children.<sup>120</sup>

121. The United Nations country team noted with concern that children in Kashmir had been exposed to decades-long violence.<sup>121</sup>

122. The Committee on the Rights of Persons with Disabilities was concerned about the lack of information about persons with disabilities in Jammu and Kashmir and strategies to ensure appropriate humanitarian assistance.<sup>122</sup>

#### Notes

<sup>1</sup> [A/HRC/36/10](#), [A/HRC/36/10/Add.1](#) and [A/HRC/36/2](#).

<sup>2</sup> United Nations country team submission for the universal periodic review of India, p. 2.

<sup>3</sup> [CRPD/C/IND/CO/1](#), para. 33 (b).

<sup>4</sup> [A/HRC/39/55/Add.1](#), para. 71 (b).

<sup>5</sup> United Nations country team submission, p. 4.

<sup>6</sup> UNHCR submission for the universal periodic review of India, p. 3.

<sup>7</sup> UNESCO submission for the universal periodic review of India, para. 12.

<sup>8</sup> United Nations country team submission, p. 3.

<sup>9</sup> OHCHR, *United Nations Human Rights Report 2017*, p. 79; *United Nations Human Rights Report 2018*, p. 76; *United Nations Human Rights Report 2019*, p. 90; *United Nations Human Rights Report 2020*, p. 108; and *United Nations Human Rights Report 2021*, p. 114.

<sup>10</sup> United Nations country team submission, p. 3.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, p. 4.

<sup>13</sup> [A/HRC/39/55/Add.1](#), para. 60.

<sup>14</sup> United Nations country team submission, p. 4.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, p. 5.

<sup>17</sup> [CRPD/C/IND/CO/1](#), para. 32 (c).

<sup>18</sup> *Ibid.*, para. 33 (d).

<sup>19</sup> United Nations country team submission, p. 11.

<sup>20</sup> UNESCO submission, para. 12.

<sup>21</sup> United Nations country team submission, p. 12.

<sup>22</sup> *Ibid.*, p. 5.

<sup>23</sup> UNHCR submission, p. 4.

<sup>24</sup> United Nations country team submission, p. 6.

<sup>25</sup> [CRPD/C/IND/CO/1](#), para. 29 (b).

<sup>26</sup> UNHCR submission, p. 4.

<sup>27</sup> United Nations country team submission, p. 6.

<sup>28</sup> See <https://www.ohchr.org/en/press-releases/2020/10/bachelet-dismayed-restrictions-human-rights-ngos-and-arrests-activists-india>.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> UNESCO submission, para. 11.

- 32 Ibid., para. 13.
- 33 United Nations country team submission, p. 4.
- 34 Ibid.
- 35 UNESCO submission, para. 14.
- 36 United Nations country team submission, p. 5.
- 37 Ibid.
- 38 UNESCO submission, para. 19.
- 39 Ibid., para. 7.
- 40 Ibid., para. 8.
- 41 Ibid., para. 15.
- 42 United Nations country team submission, p. 13.
- 43 UNHCR submission, p. 2.
- 44 United Nations country team submission, p. 6.
- 45 Ibid., p. 13.
- 46 Ibid.
- 47 Ibid., p. 14.
- 48 Ibid.
- 49 Ibid.
- 50 UNHCR submission, p. 3.
- 51 United Nations country team submission, p. 4.
- 52 A/HRC/45/10/Add.2, para. 53.
- 53 UNHCR submission, p. 3.
- 54 [CRPD/C/IND/CO/1](#), para. 59 (a).
- 55 United Nations country team submission, p. 8.
- 56 Ibid.
- 57 Ibid.
- 58 Ibid., p. 14.
- 59 [A/HRC/39/55/Add.1](#), para. 54.
- 60 Ibid., para. 64.
- 61 [A/HRC/45/10/Add.2](#), para. 35.
- 62 [A/HRC/39/55/Add.1](#), para. 61.
- 63 [A/HRC/45/10/Add.2](#), para. 8.
- 64 Ibid., para. 17.
- 65 [A/HRC/39/55/Add.1](#), para. 71 (s).
- 66 Ibid., para. 71 (m).
- 67 [A/HRC/45/10/Add.2](#), para. 68.
- 68 United Nations country team submission, p. 6.
- 69 Ibid., pp. 6–7.
- 70 Ibid., p. 7.
- 71 Ibid.
- 72 Ibid.
- 73 [CRPD/C/IND/CO/1](#), para. 53 (c).
- 74 United Nations country team submission, p. 15.
- 75 UNESCO submission, para. 1.
- 76 Ibid., p. 6.
- 77 Ibid.
- 78 United Nations country team submission, p. 12.
- 79 UNESCO submission, para. 12.
- 80 [CRPD/C/IND/CO/1](#), para. 51 (a).
- 81 United Nations country team submission, p. 12.
- 82 Ibid.
- 83 UNESCO submission, para. 18.
- 84 United Nations country team submission, p. 13.
- 85 [A/HRC/45/10/Add.2](#), paras. 19–20.
- 86 United Nations country team submission, p. 10.
- 87 Ibid.
- 88 Ibid.
- 89 Ibid.
- 90 Ibid.
- 91 Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of India, p. 1.
- 92 United Nations country team submission, p. 12.

- <sup>93</sup> Ibid.
- <sup>94</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1.
- <sup>95</sup> United Nations country team submission, p. 11.
- <sup>96</sup> Ibid.
- <sup>97</sup> Ibid.
- <sup>98</sup> Ibid., p. 12.
- <sup>99</sup> [CRPD/C/IND/CO/1](#), para. 16 (a).
- <sup>100</sup> United Nations country team submission, p. 10.
- <sup>101</sup> [CRPD/C/IND/CO/1](#), para. 7 (c).
- <sup>102</sup> Ibid., para. 7 (d).
- <sup>103</sup> Ibid., para. 12 (c).
- <sup>104</sup> Ibid., para. 17 (b).
- <sup>105</sup> Ibid., para. 19 (a).
- <sup>106</sup> Ibid., para. 45 (a).
- <sup>107</sup> Ibid., para. 57 (a).
- <sup>108</sup> See <https://www.ohchr.org/en/press-releases/2019/07/india-must-prevent-eviction-millions-forest-dwellers-say-un-experts>.
- <sup>109</sup> United Nations country team submission, p. 4.
- <sup>110</sup> Ibid.
- <sup>111</sup> Ibid.
- <sup>112</sup> UNHCR submission, p. 2.
- <sup>113</sup> Ibid., p. 4.
- <sup>114</sup> Ibid.
- <sup>115</sup> Ibid., pp. 4–5.
- <sup>116</sup> United Nations country team submission, p. 16.
- <sup>117</sup> UNHCR submission, p. 4.
- <sup>118</sup> United Nations country team submission, p. 16.
- <sup>119</sup> See <https://www.ohchr.org/en/press-releases/2019/07/un-experts-risk-statelessness-millions-and-instability-assam-india>.
- <sup>120</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1.
- <sup>121</sup> United Nations country team submission, p. 11.
- <sup>122</sup> [CRPD/C/IND/CO/1](#), para. 24 (c).
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