

Outcomes of the third Universal Periodic Review of India:

The Government of India's responses to caste-specific UPR recommendations

IDSN briefing note (October 2017)

In response to the 250 recommendations, which India received during its third review of the Universal Periodic Review (UPR) mechanism of the Human Rights Council on 4 May 2017, the Government of India (GoI) accepted nine recommendations related to caste-based discrimination.ⁱ The accepted recommendations, were made by a cross-regional group of states: USA, Peru, Argentina, France, Germany, Mexico, Kyrgyzstan, and two from the Holy See (see the recommendations below).

The report of the UPR working group ([A/HRC/36/10](#)) included thirteen recommendations concerning caste discrimination and the situation of Dalits in India. The caste-related *recommendations* were also made by Czech Republic, Bahrain, Pakistan and Ireland, but their recommendations were only noted. In addition, Guatemala and Sweden made *observations* related to caste during the interactive dialogue and Norway, Czech Republic and Germany raised *questions* on the situation of Dalits in advance of the review. Thus, a total of 15 states made interventions with explicit recognition of the challenges faced by the Dalit community in the third UPR.ⁱⁱ

In its responses to the recommendations ([A/HRC/36/10/Add.1](#)), the GoI unfortunately does not provide information on how it intends to follow up on the accepted or noted recommendations.

Monitoring of UPR recommendations in third cycle

The UPR mechanism was established to prompt, support, and expand the promotion and protection of human rights on the ground in all states. The third and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of human rights situations in the State under review. To achieve this, the UPR involves assessing States' human rights records and addressing human rights violations wherever they occur. As part of the mechanism, states are encouraged to provide the Council with a midterm update on follow-up to accepted recommendations, and to conduct broad consultations with all relevant stakeholders.

➤ **Recommendation:**

To give this mechanism full effect, IDSN urges all states to regularly monitor the implementation of UPR recommendations and developments on the ground in India with a particular focus on the most vulnerable, incl. the Dalits and other marginalized groups, in the coming 4.5 year cycle.

Rec. No.	UPR recommendation - 36th session	Recommending state	GoI's response
161.71	Intensify efforts to guarantee equality and non-discrimination in line with its international obligations by developing public human rights awareness programmes and taking concrete steps to advance the rights of women and girls, members of religious minorities, and lesbian, gay, bisexual, transgender and intersex persons and to combat caste-based discrimination, including to: criminalize marital rape; decriminalize consensual same-sex relations; and establish appropriate policies and practices for registering, investigating and prosecuting violence against women, girls and members of religious minorities (Ireland);	Ireland	Noted
161.72	Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious	United States of America	Accepted

	minorities, scheduled castes, tribes and other vulnerable populations (United States of America);		
161.81	Continue the fight against discrimination, exclusion, dehumanization, stigmatization and violence suffered by scheduled castes (Peru);	Peru	Accepted
161.82	Take urgent measures to repeal the norms that discriminate against castes, and investigate and sanction the perpetrators of acts of discrimination and violence against them, in particular against the Dalits (Argentina);	Argentina	Accepted
161.83	Take the necessary measures to ensure effective implementation of the Scheduled Castes and Scheduled Tribes Act, notably through the training of State officials (France);	France	Accepted
161.99	Prevent and pursue through the appropriate judicial means all violent acts against religious and tribal minorities, Dalits and lower castes (Holy See);	Holy See	Accepted
161.101	Step up its efforts against caste-based violence, discrimination and prejudice, including by eradicating all forms of caste-based discrimination in the educational system (Czechia);	Czech republic	Noted
161.130	Take visible policy and other measures to ensure the freedom of religion and belief and address the alarming trend of racism, racial discrimination, xenophobia and related intolerance including mob violence committed, incited and advocated by right-wing parties and affiliated extremist organizations against minorities, particularly Muslims, Christians, Sikhs and Dalits (Pakistan);	Pakistan	Noted
161.152	Remove barriers prohibiting scheduled castes and schedule tribes from registering their children's births and obtaining birth certificates (Bahrain);	Bahrain	Noted
161.155	Implement a human rights-based, holistic approach to ensure access to adequate housing as well as to adequate water and sanitation, including for marginalized groups, Dalits, scheduled castes, the homeless, the landless, scheduled tribes, religious and ethnic minorities, persons with disabilities and women (Germany);	Germany	Accepted
161.187	Increase investment in universal, mandatory and free education by giving priority to measures to eradicate discrimination and exclusion that affect girls, children with disabilities, Dalits and marginalized persons (Mexico);	Mexico	Accepted

161.189	Continue to ensure access to education for all, especially children of scheduled castes and tribes (Holy See);	Holy See	Accepted
161.215	Enhance activities aimed at eliminating discrimination against women, which particularly affects women from lower castes (Kyrgyzstan);	Kyrgyzstan	Accepted

ⁱ See GOI's full list of responses in [Addendum A/HRC/36/10/Add.1](#)

ⁱⁱ Download a [compilation of caste-related observations and recommendations by states during India's UPR](#)