

# Outcomes of the second Universal Periodic Review of India:

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

IDSN briefing note (October 2012)

In response to the 169 recommendations, which India received during its second review of the Universal Periodic Review (UPR) mechanism of the Human Rights Council on 24 May 2012, the Government of India (GoI) accepts only two recommendations related to caste-based discrimination.<sup>i</sup> The accepted recommendations, which were made by Ghana and the Holy See, focuses on appropriate monitoring mechanisms for vulnerable groups, including scheduled castes, and equal treatment of women independent of caste, tribe or other considerations (see full versions of recommendations below).

The report of the UPR working group (A/HRC/21/10) included ten recommendations concerning caste discrimination and the situation of Dalits in India. The caste-related *recommendations* were made by a cross-regional group of states: Thailand, Japan, Ghana, USA, Czech Republic, Germany, Norway, and the Holy See. In addition, Chile, Canada, Luxembourg, Italy, Hungary, Denmark, and Slovenia asked *questions* or made *observations* related to caste and manual scavenging in advance of the review or during the interactive dialogue. Thus, a total of 14 states made interventions with explicit recognition of the challenges faced by the Dalit community in the second UPR.<sup>ii</sup>

In its responses to the recommendations (A/HRC/21/10/Add.1), the GoI unfortunately does not provide information on how it intends to follow up on the accepted recommendations, and which recommendations it does *not* accept - thereby deviating from the agreed modalities.<sup>1</sup> Furthermore, the GoI has modified the wording of some of the accepted recommendations; thus leaving the responses to 28 recommendations unclear.<sup>iii</sup> None of these however concern the issue of caste-based discrimination.

### Monitoring of UPR recommendations in second 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 second 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 (A/HRC/16/21). 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 - 13th session	Recommending state	GoI's response
43	Enact a law on the protection of human rights defenders, with emphasis on those defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes.	Czech Republic	Not accepted

<sup>1</sup> The HRC has decided that the State under review should clearly communicate to the Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations (A/HRC/16/21, para. 16)

47	Take adequate measures to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons.	Germany	Not accepted
68	Implement the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern defenders of women's and children's rights, defenders of minorities rights, including Dalits and Adivasi, and right to information activists.	Norway	Not accepted
71	Continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups particularly by ensuring effective implementation of relevant laws and measures through proper and active coordination among line ministries, national and state governments; by extending disaggregated data to caste, gender, religion, status and region; and by increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training.	Thailand	Not accepted
72	Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens.	United States of America	Not accepted
73	Monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes.	Japan	Not accepted
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 schedules tribes and minorities are well achieved.	Ghana	Accepted
87	Continue to promote the rights of women in their choice of marriage and their equality of treatment independently of caste and tribe or other considerations.	Holy See	Accepted
118	Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities, Dalits and other casts.	Holy See	Not accepted
163	Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far.	Japan	Not accepted

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<sup>i</sup> See GOI's full list of responses in [Addendum A/HRC/21/10/Add.1](#)

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

<sup>iii</sup> [Link to UPR Info's analysis of India's responses \(2 October 2012\)](#)