

National Human Rights Commission & Tata Institute of Social Sciences

Western Region Consultation Towards Third Universal Periodic Review

Date : 23 – 24 June 2016
Venue : Library Conference Hall, 6th Floor, Tata
Institute of Social Sciences (Main Campus),
Mumbai

(Background Note)

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 193 United Nations Member States once every four and half years. The UPR is a significant innovation of the Human Rights Council. It provides an opportunity to each State to declare what actions they have taken to improve the human rights situation in their country and to fulfill their human rights obligations.

2. The UPR was initiated when the Human Rights Council was created on 15 March 2006 by the UN General Assembly in resolution 60/251. This mandated the Council to "undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States". On 18 June 2007, one year after its first meeting, members of the new Council agreed to its institution-building package vide its resolution 5/1. This resolution provides a road map for guiding the future work of the Council. One of the key elements of this package is the UPR mechanism.

3. The ultimate goal of UPR is to improve the human rights situation of each and every country on the ground. In order to accomplish this, the UPR process involves assessment of the human rights record of all the States and deals with human rights violations wherever they occur. The UPR also aims to provide technical assistance to States whereby they can enhance their capacity to work effectively with human rights challenges as well as share best human rights practices among States and other stakeholders.

4. The review of each Member State is conducted by the UPR Working Group which consists of 47 members of the Council. However, any UN Member State can take part in the discussion/dialogue with the reviewed States¹. The documents on which the reviews are based relate to : (i) information provided by the State under review, which can take the form of a “national report”; (ii) information contained in the reports of independent human rights experts and groups, known as the Special Procedures, human rights treaty bodies, and other UN entities; (iii) information from other stakeholders including non-governmental organizations and national human rights institutions.

5. As part of the first four-year cycle (2008-2011) of UPR mechanism, India was reviewed on 10 April 2008. In accordance with paragraph 15 (a) of the Annex to Human Rights Council Resolution 5/1, the Government of India for the review, submitted a national report that was an outcome of a broad consultation process at the national level with all the relevant stakeholders. The National Human Rights Commission (NHRC) at the request of the Ministry of External Affairs, Government of India, played an active role in the entire consultation process as well as in the preparation of the national report that was submitted for the review to the Working Group. The NHRC identified many important issues that required to be flagged in the national report of India. It also arranged meetings with representatives of various State Human Rights Commissions, non-governmental organizations, civil society organizations, human rights activists, academicians, experts from different fields and other stakeholders in its office.

6. Para 15 (c) of the Annex to Human Rights Council Resolution 5/1 on ‘Institution Building’ states that other additional, credible and reliable information provided by other relevant stakeholders to the UPR should also be taken into consideration by the Council in the review. Accordingly, the Commission submitted a ‘NHRC-India Paper for Universal Periodic Review’ to the Office of the UN High Commissioner for Human Rights in January 2008. In its paper, the Commission highlighted important human rights concerns and challenges, such as those relating to right to education, health and food; rights of

¹ Each State review is assisted by a group of three States, known as “troikas”, who serve as Rapporteurs. The selection of the troika for each State review is done through a drawing of lots prior to each Working Group session.

children; rights of persons with disability; corruption; etc. While taking stock of international human rights commitments made by the Government of India, the NHRC emphasized the need to ratify the 1951 UN Convention Relating to the Status of Refugees and the Convention against Torture.

7. Responding to the country report of Government of India, the UPR Working Group made 18 recommendations. For details, see **Annexure-I** wherein these recommendations have been grouped under five major heads. The Government of India responded by way of tendering explanation to some of them only which it accepted and remaining silent on others. For a detailed response of the Government of India to the recommendations made during the UPR, see UN General Assembly document A/HRC/8/26/Add.1. The response of India was included in the outcome report of the UPR and adopted by the Human Rights Council at its eighth session on 10 June 2008. The Joint Secretary, NHRC, also attended the Plenary Session pertaining to the adoption of the final outcome relating to India under the UPR in Geneva from 9 to 11 June 2008 and made a statement on behalf of the NHRC.

8. The second cycle of the UPR commenced in 2012. The order of review established for the first cycle was followed for the second cycle of UPR. The review of India was held on 24 May 2012. The Working Group on the UPR established in accordance with the Human Rights Council Resolution 5/1, in its meeting held on 30 May 2012 adopted the report presented by the Government of India (A/HRC/21/10). The final outcome report of the Government of India was adopted in the Plenary Meeting of the Human Rights Council held at its 21st Session on 20 September 2012. The NHRC Joint Secretary (Training) along with a senior officer participated in the said session and made a statement on behalf of the Commission. For details of 67 recommendations accepted by the Government of India, see **Annexure-II**, wherein again the recommendations have been grouped under five major heads.

9. The third cycle of the UPR is to commence in 2017. It would be based on the documents mentioned in paragraph 4 of this Background Note. The review, *inter alia*, will also focus on the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

Process

10. For the third cycle of the UPR, the NHRC has again decided to prepare and submit its own independent paper to the Human Rights Council. For this purpose, NHRC has developed a framework indicating action required on each of the 67 recommendation accepted by the Government of India along with its monitorable outcome. The framework also identifies the Ministry/State Government on whose part the action is called for. The said framework is posted on NHRC website - www.nhrc.nic.in. The said framework has also been forwarded to all the concerned Ministries and later meetings were held with them. Till date, the NHRC has convened meetings with Secretaries/Joint Secretaries/Directors of 16 Union Ministries. These Ministries are External Affairs, Home Affairs, Law & Justice (Department of Justice), Health & Family Welfare, Women and Child Development, Minority Affairs, Human Resource Development, Rural Development, Social Justice and Empowerment, Finance, Consumer Affairs, Food & Public Distribution, Labour & Employment, Drinking Water & Sanitation, Housing & Urban Poverty Alleviation, Information & Broadcasting (Press Council of India) and Tribal Affairs. Besides, it also convened meeting with the Adviser of NITI Aayog.

11. Prior to forwarding of the framework, the recommendations relating to first and second cycle of the UPR were also forwarded to the respective Minister of all the aforementioned Ministries by the then Chairperson of the NHRC. To prepare for its independent report, NHRC has further decided to organize five one-day regional consultations to be followed by a national consultation. The main objective of these consultations is to evolve a broad consultation process with all stakeholders so as to have first-hand information from them about the existing human rights situation in the country and in the process assess the status of progress on each of the 67 recommendations adopted by the Government of India.

Objectives

12. Each regional consultation will focus on the following issues :
- Civil and Political Rights;
 - Economic, Social and Cultural Rights;

- Rights of Women;
- Rights of Children; and
- Other Human Rights Challenges.

Date & Venue

13. The **Regional Consultation for Western Region**, fifth in series, is to be organized in collaboration with the School of Law, Rights & Constitutional Governance, Tata Institute of Social Sciences, Mumbai on **23 – 24 June 2016**. The programme would commence on the first day at 10.00 a.m. and conclude by 2.00 p.m. on the second day.

Participants

14. The participants to the Regional Consultation will be senior officers from the States and Union Territories of Maharashtra, Goa, Gujarat, Rajasthan, Daman & Diu and Dadra and Nagar Haveli dealing with civil and political rights; economic, social and cultural rights; including rights of women, children and disabled persons; rights of persons belonging to scheduled castes, scheduled tribes and other disadvantaged sections of the society. In addition, representatives of State Human Rights Commissions, other Commissions, non-governmental and civil society organizations working at the grassroots, technical institutions, experts in the field, members of various NHRC Core Groups and Special Rapporteurs will also be participating in the one-day Regional Consultation.

15. During the Regional Consultation, officers from the States and Union Territories as well as representatives of non-governmental and civil society organizations would be required to make a brief presentation of 5 to 8 minutes each on the concerns listed in the enclosed **Programme Schedule**. This will be followed by open house discussions. However, due to paucity of time, each participant is requested to bring along a detailed write up on the issue(s) being dealt by them in soft copy. This would facilitate NHRC in preparation of its final paper relating to the third cycle of the UPR.

16. For any other information relating to the Regional Consultation of the Western Region in Mumbai, you may contact the following from NHRC and TISS :

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