

**Minutes of the Meeting of the Stakeholders on UPR – III**  
**held on 30 October 2018**

1. The Commission organized the 'Meeting of Stakeholders on Universal Periodic Review (UPR)- III' on 30th October 2018 in the premises of the Commission, (Room No. 205, Manav Adhikar Bhawan, GPO Complex, INA) to discuss the status of implementation of the recommendations of Universal Periodic Review-III duly accepted by the Government of India. The meeting chaired by Shri Ambuj Sharma, Secretary General, NHRC, was attended by the representative of the Union Ministries, State Human Rights Commissions, UN agencies and Civil Society Organisations. The list of participants is enclosed.

**I. Inaugural Session**

2. At the outset, **Shri Dilip Kumar, Joint Secretary (Training & Research), NHRC**, after welcoming all the members attending the meeting, stated that the objective of the meeting is to hold a dialogue among the stakeholders, i.e., Ministries, CSO partners and Human Rights Institutions. He elucidated that the perspectives of the stakeholders may not converge, but it is important to understand that the overall objective is to work for the better protection and promotion of human rights. He ended his welcome address by hoping that the dialogue leaves everybody enriched about the present status, challenges and goals to be achieved for protection and promotion of human rights.
3. **Ms. Maja Daruwala, Co-Convener, Working Group on Human Rights**, also welcomed all the panelists and participants and articulated that NHRC's acceptance to organize the meeting acts as a bridge between CSOs and

the Government, and opens a wide scope for working together towards accomplishment of the commitments made by the Indian Government, under its third UPR at the United Nations Human Rights Council in Geneva, irrespective of the variance in perspectives of stakeholders. She further stated that the Government of India accepted 152 of the 250 recommendations made to it under its third Universal Periodic Review (UPR) and noted the rest and, therefore, only joint efforts can see the practical realization of the human rights to ensure that no one is left behind. According to Ms. Daruwala, the current process towards securing human rights is slow and suggested that the NHRC and the SHRCs' should work towards fulfilling the mandate of upholding the human rights fearlessly. Adding to this, India's inclusion in the Human Rights Council, recently, puts an added responsibility to work towards human rights protection as the world will be watching us, she stressed.

4. **Prof. Ranbir Singh, Vice Chancellor, National Law University (NLU), Delhi,** elaborating the role of NLU in preparing India's National Report on behalf of the Ministry of External Affairs (in all the three cycles of UPR), explained the process and importance of the UPR. Prof. Singh stated that the National Report in UPR is a cooperative affair wherein discussions take place with CSOs, government departments and the human rights institutions. With an aim to review and assess the situation of human rights, the National Report of UPR consists of the: (i) legal landscape with respect to human rights; (ii) ground realities of the human rights issues; (iii) the status of implementation of the recommendations from previous cycles; and (iv) the challenges faced in the implementation of the recommendations. Once the National Report is submitted, recommendations are given on the basis of the 'National Report', 'NHRC report' and 'CSOs report'. Thus Prof. Singh mentioned that any report prepared for UPR cannot be only a back-patting exercise or self-congratulatory. The reports should be written with a critical approach to be

able to present a comprehensive appraisal of the status of the human rights in the country. Thus, UPR becomes an important process which gives the right to critically analyze laws, human rights infrastructure and also focus on the differences in the situation of human rights in the country.

5. **Ms Foroogh Foyouzat, Deputy Representative, UNICEF**, while speaking from the perspective of the child rights, reflected upon the fact that UPR acts as a tool to improve the accountability and provides scope for child activists/organisations to triangulate the recommendations emanating from the UPR to other treaties and reinforce commitment for their implementation. She apprised that in UPR-III, there are 73 recommendations concerning the child rights, of which 59 have been accepted while the rest have been noted by the Government of India. These recommendations pertain to child trafficking, child labour, sexual abuse, etc. She emphasized that there are two pathways for accomplishing these commitments by the Indian Government which include working with other child rights/human rights institutions like NCPCR, SCPCR which play an important role in identifying priority issues for follow up. Secondly, there is a need to work on the rights of the children as the child rights are at the heart of Sustainable Development Goals.
  
6. **Shri Ambuj Sharma, Secretary General, NHRC**, gave an insight into the various initiatives undertaken by the NHRC towards fulfillment of its mandate and commitment of upholding human rights, and further explained as to how everything related to human life and livelihood today is centred around human right. Referring to the three important International Conventions on the subjects of 'disability', 'torture' and 'children' respectively, Shri Ambuj Sharma apprised the participants about the constitution of the Sub-

Committees in NHRC on the above said subjects to carry out the gap analysis between the Indian laws and International Covenants. He also apprised that as one of the outcomes of the detailed deliberations taken place during the National Conference on Child Marriage organized by the Commission, it has recommended to the Government that the term 'compulsory education' under the RTE Act may be extended up to the age of 18 years.

7. **Shri Ambuj Sharma** further mentioned that the strategic plan on human rights prepared by NHRC is also in line with the recommendation which calls for preparation of a national plan on human rights. He also mentioned other initiatives taken by NHRC such as online Human Rights Pledge which has already been taken by nearly one lakh people, starting of a toll free helpline, online registration of complaint through Common Service Centres, expanding its expert core groups by setting up two new Core Groups on 'LGBTI' issues and 'Business Environment and Human Rights'. He concluded by stating that the meeting of all stakeholders would synergize different perspectives in response to the recommendations in UPR III.

## **II. Session: The importance of the UPR process & India's adoption of UPR III**

8. **Shri Miloon Kothari, Independent Expert on Human Rights and Social Policy and Former Special Rapporteur, UN Human Rights Council**, explained the UPR process by locating UPR in United Nations. Highlighting that UPR is a charter based body whose mechanisms are derived from the charter. The four cycle mechanism was then explained in detail. The review has four cycles; each cycle has three phases: 1) national report of the human rights situation; 2) review of the report by the UN Working group followed by recommendations; 3) report of the recommendations accepted and noted. Thereafter each reviewed state has to take steps to meet the recommendations accepted.

Enumerating the participants in the process of UPR, i.e. the State, Human Rights Institutions, CSO experts, media, judiciary, and government, Shri Kothari explained the role of each participant. He explained that the State must ensure broad dissemination of the outcomes of UPR in local language and facilitate broad consultation with relevant stakeholders. NHRIs and other stakeholders have a duty to contribute actively to the process of planning actions towards achievement of UPR outcomes and then take follow-up action. The participants also have a role to encourage, facilitate and monitor the implementation of recommendations

9. **Dr. Aparna Chandra, Professor of Law, National Law University, Delhi,** stated that the UPR mechanism mandates the Human Rights Council to review the documents submitted with respect to the member State's human rights situation. The basis of the review are three documents: 1) National report prepared by the government; 2) United Nation's report; 3) reports by CSO. Dr. Chandra having being part of the UPR process, explained the importance it holds in creating space for conversation of human rights and its monitoring. Furthermore, she shared with the members, the challenges faced in the whole UPR process. First, the word limit of the documents submitted, limits elaboration of issues and compels to just skim through them. Second, the quality of recommendations differ; while some recommendations are precise and require targeted action, the vague ones make it difficult to check the status of implementation. Third, short time span of the UPR meeting dilutes the strength of the meeting as more time is spent in congratulatory expressions. Dr. Chandra summed up her note by stating that the conversation around UPR should revolve around three main aspects: setting agenda, implementation and monitoring.

### III. Session: Discussion among Stakeholders- Union Ministries, State Human Rights Commissions and Civil Society Organizations

10. With the aim to create space for a dialogue between the Union Ministries, CSOs, NHRC and SHRC, the session involved ministries sharing the work undertaken with regard to the implementation of the UPR recommendations, followed by an interactive discussion. The Ministries which participated in the discussions included the Ministry of External Affairs, Ministry of Home Affairs, Ministry of Woman and Child Development, Ministry of Rural Development, Ministry of Health and Family Welfare, Ministry of Labour and Employment, Ministry of Human Resource Development, Department of Disability Affairs, and Ministry of Social Justice and Empowerment respectively. The Ministries, under their respective purview, informed they have put in place a robust set of socio-economic policies to address the basic needs of the citizens, including health, education, housing, poverty alleviation, women empowerment, food security, social security measures etc. The Ministries apprised that the mandate of fulfilling the recommendations of UPR were being accomplished either through formation of new schemes or making extra budgetary allocation under the existing schemes.
11. Some of the new schemes highlighted during the discussions were- **Laqshya' programme of the Ministry of Health and Family Welfare**, which aims at improving quality of care in labour room and maternity Operation Theatre (OT), **Kasturba Gandhi Balika Vidyalayas (KGBVs)** sanctioned under the erstwhile Sarva Shikha Abhiyan (SSA) as residential schools at upper primary level for girls belonging to disadvantaged groups such as SC, ST, OBC, Minority and Below Poverty Line (BPL) families by **Ministry of Human Resource Department, Mahila Shakti Kendra Scheme by Ministry of Women and Development** to empower rural women through community participation.

The scheme is envisaged to work at various levels, and at the National level (domain based knowledge support) and State level (State Resource Centre for Women) technical support to the respective governments on issues related to women is provided, **Revision of guidelines under the National Child Labour Project Scheme by Ministry of Labour and Employment** which include aligning the Special Training Centres (STCs) for rehabilitation of child labour in line with RTE Act among others.

12. All the ministries representatives assured that they shall further speed up implementation and furnish updated progress report on implementation of UPR to Ministry of External Affairs (nodal ministry) regularly. Accordingly, all the representatives of above mentioned ministries were confident of achieving good progress before the mid-term and end of term UPR review.

#### **IV. Session: Ensuring sustainable implementation & good practices of UPR: A training session**

13. **Mr. Hans Fridlund, Program Manager UPR-Info**, being from an organization which focuses on building capacities of the member states to make UPR an effective process, shared some of the best practices in the UPR process. These include:

- Using a gender lens and analyze the structural barriers to gender equality.
- The recommendation noted by the Government should not be ignored rather there should be continuous attempt to fulfill them. A case in point is of 'Sri Lanka' which discusses the noted recommendations with the concerned line departments.
- There should be interministerial meeting during different stages of the UPR process including sending reports, accepting recommendations

etc. A case in point is Portugal's standing National Human Rights Commission which undertakes the responsibility for conducting intergovernmental coordination.

- Mid term reporting, not necessarily by the State, but any CSO is considered to be a good practice. For instance, the CSO coalition-WGHR (in India) has been submitting mid-term reports.
- Traffic light system may be used for reporting/indicating the status of implementation of the recommendations. For instance red- for no implementation, yellow for partial implementation and green for full implementation.
- There may be dissemination of mid-term reports at national level by the National and State Human Rights Commission to raise awareness.
- Making parliamentarians aware of the UPR process is also a good practice, as most of the recommendations are related to law and parliamentarians play an important role in the whole process of law making.

**V. Session: Collaborative and Cooperative action plan by the CSOs on UPR III implementation**

14. In this session, the CSO representatives presented the pressing issues in convergence with the UPR recommendations along with the collaborations they expected with NHRC and made the following suggestions:

- a) To bring the word 'hunger' back to the centre of discourse of death due to malnutrition.



- b) To organize a consultation with those working for Children's rights around the issues of malnutrition, right to education, child labour, rehabilitation of children, etc., and to conduct studies to know the ground reality.
- c) With reference to Anti-Torture Bill presented in the Parliament long back but yet to be passed, the Commission should revive the dialogue on Anti-torture Bill, as there are around 13 recommendations of UPR-III pertaining to the 'torture', by convening a National Convention on the bill along with government and CSOs in the process.
- d) To review and analyze the type of complaints that it receives and examining the socio-economic profile of the complainants.
- e) To organize public hearings in order to speed up the process of access to justice to SC/STs as there are 11 recommendations of UPR-III that specifically pertain to the above said community.
- f) To prepare a report on the status of education in India to validate the stance of shutting down of 1,50,000 government schools after enactment of RTE due to less enrollment of students. This move has led to the mushrooming of low-cost private schools nearby the shut down government schools.
- g) To push for the Domestic Workers (Decent Working Conditions) Bill as this is a critical legislation for the recognition of their work and providing them with legal protection.

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