

UPR 13, May 24, 2012
Recommendations by Canada

India

Questions

In 2008, Canada recommended that India provide disaggregated data on caste and related discrimination to which the Delegation of India responded by recognizing that caste-based discrimination exists in India. Could the Delegation of India inform us as to the status of caste-based discrimination, the reforms underway and progress achieved so far, especially related to the Christian and Muslim Dalits who are not granted access to affirmative action (reservations) based on their religion as per paragraph 3 of the Constitution (Scheduled Castes) Order 1950?

Recommendations

Canada recommends that India:

1. Strengthen protection of children's rights, including the ratification of the Convention on the Rights of the Child, by improving mechanisms and resources for the implementation of existing legislation, and by demonstrating higher conviction rates for crimes against children such as sexual exploitation, child labour, child forced-labour and child trafficking.
2. Enact comprehensive reforms to address sexual violence and all acts of violence against women, including "honour" crimes, child marriage, female feticide and female infanticide, and to remedy limitations in the definition of rape and the medico forensic procedures adopted for rape cases.
3. Take measures to address violence and discrimination directed towards persons based on their sexual orientation, especially related to employment.

Observations (if time allows):

We commend India on its enactment of the Right to Information Act in 2005 as a significant step towards enhancing accountability and equality under the law, and encourage India to strengthen protection for human rights defenders.

We note with concern that India has not yet ratified the Convention Against Torture, and encourage India to pass the Prevention of Torture Bill and to allow the visit of the UN Special Rapporteur on Torture.

We welcome India's consultations with segments of civil society in the drafting of the 2012 UPR National Report and India's participation in the National Human Rights Commission consultations. We look forward to seeing this trend continue and expanded to include civil society representatives from all regions and all levels of society in India.