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Evaluating India's Engagement with the Universal Periodic Review: A Focus on Women's Rights

EVALUACIÓN DE LA PARTICIPACIÓN DE INDIA EN LA REVISIÓN PERIÓDICA UNIVERSAL: UN ENFOQUE EN LOS DERECHOS DE LAS MUJERES

AVALIAÇÃO DO ENGAJAMENTO DA ÍNDIA COM A REVISÃO PERIÓDICA UNIVERSAL: UM FOCO NOS DIREITOS DAS MULHERES

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Abstract

The Universal Periodic Review (UPR) of the United Nations Human Rights Council serves as a crucial mechanism for monitoring and promoting human rights globally. It provides a platform for member states to report on their human rights practices and receive recommendations. This article evaluates India's engagement with the UPR, focusing on its commitments and actions concerning women's rights across the first three review cycles. Key issues such as violence against women, gender equality, and health and reproductive rights are critically analysed to understand progress and persisting challenges. The paper assesses India's implementation of UPR recommendations in depth, pointing out noteworthy accomplishments and persisting hurdles while offering insights into socio-cultural, legal, and policy dimensions affecting women's rights in India. However, there is still a significant gap between international commitments and the lived realities, despite some progress having been made. Consequently, these findings call for continuous efforts together with international support toward improving women's status in India. This paper concludes with recommendations for enhancing India's future engagements with the UPR and strengthening its framework for protecting and promoting women's rights.

Keywords

Human rights; UPR; India; women's rights; United Nations.

Resumen

La Revisión Periódica Universal (UPR) del Consejo de Derechos Humanos de las Naciones Unidas sirve como un mecanismo crucial para monitorear y promover los derechos humanos a nivel mundial. Proporciona una plataforma para que los estados miembros informen sobre sus prácticas de derechos humanos y reciban recomendaciones. Este artículo evalúa la participación de India en la UPR, enfocándose en sus compromisos y acciones con respecto a los derechos de las mujeres a lo largo de los primeros tres ciclos de revisión. Se analizan críticamente cuestiones clave como la violencia contra las mujeres, la igualdad de género y los derechos de salud y reproductivos para comprender el progreso y los desafíos persistentes. El documento evalúa en profundidad la implementación de las recomendaciones de la UPR por parte de India, señalando logros notables y obstáculos persistentes, al tiempo que ofrece perspectivas sobre las dimensiones socio-culturales, legales y políticas que afectan los derechos de las mujeres en India. Sin embargo, a pesar de algunos avances, sigue existiendo una gran brecha entre los compromisos internacionales y las realidades vividas. En consecuencia, estos hallazgos llaman a esfuerzos continuos junto con el apoyo internacional para mejorar la situación de las mujeres en India. Se concluye con recomendaciones para mejorar las futuras participaciones de India en la UPR y fortalecer su marco para proteger y promover los derechos de las mujeres.

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Palabras clave

Derechos humanos; UPR; India; mujeres; Naciones Unidas.

Resumo

A *Revisão Periódica Universal (UPR)* do Conselho de Direitos Humanos das Nações Unidas serve como um mecanismo crucial para monitorar e promover os direitos humanos globalmente. Ela proporciona uma plataforma para que os Estados-membros relatem suas práticas de direitos humanos e recebam recomendações. Este artigo avalia o engajamento da Índia com a UPR, focando em seus compromissos e ações relativos aos direitos das mulheres nos primeiros três ciclos de revisão. Questões-chave como violência contra as mulheres, igualdade de gênero e direitos à saúde e reprodutivos são analisadas criticamente para entender o progresso e os desafios persistentes. O artigo avalia em profundidade a implementação das recomendações da UPR pela Índia, destacando realizações significativas e obstáculos contínuos, e oferecendo insights sobre as dimensões socioculturais, legais e políticas que afetam os direitos das mulheres na Índia. No entanto, ainda há uma grande lacuna entre os compromissos internacionais e as realidades vividas, apesar de alguns progressos terem sido feitos. Consequentemente, esses achados exigem esforços contínuos junto com apoio internacional para melhorar a condição das mulheres na Índia. Conclui-se com recomendações para aprimorar os futuros engajamentos da Índia com a UPR e fortalecer seu quadro para proteger e promover os direitos das mulheres.

Palavras-chave

Direitos humanos; UPR; Índia; direitos das mulheres; Nações Unidas.

INTRODUCTION¹

By replacing the Commission on Human Rights in 2006, the newly constituted United Nations Human Rights Council (UNHRC) devised a new mechanism to comprehensively assess member states' adherence to human rights commitments. Instead of piecemeal evaluations by treaty monitoring, the Universal Periodic Review (UPR) aims to monitor human rights holistically. Every country must undergo the review once every four years (United Nations, 2011, par. 5). Thus, it takes about five to six years to complete one cycle for all 193 member states. To review forty-two countries in one year, the Council holds three UPR Working Group Sessions reviewing fourteen states each.

In each cycle, first, each State under Review (SuR) sends its report to the Council. Parallel to that, the Office of the High Commissioner for Human Rights (OHCHR) sends two separate reports of that state to the Council: one is a compilation of all information contained in treaty bodies, and the other is a summary of contributions received from various stakeholders. These three reports – the national report, the UN Compilation, and the Stakeholder Report – are shared with all member states so that they can give recommendations to the SuR. After receiving the recommendations, the SuR indicates its position on each and chooses which to implement. In the next review cycle, the national report also specifies the extent to which earlier recommendations have been implemented.

In the context of human rights, women's rights are often marginalized or overlooked, despite being integral to the overall advancement of human rights principles. Addressing women's rights strengthens societies by promoting social justice, reducing poverty, and fostering sustainable development. Therefore, highlighting the importance of women's rights within the broader human rights framework underscores their foundational role in achieving a more just, equitable, and inclusive society for all individuals. This recognition is essential for shaping policies, implementing effective interventions, and advancing global efforts towards gender equality and women's empowerment.

India has the highest population of women in the world, with an estimated 743 million women. The country's socio-cultural diversity intersects with various factors such as caste, religion, ethnicity, and economic status, creating unique challenges and opportunities for advancing women's rights. Understanding how India navigates its complex socio-cultural dynamics, while engaging with international human rights mechanisms, provides critical

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insights into the challenges and opportunities of promoting gender equality and women's rights in diverse societies.

India underwent three UPR cycles in 2008, 2012, and 2017 and has accepted a significant number of recommendations in each cycle. As required by the UPR process, the country has also reported on their implementation in the next cycle. However, despite such a proactive participation, persistent socio-cultural and legal challenges prevent significant progress in key issue areas of women's rights, emphasizing the need for sustained efforts and culturally informed policies to bridge the gap between commitments and realities. Thus, the main objective of this study is to present a thorough examination of the conversations held on the rights of women across the three cycles. For this purpose, thirty-four reports, produced for the review of India as a UN member state between 2008 and 2021 under the first three UPR cycles, are analysed. Including all annexures, addendums, and corrigendum, there are seven national reports, four UN Compilations, four summaries of Stakeholders' information, and six reports for questions submitted in advance for India. Additionally, working group findings have been analysed, including addenda, the decision on the conclusion, the report from the HRC session, and the HRC matrix of recommendations for India. All these reports are open source documents, available online on the OHCHR website.

There are four main sections to this study. The first section provides a brief review of the UPR process and its significance in the protection and promotion of human rights. The second section details India's participation in the first three cycles of UPR, with a focus on women's rights. The third section outlines the key issues relating to women's rights and how India has implemented the recommendations. Socio-cultural barriers such as traditions, practices, and attitudes that impact the implementation of women's rights initiatives in India are also examined in this section. The fourth section highlights areas where India has made significant progress in addressing women's rights and identifies the main challenges that remain. Finally, in the conclusion and recommendations section, the importance of understanding and integrating cultural contexts into policy implementation is discussed in a bid to offer specific recommendations for how India can develop and implement culturally informed policies to address women's rights issues.

I. UPR PROCESS: A BRIEF INTRODUCTION

The UPR “provides a unique form for all stakeholders to examine, criticize, support and suggest the promotion and protection of human rights on the ground” (Gomez; Ramcharan, 2017, p. 4). Each member state's record on human rights is evaluated as part of the UPR process, as per its UN Charter obligations and the Universal Declaration of Human Rights. More specifically, the member state is closely examined, as the SuR, for compliance with UN human rights treaties, basic principles of international humanitarian law, and any voluntary promises made during the last review cycle.

The process begins when the SuR submits a national report “of its own assessment of the human rights situation” (Patel, 2017, p. 312). The national report offers a self-evaluation of the SuR’s human rights status and the actions taken to uphold its commitments under the law (Patel, 2017, p. 313). Usually, it contains details on laws, regulations, and procedures pertaining to human rights. Parallel to this, the OHCHR compiles “information contained in the reports of treaty bodies” and a summary report of “credible and reliable information provided by other relevant stakeholders” (OHCHR, 2007a, Section 15 (b) & (c), Annex 1). These reports aim to offer a clear picture of the condition of human rights in that country, as, in addition to UN agencies, civil society organisations and non-governmental organisations also get the opportunity to submit reports and assessments of the human rights situation in the SuR (Gomez; Ramcharan, 2017, p. 26).

After submission of these three documents, namely, the SuR’s National Report, and the OHCHR’s Compilation of Information and Stakeholder Submission, the stage sets for the most important feature of the UPR process – interactive dialogue. The interactive session at the UNHRC in Geneva is attended by representatives from all the SuRs. Other member states also attend and participate in the session, and the event is telecasted live for public consumption. Each state is formally evaluated by a designated working group, made of 47 member states of the UNHRC. During the session, questions, remarks, and suggestions from other states on the condition of human rights in the SuR are also invited:

any member of the United Nations can take the stage to comment, ask a question or issue a recommendation to the state under review. In response, the state under review is obligated to provide an instantaneous reply [...]. Following the discussions, a Final Outcome Report is produced, which consists of all the comments, recommendations and responses issued during the interactive dialogue stage of the review (United Nations, 2007, Annex 1, section 27) (Patel, 2017, p. 313).

A report is put together, after the interactive discourse, that contains a synopsis of the meeting and suggestions from other member states. These comments generally contain ideas for enhancing the status quo and can address a spectrum of concerns. It is expected that the SuR would consider the suggestions and address each one. The recommendations accepted by the SuR are labelled “supported,” while the rejected ones receive the label of “noted” (OHCHR, 2011, par. 32). In the first round of review, the term “accepted” was used, but from the second cycle onwards it was an intentional choice to adopt the terminology of “supported” instead. Usage of inclusive and non-confrontational language helps the UNHRC encourages states towards gradual compliance with human rights commitments (Carraro, 2019, p. 1089). Each recommendation may be either “supported” or “noted” by the SuR. However, once approved, the SuR is required to put the suggested policies into action to strengthen its record on human rights.

This three-and-a-half-hour meeting is an important step in the review process “as the commitments and explanations provided by the state representatives at the dialogue sessions” may be used to hold them responsible in domestic and other international fora at the UN (Patel, 2017, p. 310). Once the review process is completed, a final outcome report is issued, detailing all comments made. The UPR, however, is a continuing process, as it keeps monitoring the implementation of accepted proposals in the successive cycles, which occur every four to five years.

2. OVERVIEW OF INDIA’S PERIODIC REVIEW ON WOMEN’S RIGHTS

India was among the first set of countries that underwent UPR. It has done so on three occasions: in 2008, 2012, and 2017. The fourth cycle began in 2022 and will end by 2027. The percentage of total recommendations accepted has continuously doubled in each cycle (see Table 1). The first cycle’s national report gave a descriptive overview of the country’s institutional and normative framework for defending and advancing human rights. The recommendations accepted in the first cycle and the advancements made in human rights since 2008 became the main issues for the second review. One interesting aspect of the national report submitted by India in the second cycle was an annexure that listed the judiciary’s contributions to the progress of human rights. Following the OHCHR guideline note (OHCHR, 2007b), the third round of evaluation largely concentrated on the extent to which the recommendations accepted in previous cycles were actually implemented.

2.1. INDIA’S PARTICIPATION

Out of the total recommendations made to date, more than one hundred have been made on issues relating to women in India. In the first cycle, India accepted only one out of the four recommendations provided on women’s issues. This figure has progressively increased since that time, as seen by the upward trend in the data available (see Graph 1). In the second cycle, India accepted 18 out of 38 recommendations, and in the third cycle, it accepted 45 recommendations out of 69. Cumulatively, it can be gathered from the reports that India has accepted more than half of the recommendations on women’s rights issues. The analysis also provides insights as to when, how many times, and by whom such issues have been raised (see Table 2). The greatest number of recommendations have been made by countries belonging to the “Western European and North American” group, followed by the “Latin American & Caribbean” group. Notably, no country from Africa or Asia made any recommendations to India in the first cycle, but this output has been progressively increasing. Countries from the eastern part of Europe have shown the least interest in making such recommendations.

Thus, the progressive acceptance of recommendations by India demonstrates a commitment to improving women’s rights. The fact that no countries from Africa and Asia made

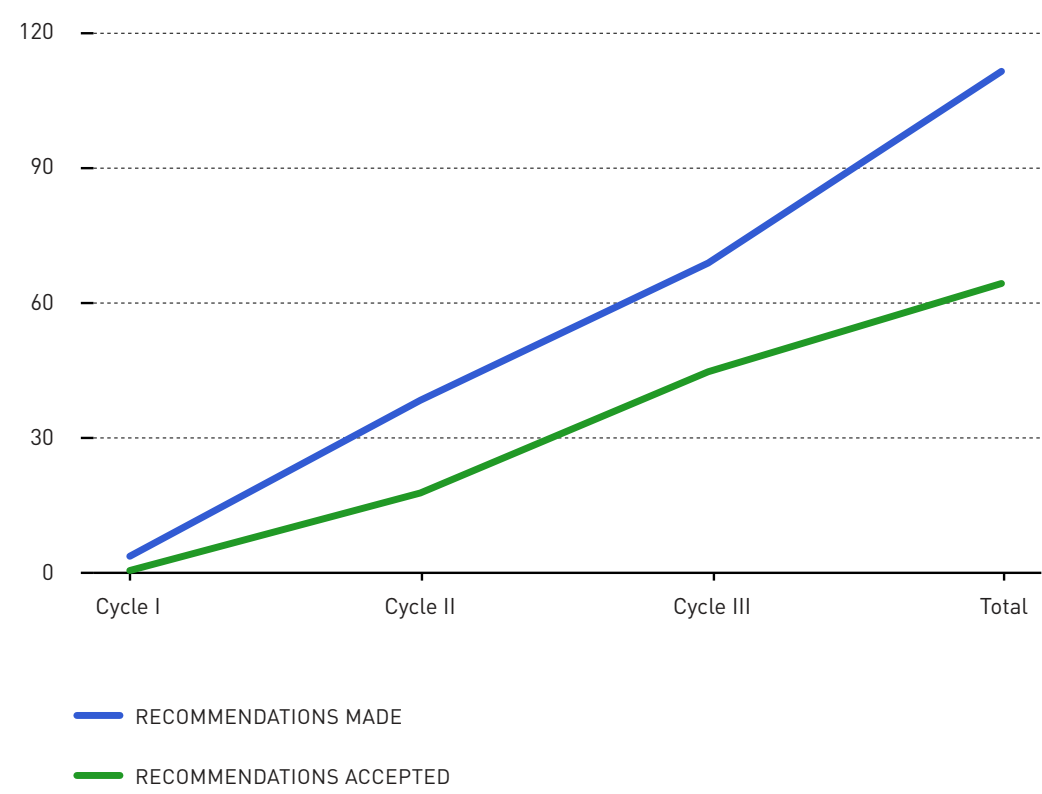
recommendations to India in the first cycle but did so later might reflect a growing acceptance of international human rights norms within these regions over time. This shift suggests that while cultural relativism plays a role, there is potential for alignment with universal standards through dialogue and engagement. The UPR process itself embodies a balance between universalism and cultural relativism. It allows for peer review by other states, which can bring diverse cultural perspectives to the table, while aiming to uphold universal human rights standards.

TABLE 1 — TOTAL RECOMMENDATIONS MADE TO INDIA IN FIRST THREE UPR CYCLES

UPR	CYCLE I	CYCLE II	CYCLE III
RECOMMENDATIONS MADE TO INDIA	30	170	263
SUPPORTED BY INDIA (ACCEPTED)	5 (~16%)	56 (~32%)	162 (~62%)
NOTED BY INDIA (REJECTED)	25 (~84%)	114 (~68%)	101 (~38%)

Source: Author’s own elaboration.

GRAPH 1 — TOTAL PERCENTAGE OF RECOMMENDATIONS IMPLEMENTED BY INDIA ON WOMEN’S ISSUES



Source: Author’s own elaboration.

TABLE 2 — REGION-WISE TOTAL RECOMMENDATIONS MADE BY THE MEMBER STATES TO INDIA ON WOMEN’S ISSUES

GROUPING	CYCLE I	CYCLE II	CYCLE III	TOTAL
WESTERN EUROPE & NORTH AMERICA	1	12	27	40
ASIA	0	10	12	22
LATIN AMERICA & CARIBBEAN	1	8	13	22
AFRICA	0	5	13	18
EASTERN EUROPE	2	2	3	7
OBSERVER	0	1	1	2
TOTAL	4	38	69	111
SUPPORTED (ACCEPTED)	1	18	45	64

Source: Author’s own elaboration.

The data showing recommendations primarily from Western European and North American countries initially, while reflecting increasing participation from other regions, suggests a dynamic interaction, in which global standards are negotiated and gradually accepted by different cultures. This interplay can lead to a more nuanced and context-sensitive implementation of human rights. However, it is important to first examine the content and impact of these recommendations, assess the progress made in implementing them, and identify the challenges faced during implementation.

2.2. RECOMMENDATIONS ON WOMEN’S RIGHTS

India has the highest population of women in the world, with an estimated 743 million women. Major issues raised regarding this significant population in the 21st century are also basic human rights, such as the right to be born, the right against discrimination, the right to marry a person of one’s choosing, the right against violence, criminalisation of honour crimes, and rape by a husband. However, these human rights are yet to be realised, as the country has consistently rejected recommendations on all the main concerns (see Table 3). Table 3 indicates India’s responses to major UPR recommendations across three cycles. Most of the recommendations have been “noted,” that is, acknowledged but not accepted. Over time, only a few issues have been found acceptable for implementation, among them the recommendations to eradicate child marriage and address violence against women. However, some recommendations, such as ratifying the optional protocol of the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) and amending the Special Marriage Act, have consistently been “noted,” without implementation. There are also inconsistencies, such as a fluctuating commitment to addressing female foeticide.

TABLE 3 – COMPARATIVE TABLE TO SHOW INDIA’S STAND ON KEY WOMEN’S RIGHTS ISSUES IN THE THREE UPR CYCLES

MAJOR RECOMMENDATIONS	CYCLE I	CYCLE II	CYCLE III
RATIFY CEDAW-OP	NOTED	NOTED	NOTED
AMEND SPECIAL MARRIAGE ACT	NOTED	NOTED	NOTED
SENSITISE	NOTED	NOTED	NOTED
CRIMINALISE HONOUR CRIMES	NOT RECOMMENDED	NOTED	NOTED
33% RESERVATION	NOT RECOMMENDED	NOTED	NOTED
ERADICATE CHILD MARRIAGES	NOT RECOMMENDED	NOTED	SUPPORTED

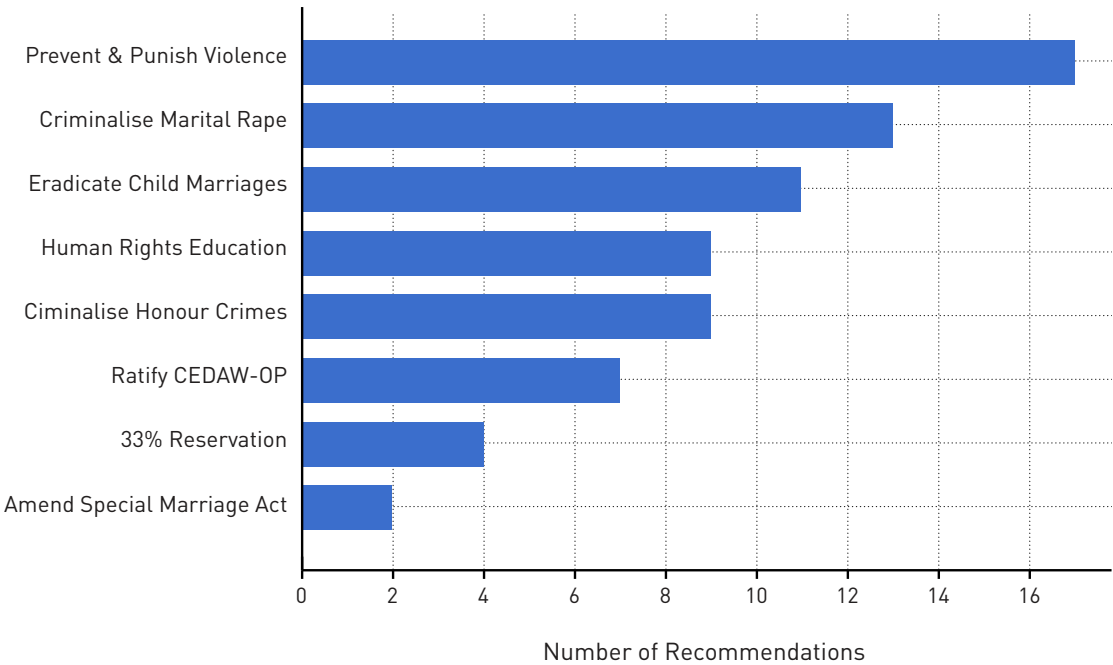
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MAJOR RECOMMENDATIONS	CYCLE I	CYCLE II	CYCLE III
VIOLENCE	NOT RECOMMENDED	NOTED	SUPPORTED
FEMALE FOETICIDE	NOT RECOMMENDED	SUPPORTED	NOTED
CRIMINALISE MARITAL RAPE	NOT RECOMMENDED	NOT RECOMMENDED	NOTED

Source: Author’s own elaboration.

Two recommendations have been consistently made by the member states in all three cycles for women’s rights in India (see Graph 2). The first one is regarding educating the masses about human rights, that is, to sensitise people towards gender equity to eradicate societal prejudices from the root. The other recommendation is regarding ratification of the optional protocol to the CEDAW. However, most of the recommendations urge India to take affirmative action to prevent violence against women and to end impunity for offenders by punishing them (Singh; Chandra, 2017). This recommendation has been echoed in the last two cycles, particularly in the context of marginalised women belonging to lower castes, such as the Dalit and the Scheduled Caste. Notably, the demand for criminalising marital rape was made for the first time in 2017 by more than a dozen member states. The next section discusses key issues relating to women’s rights, as highlighted in the first three UPR cycles for India.

GRAPH 2 — NUMBER OF RECOMMENDATIONS MADE TO INDIA BY THE MEMBER STATES ON WOMEN’S ISSUES



Source: Author’s own elaboration.

3. KEY ISSUES RELATING TO WOMEN HIGHLIGHTED IN UPR

The Universal Periodic Review (UPR) has highlighted India's numerous obstacles in attaining gender equality and addressing women's rights. Key challenges include gender discrimination, ongoing violence against women, and socio-cultural practices that influence women's health and reproductive rights. Despite legislative measures and initiatives aimed at empowering women, implementation challenges and societal attitudes continue to impede progress. The UPR recommendations emphasise the need for stronger legal frameworks, affirmative action, and improved access to healthcare and reproductive rights.

3.1. EQUALITY AND NON-DISCRIMINATION

Gender equality in India is a multifaceted issue affecting political representation, employment, and education. Women's representation in Parliament remains low, with only a small percentage of seats occupied by female legislators. Employment opportunities for women are limited by societal norms and discrimination, resulting in lower workforce participation rates. Despite improvements in enrolment, gender disparities in education persist, particularly in rural areas and among marginalized communities.

India has implemented several measures to promote gender equality and empower women. The 73rd and 74th Constitutional Amendments reserve seats for women in local government bodies, enhancing political participation. Employment schemes, such as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), aim to boost women's economic independence. Educational initiatives, such as Beti Bachao Beti Padhao (Save the Girl Child, Educate the Girl Child), strive to improve female literacy rates and reduce gender gaps in education.

However, challenges remain in effectively implementing policies and ensuring their reach to all sections of society. Persistent gender stereotypes and socio-cultural barriers impede progress towards true gender equality and empowerment. Treaty bodies and special rapporteurs have consistently recommended legal actions against discriminatory practices, such as witch-hunting and unequal property rights, and called for addressing issues like custodial violence and discrimination in housing.

India's national reports have emphasized various measures to end discrimination against women, such as the Tenth Five-Year Plan (2002-2007), the 2001 National Policy for Women's Empowerment, and the Prevention of Atrocities Rules of 2005. Judicial activism, particularly through Public Interest Litigation, has been effective, as seen in the *Vishakha* case (Supreme Court of India, 1997), which established guidelines against workplace sexual harassment.

During all three UPR cycles, stakeholders have repeatedly raised the issue of increasing women's representation in legislative bodies. Recommendations included reserving 33% of the seats in all legislatures. However, the bill to amend the constitution for this purpose is

still pending in Parliament. Despite women comprising 48.5% of the population, only 27.4% are employed, and they hold just 14.39% of seats in the House of People and 8.8% in the Council of States (NHRC, 2021). Enhancing women's representation at the highest governance levels requires affirmative action beyond merely passing laws.

3.2. VIOLENCE AGAINST WOMEN

Violence against women in India includes domestic violence, sexual harassment, and trafficking. Domestic violence is widespread, affecting women across socio-economic strata. Sexual harassment, particularly in the workplace and public spaces, threatens women's safety and dignity. Trafficking for sexual exploitation and forced labour remains a grave concern.

The UNHRC has made several recommendations to address these issues, such as strengthening legal frameworks, improving law enforcement training, and providing better support services for victims. India has responded with measures like the Protection of Women from Domestic Violence Act (2005) and the Criminal Law (Amendment) Act (2013), which include stricter penalties for sexual offences. Initiatives like the One Stop Centre and Women Helpline Scheme provide immediate assistance and support to victims. Despite these efforts, implementation challenges and societal attitudes continue to hinder progress.

Recommendations often call for affirmative action to prevent violence against women and end impunity for offenders. This includes addressing violence against marginalized women, such as the Dalits and the Scheduled Castes, and ending communal violence against women, as highlighted in the context of the 2002 Godhra riots. The 2012 Nirbhaya Gang Rape case brought the issue of violence against women to the forefront, resulting in a comprehensive criminal amendment that increased punishments for rape and criminalized offences like acid attacks, stalking, and voyeurism.

3.3. HEALTH AND REPRODUCTIVE RIGHTS

Women's health issues in India include access to healthcare, maternal mortality, and reproductive rights. Rural women face significant barriers to obtaining necessary medical services. Although maternal mortality has decreased, preventable complications during pregnancy and childbirth remain a leading cause of death. Reproductive rights, including access to contraception and safe abortion services, also require attention.

India has launched initiatives to address women's health concerns, such as the National Health Mission, Janani Suraksha Yojana, and Pradhan Mantri Surakshit Matritva Abhiyan.² These

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² The National Health Mission aims to improve healthcare access across rural and urban India, focusing on maternal and child health. Janani Suraksha Yojana incentivizes institutional deliveries, and Pradhan Mantri Surakshit Matritva Abhiyan provides free antenatal care to pregnant women to reduce maternal and child mortality.

programs provide financial incentives for institutional deliveries and ensure comprehensive antenatal care. Efforts to enhance access to contraception and family planning services aim to empower women to make informed reproductive choices. However, gaps in service delivery persist, particularly in remote and underserved areas, necessitating sustained efforts and a robust healthcare infrastructure.

3.4. ERADICATE CHILD MARRIAGES

Despite legislation making child marriage a punishable offence since 2006, enforcement of the law remains weak. Stakeholders have recommended aligning the definition of “child” with the Convention on the Rights of the Child (CRC) and removing personal law exceptions to the marriageable age. Public awareness campaigns and increased school enrolment of female students are essential to eradicate child marriages.

3.5. ENHANCE SEX RATIO, FEMALE LITERACY RATE, AND ERADICATE FEMALE FOETICIDE

Issues like child marriage, reproductive health, and female foeticide are interconnected. The literacy rate for females increased from 30% in 1981 to 65% in 2011, but primary school enrolment remains around 48%. The sex ratio remains skewed, with only 916 girls for every 1,000 boys (NIPCCD, 2014). Initiatives like Beti Bachao Beti Padhao (Save the Girl Child, Educate the Girl Child) and Free Primary Education aim to address these disparities. What's more, the third national report emphasized improving sanitation in schools to counter girls' absence rates during periods of menstruation.

3.6. REPRODUCTIVE HEALTH

Sham marriages for trafficking young women for sex work and the link between child marriage and early pregnancy have been highlighted by stakeholders. Unsafe abortions and maternal mortality are critical concerns. Treaty bodies have criticized the privatisation of healthcare and unethical female sterilisations, recommending better-quality contraceptives.

4. ASSESSMENT OF PROGRESS AND CHALLENGES

The analysis demonstrates that while India has made notable efforts to address women's equality, violence, health, and reproductive rights, significant challenges remain. Persistent societal attitudes, implementation gaps, and the need for robust legal frameworks and public awareness are crucial for achieving substantial and lasting improvements in the status of women in India.

In the first UPR cycle, India supported the suggestion to incorporate a gender perspective in the UPR follow-up procedure by introducing Gender Budgeting in all Union and State Budgets. However, recommendations to ratify the optional protocol to the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to amend

the Special Marriage Act for equal property rights remain unimplemented. Several UN treaty bodies and special rapporteurs have raised the issue of reviewing regressive laws such as the Armed Forces Special Powers Act, the definition of rape under Section 375 of the Indian Penal Code, the Special Marriage Act, and personal laws relating to women's property rights. The second cycle called for abolishing practices like sati, devadasi,³ dowry death, and honour killings. The third cycle noted the failure to address these issues adequately and recommended amending Section 377 to decriminalize homosexuality and eliminate the marital rape exception from Section 375. Although India has "noted" these recommendations, the Supreme Court decriminalised homosexuality in 2018, invoking "constitutional morality" (*Navtej Singh Johar v. Union of India*, 2018).

During the second cycle, India accepted recommendations concerning pre-natal sex selection, safe abortion, and reproductive health, leading to the enactment of the Prohibition of Children from Sexual Offences Act in 2012. However, it did not implement recommendations regarding free compulsory education, laws against sexual harassment, prohibiting child marriages, punishing violence, protecting minorities, and establishing a National Human Rights Plan. This is puzzling because, as of 2006, India had already enacted laws against domestic violence, provisions for free and compulsory education for children below fourteen, and legislation against child marriage. What's more, in 2013, India passed a law against workplace sexual harassment, replacing the *Vishakha* case guidelines.

In the third UPR cycle, India accepted many recommendations, including prohibiting child marriage, punishing domestic violence, and implementing laws against sexual offences. However, it again rejected demands to amend the Panchayati Raj Act, pass the 108th Constitutional Amendment Bill, ratify the optional protocol of the CEDAW, and amend the Special Marriage Act. India also "noted" recommendations on criminalizing marital rape, eliminating dowry deaths, ending honour killings and female foeticide, implementing "gender budgeting in all states and union territories," and recognizing LGBTIQ+ rights.

India, a signatory to CEDAW since 1993, has focused on passing legislation and creating national human rights organizations like the National Commission for Women. The optional protocol to CEDAW provides a monitoring mechanism that empowers the Committee to receive and decide complaints on violations of CEDAW obligations directly from individuals, requiring exhaustion of national remedies as a prerequisite. However, India has a tradition of not ratifying optional protocols that receive individual complaints due to concerns about national sovereignty, cultural and religious considerations, and domestic political factors.

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3 Sati was a historical practice in India in which a widow would self-immolate or be forced to do so on her husband's funeral pyre, while *devadasi* referred to women dedicated to religious service, often leading to their exploitation as temple prostitutes.

Hence, India has not ratified the optional CEDAW protocol despite the recommendations of seven member states and stakeholders.

While there is progress in certain areas, the persistent “noting” of several key recommendations indicates significant barriers to full implementation. This reflects India's complexities and challenges in aligning with international human rights standards. Most accepted suggestions do not require specific action and are implemented gradually, making it difficult to hold the Indian state accountable for not implementing broadly stated suggestions.

On a domestic level, India has requested a more substantial UPR procedure follow-up. The Ministry of External Affairs has involved academic institutions and civil society organizations in compiling its national report and gathering feedback. However, these meetings are short and infrequent, limiting widespread involvement. Consequently, many crucial voices are not meaningfully engaged in the UPR process.

The mismatch between Geneva-accepted guidelines and domestic policy and legislative agendas is particularly evident in the case of female foeticide. India pledged to eradicate it in 2012 but failed to follow through by 2017. There has been limited follow-up on strategy and implementation, reflecting a broader disparity in addressing issues such as free compulsory education, laws against sexual harassment, child marriage, violence against women, minority protection, and the establishing of a National Human Rights Plan.

CONCLUSION AND RECOMMENDATIONS

India's proactive participation in the Universal Periodic Review (UPR) process of the United Nations Human Rights Council (UNHRC) showcases its commitment to improving women's rights. However, significant socio-cultural and legal challenges persist, impeding the full realisation of these rights. These challenges highlight the complexity of translating international commitments into domestic realities. To address these issues effectively, sustained efforts and culturally informed policies are essential. Considering that India's unique socio-cultural landscape engages local communities and implements comprehensive legal reforms, a multifaceted approach is crucial.

Despite its flaws, the UN Human Rights Council system remains a vital peer review mechanism for the public and international evaluation of a nation's human rights record. The risk of being named and shamed globally can motivate states to modify their behaviour and empower stakeholders to hold governments accountable for their promises. However, for the UPR mechanism to effectively enforce human rights obligations, states must domestically align their operational protocols with stated goals and principles. Enhancing the UPR's effectiveness requires detailed, accurate, and tangible suggestions from member states and justifications for any recommendations they reject. Establishing institutional structures to carry out approved recommendations and mandating regular follow-ups with the HRC are first steps toward that goal.

Furthermore, conducting a thorough review of existing laws related to women's rights can identify and address gaps and inconsistencies, while robust enforcement of these laws, including stricter penalties for violations and better support for victims, is essential to protect women's rights effectively. Training programs for law enforcement, the judiciary, and healthcare providers need to be put in place to be able to handle women's rights issues sensitively and effectively, while increasing funding and resources for institutions dedicated to protecting women's rights, such as shelters, legal aid centres, and health clinics, is crucial for their sustained impact.

What's more, engaging local communities, women's groups, and cultural leaders in policy-making processes is essential to ensuring that initiatives are culturally sensitive, increasing their acceptance and effectiveness; tailored awareness campaigns can educate communities about women's rights and the importance of gender equality, fostering a more supportive environment for change. At the same time, promoting female entrepreneurship, providing vocational training, and improving access to education and employment opportunities are essential, alongside policies ensuring equal pay for equal work and support for working mothers, such as affordable childcare services and parental leave.

Finally, fostering stronger partnerships with international organizations, other countries, and non-governmental organizations allows for sharing of best practices and resources, while technical assistance and funding from international bodies can support initiatives to improve women's rights in India. To that extent, independent bodies should be set up to monitor the implementation of UPR recommendations and the progress of women's rights initiatives, ensuring transparency and accountability through regular reporting and public dissemination of information on the status of women's rights.

By implementing these recommendations, India can make significant strides in bridging the gap between international commitments and domestic realities, ensuring that women's rights are fully realised across the country. Sustained efforts and culturally informed policies can be vital in overcoming persistent socio-cultural and legal challenges, fostering a society where women are afforded equal opportunities to achieve their full potential.

In conclusion, India's response to the critical issues highlighted in the UPR shows a commitment to addressing violence against women, promoting gender equality, and improving women's health and reproductive rights. However, the effectiveness of these measures depends on overcoming implementation challenges and transforming societal attitudes towards women. Continued efforts and a holistic approach are essential to achieving substantial and lasting improvements in the status of women in India.

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