



## **PRESS RELEASE:**

**New Delhi, 28 September 2017**

### **HLRN Welcomes India's Acceptance of UPR III Recommendations on Housing, Land, and Sustainable Development; Calls for a Human Rights Approach to Implementation**

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On 21 September 2017, the Government of India accepted 152 of the 250 recommendations made to it under its third Universal Periodic Review (UPR) at the United Nations (UN) Human Rights Council in Geneva.

The Universal Periodic Review is a UN peer review mechanism in which the human rights record of all 193 UN member states is examined at the Human Rights Council, every four-and-a-half years. India's third UPR (UPR III) was held on 4 May 2017, during which 112 UN member states proposed 250 recommendations to India. Of these recommendations, India "accepted" 152 and "noted" 98.

Housing and Land Rights Network (HLRN) would like to commend the Indian government for accepting recommendations related to sustainable rural and urban development, poverty eradication, farmers' rights, and the human rights to adequate housing, land, water, sanitation, food, and the environment (see Annexure for a list of the relevant recommendations accepted by India). This signifies an important step for India in meeting its commitments under international law, including the Sustainable Development Goals (SDG) and the Paris Agreement.

The UPR III recommendations accepted by India are in line with those made by other UN bodies, including the UN Committee on Economic, Social and Cultural Rights, and the UN Special Rapporteur on Adequate Housing. A number of these recommendations, however, have not yet been implemented by India. HLRN calls on the government to use the UPR III recommendations as a point of convergence, including the adoption of a strong human rights approach to missions, policies, and laws that impact sustainable development, housing, land, water, and related human rights in the country.

Implementing the UPR III recommendations will also help India in improving the execution of national schemes including the Pradhan Mantri Awas Yojana (Housing for All – 2022), Atal Mission for Rejuvenation and Urban Transformation (AMRUT), Swachh Bharat Mission, National Urban Livelihoods Mission, while also meeting its constitutional and other national legal obligations.

While welcoming India's support for these recommendations at the Human Rights Council, HLRN would like to urge the relevant ministries as well as state governments to ensure that human rights-based indicators are developed to implement the UPR recommendations and to link them with the implementation of relevant SDG and various national schemes.

Recognizing and protecting housing and land rights of the rural and urban population, especially of women, is critical to fulfilling SDG and UPR III commitments. HLRN would like to especially stress the need for a national moratorium on forced evictions and forced relocation of the urban and rural poor. With every home that the state demolishes, India backtracks on its goal of providing ‘housing for all by 2022.’ Between January 2016 and August 2017, HLRN estimates that at least 40,000 families have been evicted in urban India. Forced evictions result in the violation of multiple human rights, including the rights to adequate housing, work/livelihood, education, health, food, land, water, sanitation, and security of the person and home.

The government should work towards adopting a human rights-based definition of ‘public purpose’ to check against indiscriminate and rampant land-grabbing, displacement, and resultant landlessness and homelessness. Initiatives of ‘land pooling’ and ‘land banks’ must incorporate human rights principles, including of transparency, participation, and the free and prior informed consent of all affected persons, while ensuring protection against violation of land rights of individuals and communities. Human rights impact assessments and environmental impact assessments must be carried out for all projects, including under the Smart Cities Mission. The draft National Right to Homestead Bill, which aims to provide land for housing and subsistence livelihoods for the landless, should also be revived and introduced in Parliament, following the lead provided by Madhya Pradesh in enacting a Right to Homestead Act.

India has the world’s largest number of persons (632 million) living in multidimensional poverty. The government must take strong measures to decriminalize poverty, including begging, in order to adequately implement UPR III recommendations related to poverty eradication. In this regard, it is essential to immediately repeal anti-vagrancy laws including the Bombay Prevention of Begging Act, and to enact a law to protect the human rights of persons in destitution and homelessness.

HLRN urges the Indian government to work in collaboration with civil society, social movements, and local communities to fulfil its national and international legal and moral commitments, while ensuring social justice for all. UPR III has presented an important opportunity for India to integrate a human rights approach towards social justice issues in the country, and thereby to fulfil its voluntarily accepted commitments to the United Nations.

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*See Annexure on the next page for a list of the relevant UPR III recommendations accepted by India.*

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## ANNEXURE

### INDIA'S THIRD UNIVERSAL PERIODIC REVIEW

#### United Nations Human Rights Council

#### Accepted Recommendations Related to the Human Rights to Adequate Housing, Land, Food, Water, Sanitation, and Sustainable Urban and Rural Development<sup>1</sup>

<b>RECOMMENDATION NUMBER</b>	<b>RECOMMENDATION</b>
<b>PROTECTION OF HUMAN RIGHTS (GENERAL)</b>	
161.61	Continues its endeavours in promoting and protecting the human rights of all its citizens in an inclusive manner.
161.62	Adopt a National Plan on Human Rights.
<b>HUMAN RIGHTS TO ADEQUATE HOUSING AND LAND</b>	
161.155	Implement a human-rights based, holistic approach to ensure access to adequate housing as well as to adequate water and sanitation, also for marginalized groups, including Dalits/scheduled castes, homeless, landless, scheduled tribes, religious and ethnic minorities, persons with disabilities, and women.
161.156	Expand the "Housing for all" scheme to realise the right to adequate housing for vulnerable people and eliminate homelessness by 2030.
161.157	Continue the Housing for All policy led by the Government to eradicate by 2030 the problem of homelessness, in conformity with Goal 11 of the 2030 Agenda.
<b>HUMAN RIGHT TO DEVELOPMENT (SOCIO-ECONOMIC AND SUSTAINABLE DEVELOPMENT) AND POVERTY ERADICATION</b>	
161.85	Consolidate the progress made towards reaching the Sustainable Development Goals, and in the improvement of human development indicators.
161.86	Continue efforts in the implementation of sustainable development strategies for the year 2030.
161.154	Continue its programmes for the promotion of socio-economic development, with a particular focus on the countries' rights-based approach to food security targeting the most vulnerable groups.
161.162	Continuously improve their endeavours to eradicate poverty in the country.
161.163	Continue its efforts towards socio-economic development and poverty eradication.

<sup>1</sup> Report of the Working Group on the Universal Periodic Review, A/HRC/36/10, July 2017. Available at: [https://www.upr-info.org/sites/default/files/document/india/session\\_27\\_-\\_may\\_2017/a\\_hrc\\_36\\_10\\_e.pdf](https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/a_hrc_36_10_e.pdf)

<b>RECOMMENDATION NUMBER</b>	<b>RECOMMENDATION</b>
161.164	Further strengthen its efforts towards socio-economic development and poverty eradication.
161.166	Continue efforts to reduce poverty, improve the well-being of the people, protect and enforce the rights of vulnerable groups of the population.
161.167	Continue its efforts to achieve sustainable development and eradicate poverty.
161.169	Continue national efforts to realize social and economic development and eradicate poverty, and achieve comprehensive sustainable development for all.
161.173	Continue promoting sustainable economic and social development and raising the living standard of its people so as to lay down a firm basis for the enjoyment of human rights by its people.
<b>Rural Development and Rights of Farmers/Peasants</b>	
161.160	Continue efforts and measures aimed at enhancing social security and labour policies, and expand the development model in rural areas.
161.172	Implement further actions in promoting social and work security as well as efforts to spread the country's growth model in rural areas.
161.178	Continue its efforts to ensure that the universal health care scheme covers disadvantaged groups, including persons with disabilities and persons living in remote rural areas that still face obstacles in accessing basic healthcare services.
161.194	Continue its efforts to ensure women's equal participation in the workforce and generate employment opportunities for women in rural areas.
161.245	Continue strengthening the policies in favour of the rights of peasants and other persons working in the rural areas.
<b>HUMAN RIGHT TO FOOD</b>	
161.153	Continue strengthening efforts aimed at promoting food security and eradicate all forms of malnutrition, in particular among children under the age of five.
161.154	Continue its programmes for the promotion of socio-economic development, with a particular focus on the countries' rights-based approach to food security targeting the most vulnerable groups.
161.168	Continues its fight against poverty, lack of adequate food, safe water and sanitation, while paying special attention to the need to introduce a child rights-based approach in all policies.
<b>HUMAN RIGHTS TO WATER AND SANITATION</b>	
161.154	Implement a human-rights based, holistic approach to ensure access to adequate housing as well as to adequate water and sanitation, also for marginalized groups, including Dalits/scheduled castes, homeless, landless, scheduled tribes, religious and ethnic minorities, persons with disabilities, and women.

<b>RECOMMENDATION NUMBER</b>	<b>RECOMMENDATION</b>
161.168	Continue its fight against poverty, lack of adequate food, safe water and sanitation, while paying special attention to the need to introduce a child rights-based approach in all policies.
161.170	Continue increasing access to safe and sustainable drinking water in the rural areas and to improve sanitation coverage, especially for women and girls.
<b>HUMAN RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT</b>	
161.90	Establish and implement regulations to ensure that the business sector complied with international and national human rights, labour, environment and other standards.
161.91	Continue its efforts in relation to its environmental policies.
161.92	Provide access to clean and modern energy to all its people and develop climate-friendly green cities.
161.93	Continue implementing its international commitments to achieve its Nationally Determined Contributions (NDC) under the Paris Agreement of 2015.
161.94	Continue its efforts to effectively enforce its environmental policies and further increase the growth of forest cover in the country.
<b>NON-DISCRIMINATION AND GENDER EQUALITY</b>	
161.69	Adopt a comprehensive national plan on inclusion in order to combat persisting inequality, paying particular attention to persons in vulnerable situations such as women, children, persons with disabilities and minorities.
161.72	Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, tribes, and other vulnerable populations.
161.194	Continue its efforts to ensure women's equal participation in the workforce and generate employment opportunities for women in rural areas.
161.222	Strengthen the adoption of socio-economic programmes which promote the empowerment of women and their participation in public and political life.