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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
21 - 25 May 2007

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS**

List of issues to be taken up in connection with the consideration of the combined second, third, fourth and fifth periodic report of India concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/IND/5)

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Please provide updated information on the implementation of the general provisions of the Covenant (arts. 1 to 5), which have not been included in the combined second, third, fourth and fifth periodic report (E/C.12/IND/5).
2. Please indicate the obstacles and difficulties experienced by the State party in the effective enforcement of the various legislation for the protection of economic, social and cultural rights throughout the country.
3. Please indicate how many, out of all states and union territories, have established the special courts provided for under the 1989 Scheduled Castes and Scheduled Tribes (Prevention and Atrocities) Act and the number of cases considered by these courts over the past five years. What, in the view of the State party, accounts for the low rate of prosecution under the Act, and what measures are being taken to address the situation?
4. What measures have been taken by the State party in response to the recommendations contained in the sixth report (1999-2001) of the National Commission for Scheduled Castes and Scheduled Tribes (NCSC/ST), on the protection, social integration and economic development of scheduled castes and tribes?
5. Please indicate to what extent Dalits and the tribals obtain legal remedies for discriminatory acts committed against them. Please provide concrete examples in this regard.

6. Please provide information on the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of December 2006, and the mechanisms for its effective enforcement.

7. The Committee requests the State party to provide statistical data over the past five years disaggregated by caste, sex, age, and region-where applicable, in its replies to paragraphs 12, 19, 26, 27, 32, 33, 35 and 42 of the present list of issues. The Committee also requests the State party to provide the specific statistical information requested in paragraphs 16, 21, 23, 29, 37, 43 and 45.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Articles 2-5

8. Please provide detailed information on the post-Tsunami rehabilitation process in the affected districts in Tamil Nadu. Bearing in mind the State party's obligations under the Covenant, to what extent is this process being undertaken with due regard to the participation of the affected communities? Please also include information on the benchmarks and the time frame for their achievement.

9. Please indicate the percentage of representation of Dalits in public policy-making bodies.

10. Please provide detailed information on legislation and other measures designed to promote the equality of men and women in the enjoyment of economic, social and cultural rights. In this regard, please assess the generally subordinate situation of Dalit and tribal women in particular, and provide information on measures taken to enable them to overcome this situation.

III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

11. Please explain why the State party has not ratified the following Conventions of the International Labour Organization:

- (a) Convention No. 2: Unemployment Convention, 1919;
- (b) Convention No. 102 Social Security (Minimum Standards) Convention, 1952;
- (c) Convention No. 138 Minimum Age Convention, 1973;
- (d) Convention No. 169 Indigenous and Tribal Peoples Convention, 1989;
- (e) Convention No. 174 Prevention of Major Industrial Accidents Convention, 1993;
- (f) Convention No. 182 Worst Forms of Child Labour Convention, 1999.

Article 6

12. In addition to the statistical information provided in paragraphs 14 to 18 of the report covering the period up to the year 2000, please provide updated statistical data on unemployment and underemployment.

13. Please assess the effectiveness of the measures taken to implement affirmative action legislation and initiatives in the field of employment and education with regard to members of

scheduled castes and tribes, including the reservation of 27 per cent of the seats in Government services (para 22 of the report).

14. Please describe the effectiveness of the measures taken by the State party to promote employment of persons with disabilities (paras. 61 to 64 of the report). What programmes have been established to target women with disabilities, given the particular difficulties they face in obtaining employment (para. 13)?

Article 7

15. Please provide comparative data on the gender gap in relation to equal pay for work of equal value and on measures taken by the State/Union Territory governments to enforce the 1976 Equal Remuneration Act (para. 116 of the report). What remedies are available to female employees to challenge such discrimination and how effective are these remedies in practice?

16. Further to the information provided in paragraph 23 of the report, please provide detailed information on the incidence of sexual harassment in the workplace in the State party, including statistical information on the prosecutions launched and the penalties imposed.

17. Please provide detailed information on the effectiveness of labour inspection in monitoring the implementation of occupational safety and health standards (paras. 118 to 127 of the report), especially with regard to chemical plants and the coalmining sector.

18. Please provide detailed information on the enforcement of the 1993 Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, which directly affects Dalits in particular.

19. Please provide updated information on the extent to which bonded labour exists in the State party, and measures taken to address the situation, including, inter alia, the enforcement of the 1976 Bonded Labour (system) Abolition Act (para. 25 of the report). Please provide statistical information on the number of cases filed under the Act and their judicial outcomes.

Article 9

20. Please elaborate on the non-contributory social security scheme mentioned in paragraph 181 of the report, i.e. access to the social security system by persons that have little or no financial resources and are therefore not covered by the contributory social security system.

21. Further to the information provided in paragraphs 203 and 204 of the report, please provide detailed information, including statistics, on the extent of coverage and the nature of the provision of unemployment benefits in the State party. Notwithstanding the position of the State party that “[...] it is impossible to provide unemployment relief to all who may qualify by any reasonable standards” (para. 203 of the report), has the State party considered providing unemployment benefits, as a minimum, to unemployed workers belonging to marginalized and disadvantaged groups, including scheduled caste and tribes?

22. Please provide information on whether the formal and informal pension schemes and other income support schemes enable older persons to live in dignity.

Article 10

23. Please provide updated information on domestic violence in the State party, including statistical data on the number of victims, perpetrators, convictions, and the types of sanctions imposed. To what extent has the enactment of the Protection of Women from Domestic Violence Act in 2005 (para. 233 of the report) effectively contributed to the rate of prosecution for cases of domestic violence?
24. Please evaluate the effectiveness of the implementation of the 1961 Dowry Prohibition Act and Section 304 B of the Indian Penal Code (para. 232 of the report) in the State party.
25. Please provide up-to-date statistical information on the extent of internal and cross-border trafficking in persons. What measures are in place to ensure that victims of trafficking are provided with appropriate legal assistance and psychological care?
26. Please provide detailed information, including statistics on the findings of the 2007 Government survey sponsored by the Ministry of Women and Child Development (WCD) regarding the problem of sexual and physical abuse of children. What measures, legislative and otherwise, does the State party envisage to undertake in order to address the problem?
27. Please provide detailed information, including statistics on child prostitution, child marriage and child labour, in particular, child bonded labour. Further to the information provided in the report of the State party, please enumerate concrete steps to address these problems and their outcomes, especially with regard to Dalits.
28. Please provide updated information on the incidence of HIV/AIDS infections, in particular where it concerns child prostitutes.

Article 11

29. Please provide detailed information and statistics concerning poverty levels among the scheduled castes and tribes and forest dwellers throughout the country.
30. What mechanisms has the State party established to monitor the effective implementation of the various schemes to provide food as mentioned in the report, and to ensure equitable distribution of food, especially to the disadvantaged and marginalized groups?
31. Referring to paragraph 394 of the report, please provide updated information on the legislation replacing the 1966 Seeds Act and its impact on the accessibility of seeds for farmers, particularly for the most vulnerable and the poorest among them.
32. Please provide information, including statistics, on the incidence of starvation deaths and the measures taken by the State party to prevent these deaths.
33. Please provide statistics on the displacement of persons as a result of development projects, including urban renewal, city beautification, large dams, infrastructure development (such as the Mumbai Urban Infrastructure Project) and sports events (such as the Commonwealth Games). What concrete steps are being taken to ensure that the rights to land, housing and livelihood, especially of agricultural and peasant communities, are being protected in the case of such displacement?

34. What is the State party doing to address the problem of housing for people affected by forced evictions following court orders?
35. Please indicate, with statistical information, the extent of homelessness in the State party. Please also provide information on the results of the measures taken by the State party under the 1998-1999 Plan of Action on Housing and the revised 1998 National Housing and Habitat Policy, described in paragraph. 412 of the report. Please also provide information on the number of state-run shelters for the homeless and their capacity (para. 455 of the report).
36. According to a recent census of the Ministry for Housing and Urban Poverty Alleviation of 2006, the number of slum dwellers rose from 27.9 million in 1991 to 61.8 million in 2001. In view of this, please assess the effectiveness of the National Slum Development Programme (NSDP), mentioned in paragraph. 454 of the report.

Article 12

37. Please provide updated statistical information on the public expenditure allocated to health care in the State party, disaggregated by States/Union Territories.
38. In view of the fact that an estimated 4.58 million persons were living with HIV/AIDS at the end of 2002 (para. 544 of the report), please provide information on the impact of the National AIDS Prevention and Control Policy. What measures has the State party taken to address effectively the problem of societal discrimination against persons infected with HIV/AIDS and their families?
39. Please provide detailed information on measures taken by the State party to realise, in practice, its policy goal of reducing maternal mortality, which is estimated by UNFPA to be 540 maternal deaths for every 100,000 live births (as of March 2006), and to improve the sexual and reproductive health of women and girls, in view of the high incidence of unsafe abortion and the resulting maternal deaths (para. 567 of the report).
40. What measures are in place to establish universal access to family planning services, including access to emergency contraception for women and girls who need it?
41. Please provide information on the extent of female sterilization as a method of contraception in the State party. In this connection, please also provide information on the response of the State party to the decision of the Supreme Court in relation to the public interest case brought before it in 2004, regarding abuses in several states by public-health officials who coerced women to undergo unsafe sterilization procedures, which resulted in failure and even deaths.
42. In addition to the information provided in paragraphs 271 to 273 and 461 to 463 of the report, please indicate, including up-to-date statistical data, to what extent the right to access to safe-drinking water is enjoyed by the population in different parts of the country.

Articles 13 and 14

43. Please provide updated statistical information on the allocation of public expenditure on education in the last five years, disaggregated by State/Union Territories.

44. Please provide detailed information on the measures undertaken to increase enrolment and attendance rates in primary and secondary schools of children belonging to vulnerable and marginalized communities, including Dalits and tribal groups.

45. Please provide information, including statistics, concerning vocational and technical education, and the extent to which vulnerable and marginalized communities, including Dalits and tribal groups, benefit.

Article 15

46. Please provide information on the extent to which the official curricula incorporate human rights education, in particular for the promotion of tolerance and respect for all groups. In this connection, to what extent has the State party made use of the print, broadcast media and information technology?

47. What educational or cultural measures has the State party undertaken to eliminate discrimination against Dalits and tribal groups?

48. Please provide detailed information regarding the management of the Bodha Gaya temple in Bihar.

49. Please provide information regarding the protection and promotion of the traditional arts and crafts, such as stone carving, mirror-work, weaving and embroidery, which are some of the traditional professions and sources of livelihood of the scheduled castes and tribes.

50. Please provide information on the measures taken to protect, preserve and promote the cultural heritage of the scheduled castes and other tribes in the State party.

51. Please provide information as to whether various linguistic groups in the State party have the right to use their language before the courts and other public authorities.
