



India's Fourth Universal Periodic Review 2022

Recommendations Related to Housing and Land

Introduction

The Universal Periodic Review (UPR), developed in 2006, is a unique peer review mechanism of the Human Rights Council (HRC) in which each member state of the United Nations (UN) is examined every four-and-a-half years. India has undergone four cycles of the UPR – in 2008 (UPR I), 2012 (UPR II), 2017 (UPR III), and most recently in 2022 (UPR IV).

The UPR is based on the premise of equal treatment for all countries, with the goal of “improvement of the human rights situation in every country with significant consequences for people around the world.” The review process involves a thorough assessment of the human rights record of each Member state as a means to “prompt, support, and expand the promotion and protection of human rights on the ground.” The UPR is distinctively placed as mechanism which promotes the sharing of best human rights practices around the globe.

The reviews are undertaken through interactive discussions between the State under review (SuR) and other Member states. Each review takes place during a meeting of the UPR working group and is based on three documents – the information provided by the SuR or the national report, compilation of all information from reports prepared by UN Mechanisms, including Special Rapporteurs, and Special Procedures, and the information from National Human Rights Institutions, and Civil Society Organizations (CSOs) or the stakeholders report.

India's Fourth Universal Periodic Review (2022)

India's fourth review was carried out on 10 November 2022. The national report was presented by the Indian delegation – which was led by Mr Tushar Mehta, the Solicitor General of India, and also included representatives from various Ministries, including the Ministry of Women and Child Development, Home Affairs, Minority Affairs, Social Justice and Empowerment, and Rural Development as well as representatives from the NITI Aayog.

In this review, India, as the State under Review, received over 330 recommendations from 130 member states on both, Civil and Political Rights (CPR), as well as Economic, Social, and Cultural Rights (ESCR). These recommendations pertain to various issues, – ranging from protection of the rights of women and children, upholding the rights of religious minorities, universal access to healthcare, among other issues.

Recommendations from HLRN

As the UPR process encourages the active participation of civil society, Housing and Land Rights Network (HLRN), in collaboration with collectives including the Working Group on Human Rights (WGHR) has prepared and coordinated multiple submissions to the Office of the High Commissioner for Human Rights (OHCHR). In the first and the second cycle of the UPR, India received one recommendation on housing, but no recommendation on land. During its third UPR, India received three recommendations on the right to adequate housing, but none on the right to land.

In preparation for India's fourth Universal Periodic Review, HLRN as part of the Working Group on Human Rights (WGHR) submitted a joint stakeholder report which included specific recommendations on the human right to adequate housing and land.

In India, forced evictions and demolitions of homes of the poor have continued unabated during the COVID-19 pandemic, despite guidance from the United Nations. Judicial orders have also contributed to the dispossession of vulnerable groups. Almost 16 million people are currently threatened with the risk of displacement. The pandemic disproportionately affected about four million homeless people and exacerbated their challenges, including livelihood loss and hunger. Land ownership continues to be highly unequal and linked to caste status. Since UPR III, some states have adopted laws that attempt to incorporate a human rights based approach to housing and land.

Government schemes to provide housing, including the Pradhan Mantri Awas Yojana (PMAY) scheme to provide 'Housing for All by 2022', and the Affordable Rental Housing Complex 2020 also faced delayed targets and implementational challenges.

Addressing these issues, following recommendations were submitted as part of the joint WGHR submission :

- Impose an immediate national **moratorium on arbitrary forced evictions** for any reason, invest adequately in **affordable housing**, and take steps to **reduce homelessness** by 2030.
- Develop a **human rights-based national housing policy/law** within two years that recognises and upholds the right to adequate housing (as guaranteed in international law and affirmed by the Indian judiciary) and has provisions to prevent evictions and **discrimination against marginalized groups**.

Recommendations Related to Housing and Land in UPR IV

In its fourth Universal Periodic Review, India received over 330 recommendations from member states on various issues, at least six of which relate to the provision of adequate housing and the implementation of the 'Housing for All' scheme.

Country	Recommendation
Djibouti	6.140: Continue to pursue the implementation of programmes and measures on access to housing for the homeless as well as those aimed at a slum-free India as part of the achievement of the “Housing for All” objectives by 2024.
Oman	6.167: Continue efforts to ensure that all citizens have the right to adequate housing and basic amenities.
Brunei Darussalam	6.168: Continue implementing various schemes and measures to ensure inclusive access to adequate housing and basic amenities.
Philippines	6.169: Continue to implement the “Housing for All” policy to realize SDG 11.
Turkmenistan	6.187: Continue implementing measures on strengthening of the health care infrastructure, housing facilities as well as the support system for people dependent on agriculture.
Germany	6.248: Improve the protection of women and girls’ rights by improving access to health care, education, housing, sanitation and the labour market, notably by increasing the budgetary allocation.

Sources

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7. The Summary of the Stakeholders' submissions on India, which includes suggestions by HLRN can be accessed at: Summary of Stakeholders' submissions on India* Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/41/IND/3 Human Rights Council, Working Group on the Universal Periodic Review, Forty-first session, 7-18 November 2022, 22 July 2022. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/411/95/PDF/G2241195.pdf?OpenElement>
8. Statements delivered by the Indian delegation and Member States can be accessed at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/411/95/PDF/G2241195.pdf?OpenElement>



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