

United Nations High Commissioner for Refugees

India

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to India.

Treaty Body Concluding Observations

CERD/C/IND/CO/19 17th session
5 May 2007

16. While taking note of the mass influx of refugees in India, the Committee is concerned that the State party has not acceded to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and that it has not yet adopted any specific refugee legislation. (art. 5 (b)) The Committee recommends that the State party consider acceding to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and enact a comprehensive legal framework governing the treatment of refugees.

CEDAW/C/IND/CO/3 37th session
2 February 2007

50. The Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, which adversely impacts women refugees and asylum-seekers.

51. The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in India, in line with international standards, in order to ensure protection also for asylum-seeking and refugee women and their children. It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status.

CRC/C/15/Add.228 35th session
26 February 2004

40. The Committee is concerned that Pakistani refugee and Mohajir children residing in India (Rajasthan and Andhra Pradesh, respectively) are stateless.

41. The Committee recommends that the State party take measures to provide these children with a nationality, in accordance with article 7 of the Convention.

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

70. *The Committee welcomes the generous policy of the State party in hosting refugees and asylum-seekers, but remains concerned at the absence of legislation regarding these groups.*

71. In light of article 22 of the Convention, the Committee recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt comprehensive legislation to ensure adequate protection of refugee and asylum-seeking children, including in the fields of physical safety, health, education and social welfare, and to facilitate family reunification.

**CRC/C/15/Add.115 23rd session
23 February 2000**

16. *The Committee is concerned at the absence of an effective mechanism to collect and analyse disaggregated data of all persons under 18 years for all areas covered by the convention including the most vulnerable groups (i.e. children living in slums, belonging to different castes and tribal groups, living in rural areas, children with disabilities, children who are living and/or working on the streets, children affected by armed conflicts and refugee children).*

61. *Welcoming administrative policies which have generally been in line with international refugee law principles, the Committee is concerned that in the absence of legislation there remains no guarantee that children asylum-seekers and refugees will be ensured the protection and assistance provided by the Convention. The Committee is concerned that there exists the potential for children born of refugee parents to become stateless; that there is no adequate legal mechanism to deal with family reunification; and that although refugee children attend school on a de facto basis, there is no legislation which entitles these children to education.*

62. The Committee recommends that the State party adopt comprehensive legislation to ensure adequate protection of refugee and asylum-seeking children, including in the field of physical safety, health, education and social welfare, and to facilitate family reunification. In order to promote the protection of refugee children, the Committee encourages the State party to consider ratifying the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness.

Special Procedure Reports

Special Rapporteur on the right to food

CESCR.4/2006/44/Add.2

20 August to 2 September 2005

48. The Special Rapporteur makes the following specific recommendations:

(g) The Land Acquisition Act should be amended, or new legislation adopted, to recognize a justiciable right to resettlement and rehabilitation for all displaced or evicted persons, including those without formal land titles and including women;⁷⁴

Protection Operation and Legal Advice Section

Division of International Protection Services

UNHCR

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