

Caste-related statements at the Universal Periodic Review of India

24 May 2012, 2.30-6 pm

Oral statements on caste and Dalits: Thailand, USA, Canada, Chile, Czech Republic, Germany, Holy See, Hungary, Japan, Ghana, Luxembourg, Norway

Advance questions on caste and manual scavenging: Denmark, Germany, Slovenia

ORAL STATEMENTS (in the order they were delivered)

Thailand

We commend the government for putting in place an impressive range of measures to eliminate discriminations against and empower marginalized and vulnerable groups, in particular women, children as well as people of scheduled castes (SCs), scheduled tribes (STs) and other backward classes (OBCs), to enable them to enjoy an equitable share of benefits from the country's rapid economic growth.

We **recommend** the government to continue such efforts particularly by (1) ensuring effective implementations of relevant laws and measures through proper and active coordination among line ministries, national and state governments; (2) extending disaggregated data to caste, gender, religion, status and region; and (3) increasing sensitization and reducing discriminatory attitudes among law enforcement officers through human rights education and training.

We further **recommend** India to further promote equal access to justice for all, including by (1) reducing backlog and delays in the administration of cases in court, (2) providing more legal aids to the poor and marginalized, as well as (3) increasing the use of alternative measures to the pre-trial detention.

USA

Finally, we are concerned about widespread impunity. We encourage government efforts to ensure that national security, policing, counter-terrorism, and stability concerns do not come at the expense of human rights. We appreciate and encourage further government efforts to address incidents of extrajudicial killings and torture committed by security forces, and unlawful and dangerous conditions facing those who are in detention or are seeking redress through the judicial system.

To that end, the United States makes the following recommendations:

1. Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi [ah-DEE-vas-ee] groups, as well as, women, trafficking victims, and LGBT citizens;

Canada

In 2008, Canada recommended that India provide disaggregated data on caste and related discrimination to which the Delegation of India responded by recognizing that caste-based discrimination exists in India. Could the Delegation of India inform us as to the status of caste-based discrimination, the reforms underway and progress achieved so far, especially related to the Christian and Muslim Dalits who are not granted access to affirmative action (reservations) based on their religion as per paragraph 3 of the Constitution (Scheduled Castes) Order 1950?

Chile

Valoramos que la Constitución garantice la no discriminación y las medidas de acción afirmativa en favor de las castas desfavorecidas. El Comité de Derechos Económicos, Sociales y Culturales ha manifestado que existiría discriminación contra miembros de determinados grupos marginados y que se trataría de una práctica socialmente aceptada. Entendemos que el Gobierno está realizando importantes esfuerzos para combatir esta situación y los alentamos a continuar en ese camino.

Czech Republic:

The Czech Republic recommends the enactment of a law on the protection of human rights defenders, with emphasis on defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes.

Germany

Germany recommends that adequate measures are taken to guarantee and monitor the effective implementation of the Prevention of Atrocities Act, providing legal means for an increased protection of vulnerable groups like the Dalit, including the access to legal remedies for affected persons.

Holy Sea

The Holy See welcomes the Delegation of the Republic of India led by H.E. Mr. Goolam E. Vahanvati, Attorney General of India. India's National Report highlights the progress made in the promotion and protection of Human Rights during recent years. Efforts have indeed been made to improve legal and institutional frameworks in important areas such as recognition of equal dignity, women protection, work, security, multi-ethnic peaceful coexistence and access to education.

There are, however, some areas of life where attention to Human Rights implementation is still called for, as, for example, in reducing the number of people living below the poverty line, improving health conditions, overcoming the problem of child labor, ensuring the supply of drinkable water for all and specially taking effective measures to prevent and combat violence stemming from caste and religious discrimination.

My Delegation wishes to present the following recommendations for consideration by India:

- Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities, Dalits and other casts.

Hungary

Hungary also welcomes India's extensive efforts to protect children from exploitation and reduce the number of street children. At the same time, we note with concern that child labor continues to exist in India and that there is wide disparity in enrolment and drop out rates in primary schools, negatively affecting in particular girls, Muslim children and children belonging to scheduled tribes and casts. In this regard **Hungary recommends to India:**

- to align its national regulations with the ILO Conventions 138 and 182 and elaborate a timeline for the ratification of these instruments; and
- to implement the recommendations included in the Report of the OHCHR on street children (A/HRC/19/35).

Japan

Japan welcomes India's decision, as one of the UPR recommendations it accepted from its last review, to take into account recommendations made by treaty bodies in developing a national action plan for human rights as well as the establishment of various mechanisms to combat discrimination against Scheduled Castes. The Committee on Economic, Social and Cultural Rights has also suggested strengthening the enforcement of existing legislation to prohibit discrimination. Japan **recommends** that India monitor and verify the effectiveness of, and steadily implement, measures such as quota programmes in the areas of education and employment, special police and special courts for effective implementation of the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes Act, and the work of the National Commission for Scheduled Castes.

Ghana

My delegation welcomes the delegation of India, and commend the government for the steps taken to implement some of the recommendations accepted at the last UPR, and its efforts to address the needs of vulnerable groups of the society.

With a population of 1.2 billion, adequately addressing the needs of the varied sections of the population poses formidable challenges, and it is all too easy to overlook the interests of the vulnerable groups. We therefore welcome the progressive policy initiatives and measures put in place for the promotion and protection of the welfare and the rights of the vulnerable including women, girls and children, as well as Scheduled Castes and Scheduled Tribes and Minorities.

Luxembourg

S'agissant des **droits des femmes**, ma délégation se félicite de la mise en place des dispositions législatives adoptées en la matière.

Le Luxembourg demeure néanmoins préoccupé par le taux très élevé de mortalité maternelle, notamment dans les zones rurales et parmi les femmes appartenant aux castes et tribus « répertoriés ».

Quelles actions les autorités indiennes entendent-elles encore entreprendre

Premièrement : en vue d'atteindre le cinquième objectif du Millénaire pour le développement ?

Deuxièmement : pour mettre fin aux discriminations, malheureusement très persistantes, à l'encontre des femmes ?

Norway

Finally, Norway recommends that India implements the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with a particular emphasis on recommendations that concern defenders of women's and children's rights, defenders of minorities rights, including Dalits and Adivasi, and Right to Information (RTI) activists.

ADVANCE QUESTIONS

Denmark

(...)

- Which steps and measures will the Government of India take to ensure the complete elimination of manual scavenging?

Germany:

(...)

- Discrimination of minorities because of religion, race, caste or sex is prohibited by the Indian Constitution. Impunity of infringement being reported, how does the Indian government intend to enforce the rule of law and order in these cases?

Slovenia:

(...)

- What measures are being taken to effectively eliminate bonded labor and manual scavenging?

REPORTS

National report:

[Link to the public website](#)

Compilation of UN Information:

[Link to the public website](#)

Summary of stakeholders' information:

[Link to the public website](#)